



***DR. FARHAD ABDULLAYEV – Chairman of the Constitutional Court
of the Republic of Azerbaijan***

The International Chief Justice Forum (ICJF)

“Strengthening Democracy through Constitutional Jurisdictions:

Past, Present and Future”

Jakarta, 10 August 2023

REMARKS FOR SESSION:

***“The Evolving Role of Constitutional Jurisdictions in Upholding
Democracy throughout History”***

....

For a relatively short period of its activity, the Constitutional Court of Indonesia has made an effective contribution to ensuring the supremacy of the Constitution and strengthening the rule of law.

The Constitutional Court of Indonesia plays an important role in ensuring international legal cooperation among constitutional review bodies, and in this context, I would like to highlight the successful holding of the 5th Congress of the World Conference on Constitutional Justice in October 2022 in Bali.

We highly appreciate this activity and wish our colleagues and friends from the Constitutional Court of Indonesia health and further success in their activities.

Dear Participants of Forum,

The process of formation of democratic state in the modern world is closely linked with ensuring of supremacy of the constitutional values.

In the Republic of Azerbaijan, the Constitution is the principal legal instrument on the basis of which the entire state legal system is built. The Basic Law, the norms of which consolidate the power of the people, human rights and freedoms, establishes and ensures the optimal balance of interests of the state, society and the individual. The principle of the supremacy of Constitution, constitutional legitimacy is realized through constitutional justice.

As you know, in the modern constitutional law the constitutional review is understood as a special type of law enforcement activity in the state, which consists in verification of compliance of laws and other normative legal acts with Constitution. In Azerbaijan, the constitutional review is an important attribute of a modern democratic state system, without which it is unthinkable to maintain constitutional legality, and hence the legality in general. It ensures the functioning of the Basic Law as the highest normative legal act that has immediate and direct effect.

At the same time, the activity of all state bodies and officials, which is carried out by them through the use of various legal means within the delegated competence, manifests as a guarantor of constitutional values.

It is obvious that the level of democracy in each country is largely determined by the presence and functioning of independent courts. The activity of the constitutional justice body has a direct impact on the successful development of democratic processes in society, and this mission is both legal and historical in nature.

The status of Constitutional Court, which is the only body of constitutional jurisdiction in the Republic of Azerbaijan, is enshrined in Constitution and determined by its primary role in ensuring the respect for the values of the state governed by rule of law.

Over the past 25 years, the constitutional justice in Azerbaijan has gone through a large stage of transformation, during which more and more entities in one or another form were involved in the process of implementation of constitutional justice, which in its turn became more and more in demand in public and legal relations.

The latest modifications made to the legislation in the field of the constitutional complaint mechanism provide for the verification of the constitutionality and legality of the applied normative legal act during the revision of a judgement that violates the human rights enshrined in the Constitution.

This legislative change indicates that no matter what the transformation processes are, the main legal mission of Constitutional Court remains unchanged that is the ensuring of constitutional stability in the framework of history and strengthening the rule of law.

In many respects, through the decisions of the Constitutional Court of Azerbaijan, the Constitution has become a "living" document and the most important tool in ensuring the legal stability. Courts and other law enforcement entities increasingly argue their position on the basis of the norms enshrined in the Constitution by referring to the decisions of the Plenum of the Constitutional Court of Azerbaijan. Moreover, taking into account the universal values connected with protection of human rights and freedoms, the reference to constitutional norms is carried out in correlation with international multilateral

treaties, such as the Universal Declaration of Human Rights, the European Convention on Human Rights and other international instruments.

And the growing demand in the practice of international courts, in particular the European Court of Human Rights should be especially mentioned and constitutional justice has played its role in this process.

Today we can state that the Constitutional Court is an effective element of a modern legal society and its role, regardless of the historical period, will always be determined by the level and quality of justice, which aims at ensuring the supremacy of constitutional principles and values.

In the eyes of people any court as a guarantor of justice acts a defender against possible excesses. The mission of constitutional justice within the historical period of the formation and development of legal and democratic statehood will always be associated with involvement of public conscience to observe and respect the Constitution, which, in its turn, at all stages of the country's history will act as an indispensable legal platform for participants within all legal relations.

In conclusion, I would like to congratulate once again the Constitutional Court of the Republic of Indonesia on the occasion of its Anniversary and express hope for the continuation of our fruitful cooperation.

Thank you for attention.