



CONSTITUTIONAL SYSTEMS OF THE WORLD

The Constitution of Belgium

A Contextual Analysis

Patricia Popelier and Koen Lemmens

B L O O M S B U R Y

Nice Book Constitution Belgium Contextual Analysis Constitutional

Jessica J Manson



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The Constitution of Belgium Patricia Popelier, Koen Lemmens, 2015-10-22 The Belgian Constitution once described as a model of consensus democracy has now become an enigma in comparative federalism On the one hand it demonstrates features which suggest institutional instability as well as elements that enhance the probability of secession On the other hand Belgium continues to exist as a federal system based upon linguistic bipolarity This linguistic bipolarity dominates Belgian politics and has shaped the design of Belgium's institutions as well as the Constitution's fundamental organising principles concepts of federalism democracy separation of powers constitutionalism and the rule of law In this book the institutional structure and the principles governing the Belgian constitutional system are explained in the light of its historical demographic and political context Linguistic bipolarity and its historical evolution explain the establishment of the Belgian State structure as a dual federalism with exclusive powers instruments for consensus making and obstruction and elements of confederal decision making It also explains the evolution in the concept of principles of democracy and the rule of law Besides describing the devolutionary process the book also incorporates two other elements that have shaped the Belgian constitutional landscape fundamental rights and Europeanisation

The Constitution of Belgium Patricia Popelier, Koen Lemmens, 2015-10-22 The Belgian Constitution once described as a model of consensus democracy has now become an enigma in comparative federalism On the one hand it demonstrates features which suggest institutional instability as well as elements that enhance the probability of secession On the other hand Belgium continues to exist as a federal system based upon linguistic bipolarity This linguistic bipolarity dominates Belgian politics and has shaped the design of Belgium's institutions as well as the Constitution's fundamental organising principles concepts of federalism democracy separation of powers constitutionalism and the rule of law In this book the institutional structure and the principles governing the Belgian constitutional system are explained in the light of its historical demographic and political context Linguistic bipolarity and its historical evolution explain the establishment of the Belgian State structure as a dual federalism with exclusive powers instruments for consensus making and obstruction and elements of confederal decision making It also explains the evolution in the concept of principles of democracy and the rule of law Besides describing the devolutionary process the book also incorporates two other elements that have shaped the Belgian constitutional landscape fundamental rights and Europeanisation

European Yearbook of Constitutional Law 2020 Ernst Hirsch Ballin, Gerhard van der Schyff, Maarten Stremler, Maartje De Visser, 2021-03-27 The European Yearbook of Constitutional Law EYCL is an annual publication devoted to the study of constitutional law It aims to provide a forum for in depth analysis and discussion of new developments in the field both in Europe and beyond This second volume examines the constitutional positioning of cities across space and time Unrelenting urbanisation means that most people are or soon will be living in cities and that city administrations become in many respects their quintessential governing units Cities are places where State power is

operationalised and concretised where laws and government policies transform from parchment objectives to practical realities In a similar vein cities are also places for the realisation of the constitutional rights and liberties enjoyed by individuals The book is organised around three sets of relations that await further unpacking in theory as well as practice that between cities and other institutions in the national constitutional architecture that between cities and their inhabitants and that between cities and international organisations The contributions to this book show the marked diversity in the role and powers available to cities in Europe and beyond and identify principles and approaches to help stipulate new ways of thinking about the legal role and relevance of cities going forward Ernst Hirsch Ballin is distinguished university professor at Tilburg University and vice dean for research of Tilburg Law School Gerhard van der Schyff is associate professor at Tilburg Law School Department of Public Law and Governance Maarten Stremmer is lecturer at Maastricht University Faculty of Law Department of Public Law Maartje De Visser is associate professor at SMU School of Law Singapore

Polycentric Governance and the Good Society Pablo Paniagua, David Thunder, 2024-08-22 Polycentric Governance and the Good Society A Normative and Philosophical Investigation offers an examination of the idea of polycentric governance as one of the pillars of a flourishing human society Rather than following the conventional path of suppressing complexity and diversity for the sake of reaching agreement on justice and political stability David Thunder and Pablo Paniagua see complexity and diversity as assets that should be leveraged to make the Open Society a more prosperous resilient and flourishing place to live Polycentric Governance and the Good Society provides valuable food for thought for academics and students looking for a probing cross disciplinary discussion of the ethos and institutions of liberal democracy under conditions of social pluralism Although the volume includes diverse disciplinary lenses such as public choice theory MacIntyrean social theory and constitutional law the driving concern is to exhibit the potential advantages of polycentric approaches to governance and social coordination for constructing a feasible and morally attractive social order This is the first extended academic work to explore in depth the advantages not only from an economic and organizational standpoint but also from a broader ethical sociological and anthropological perspective of polycentric governance arrangements

The Constitutional System of the Hong Kong SAR Albert H Y Chen, Po Jen Yap, 2023-08-17 This book provides an account of the evolving constitutional arrangement known as One Country Two Systems as practised in the Hong Kong Special Administrative Region of the People's Republic of China PRC The British colony of Hong Kong one of the Four Little Dragons of East Asia reverted to Chinese rule in 1997 Since then Hong Kong has continued to be an international financial centre a free market and a cosmopolitan city At the same time the tensions and contradictions inherent in One Country Two Systems have given rise to constitutional controversies and social movements culminating in the Umbrella movement of 2014 the anti extradition law movement of 2019 the enactment of a National Security Law in 2020 and the electoral overhaul of 2021 This book discusses the structure and operations of Hong Kong's legal judicial and political systems and their interactions with the national authorities of the

PRC The book provides a useful case study in comparative constitutional law especially on autonomy and devolution issues within sovereign States This comparative study is particularly interesting because Hong Kong is a common law jurisdiction within the PRC's socialist legal system It will therefore be of interest to students and scholars of Chinese law Hong Kong law and comparative politics as well as lawyers whose practice involves Hong Kong

The Constitution of the Russian Federation Jane Henderson, 2022-08-25 The scholarship is consistently thorough and lucid and absolutely reliable European Public Law As reviews of the first edition attest this book gives a unique critical and contextual insight into the Constitution of one of the world's most powerful countries Its first edition was published in 2011 when Dmitrii Medvedev was Russia's President Since then there was a regime change in 2012 as Vladimir Putin returned to the presidency and significantly dramatic shifts in constitutionality as Russia pursues a return to traditional values The book explores the Constitution's evolution over its nearly 30 years existence including the significant amendments of 2020 This second edition situates these important changes in the context of Russia's historical and legal development as Putin continues to dominate the political scene It also looks at broader constitutional questions on the interrelation between the main State agencies the role of the courts human rights and their enforcement

The Constitution of Pakistan Sadaf Aziz, 2018-01-11 This volume provides a contextual account of Pakistan's constitutional laws and history It aims to describe the formal structure of government in reference to origins that are traced to the administrative centralisation and legal innovations of colonial rule It also situates the tide of Muslim nationalism that gave rise to the nation of Pakistan within a terrain of nascent constitutionalism and its associated promises of representation The post colonial history of the Pakistani state is charted by reference to succeeding constitutions and the distribution of powers between the major branches of government that they augured Where conventional histories often suggest that constitutionalism in Pakistan is to be solely understood by reference to a cycle of abundance and rupture and in the oscillation between military and civilian rule this volume also accounts for the many points of continuity between regime types The contours of a broader constitutionalism come to light in the ways in which state power is wielded at different periods and in the range of contests economic political and cultural through which some of this power is sought to be dispersed Chapters on Rights Federalism and Islam detail the contextual features of some of these contests and the normative legal parameters through which they are provisionally settled

The Constitution of Romania Bianca Selejan-Gutan, 2016-04-21 In December 1989 Romania became the last Eastern European communist country to break with its communist dictatorship the most powerful in the region at the time It has struggled ever since to overcome the transition to democracy and to become a full time member of the Western democratic community of states This book provides a contextual analysis of the Romanian constitutional system with references to the country's troubled constitutional history and to the way in which legal transplantation has been used The Constitution's grey areas as well as the gap between the written constitution and the living one will also be explained through the prism of recent events that cast a negative shadow

upon the democratic nature of the Romanian constitutional system The first chapters present a brief historical overview and an introduction to Romanian constitutional culture as well as to the principles and general features of the 1991 Constitution The chapters which follow explain the functioning of the institutions and their interrelations Parliament the President the Government and the courts The Constitutional Court has a special place in the book as do local government and the protection of fundamental rights The last chapter refers to the mechanisms and challenges of constitutional change and development

The Constitutional Systems of the Independent Central Asian States Scott Newton, 2017-02-23 This book undertakes the first comparative constitutional analysis of the Kyrgyz Republic and Republics of Kazakhstan Turkmenistan Uzbekistan and Tajikistan in their cultural historical political economic and social context The first chapter provides a general overview of the diverse and dynamic constitutional landscape across the region A second chapter examines the Soviet constitutional system in depth as the womb of the Central Asian States A third chapter completes the general picture by examining the constitutional influences of the new world order of globalisation neoliberalism and good governance into which the five states were thrust The remaining five chapters look in turn at the constitutional context of presidents and governments parliaments and elections courts and rights society and economy and culture and identity The enquiry probes the regional patterns of neo Sovietism plebiscitary elections weak courts and parliaments crony capitalism and constraints on association as well as the counter tendencies that strengthen democracy rights protection and pluralism It reveals the Central Asian experience to be emblematic of the principal issues and tensions facing contemporary constitutional systems everywhere

The Constitution of Myanmar Melissa Crouch, 2019-09-05 This timely and accessible book is the first to provide a thorough analysis of the 2008 Constitution of Myanmar Burma in its historical political and social context The book identifies and articulates the principles of the Constitution through an in depth analysis of legal and political processes and practises particularly since the 1990s The core argument of this book is that the 2008 Constitution is crucial to the establishment and maintenance of the military state The military state promotes the leadership role of the military in governance based on a set of ideological commitments and a centralised form of organisation based on the concept of the Union The book develops this argument by demonstrating how the process of constitution making and the substance of the 2008 Constitution contribute to its lack of credibility and fuel demands for reform The vision offered by the 2008 Constitution and its associated institutions has been the subject of fierce contestation not least for example due to concerns over the militarisation of the state This book is animated by debates over fundamental ideas such as the nature of democracy the possibility of peace and federalism the relationship between the executive and the legislature relations between the Union government and sub national governments debates over judicial independence and the oversized role of the Tatmadaw armed forces Central to the future of the Constitution and the military state is the role of the Tatmadaw which will be a key determinant in any potential shift from the present highly centralised partly democratic Union to a federal or decentralised

democratic system of governance **The Constitution of the Republic of Austria** Manfred Stelzer, 2022-12-01 This book shows how the Austrian Constitution has been shaped and interpreted by the fundamental events in Austria's modern history. At the same time it emphasises the way in which the Constitution establishes a parliamentary system with additional presidential features limited in turn by Austria's federal structure and the parliaments of nine states. It charts the history and character of the constitution, the political structure, the legislative and executive branches of the federal government, public bodies, jurisdiction and fundamental Rights. This new edition explores the changing political landscape, particularly the development of a more competitive party system. It also looks at the response to COVID and the jurisprudence of the Austrian Constitutional Court in the face of the curtailment of rights in order to curb the pandemic. Offering the trademark combination of clarity of explanation and rigour of analysis that defines the series, this is an excellent guide to a fascinating constitutional structure.

The Constitution of Czechia David Kosar, Ladislav Vyhnánek, 2021-09-09 This book provides a contextual and authoritative overview of the principles, doctrines and institutions that underpin the Czech constitution. The book explores key topics including the Czech pluralist constitution, constitutional principles, the interaction between the legislature, executive and the judiciary, the role of local governance and application of fundamental rights in practice. It also covers the morphing of Czech constitutionalism as a result of personal politics, conventions, informal institutions and constitutional narratives and sentiments. This informative study allows students and scholars of law and politics to develop an informed view of how Czech democracy actually works and what its main challenges are.

The Constitution of Brazil Virgílio Afonso da Silva, 2019-05-30 This book offers an original and comprehensive analysis of Brazilian constitutional law and shows how the 1988 Constitution has been a cornerstone in Brazil's struggle to achieve institutional stability and promote the enforcement of fundamental rights. In the realm of rights, although much has been done to decrease the gap between constitutional text and constitutional practice, several types of inequalities still affect and sometimes impair the enforcement of the ambitious bill of rights laid down by the Brazilian Constitution. Within the organisation of powers, the book not only describes how its legislative, executive and judicial functions are organised but, above all else, it analyses how a politically fragmented National Congress, a powerful President and an activist Supreme Court engage with each other in ways that one could hardly grasp by reading the constitutional text without contextual analysis. Similarly, the book also shows how the three-tiered federation established in 1988 has undergone a process of centralisation, led not only by the central government but also by the Brazilian Supreme Court. In addition to chapters on organisation of powers, fundamental rights, federalism and the legislative process, the book also presents an overview of Brazilian constitutionalism with a special focus on the transition from authoritarianism to democracy, which led to the enactment of the 1988 Constitution. In the conclusion, the author argues that part of the Constitution's transformative potential remains to be realised. Enforcing the Constitution, not changing it, has been the real challenge in the last three decades and will continue to be for many years to come.

The

Constitution of Canada Jeremy Webber, 2021-04-22 The first edition of this text quickly established itself as the classic introduction to the Canadian constitution Setting it in its historical context noting especially the complex interaction of national and regional societies it shows how the constitution continues to morph and shape itself These changes are explored through key constitutional themes democracy parliamentarism the rule of law federalism human rights and Indigenous rights and describes the country that has resulted from the interplay of these themes Clarity of expression and explanation which never veers into simplicity combined with the author's expertise makes this the ideal starting point for the student or comparative lawyer keen to gain a strong understanding of how Canadian democracy and government works **The**

Constitution of Ireland Oran Doyle, 2018-11-29 This book provides a contextual analysis of constitutional governance in Ireland It presents the 1937 Constitution as a seminal moment in an ongoing constitutional evolution rather than a foundational event The book demonstrates how the Irish constitutional order revolves around a bipartite separation of powers The Government is dominant but is legally constrained by the courts particularly in their interpretations of the fundamental rights protected by the Constitution In recent decades the courts have weakened the constitutional constraints on the Government Political constraints imposed by opposition parties in Parliament and new accountability institutions such as the Ombudsman have moderately strengthened but the Government remains by far the most powerful political actor There is a risk that such executive dominance could lead to democratic decay however the referendum requirement for constitutional amendment has prevented Governments from accumulating greater constitutional power The book begins with an overview of Irish constitutional history leading to the enactment of the 1937 Constitution before exploring the foundational decisions made by the Constitution in relation to territory people and citizenship Particular attention is paid to the constitutional relationship with Northern Ireland currently unsettled by the decision of the United Kingdom to leave the European Union The book details the key institutions of state Government Parliament President and courts before analysing how different constitutional actors exercise their respective powers of governance contestation and oversight A thematic approach is taken to the courts interpretation of fundamental rights showing how judicial attitudes have markedly changed over time Further attention is paid to both formal amendment and informal constitutional change The Constitution today is markedly different from 1937 it is non committal on national reunification less influenced by Roman Catholic natural law teaching and generally more permissive of Government action It is perhaps these developments however that explain its continued success or at least its longevity **The Constitution of the United Kingdom** Peter Leyland, 2016-06-02 This

acclaimed book provides a topical and contextual outline of the principles doctrines and institutions that underpin the United Kingdom constitution The third edition of *The Constitution of the United Kingdom* has been comprehensively revised and updated to take account of recent constitutional developments and debates This includes the revised framework for devolution following the 2014 referendum in Scotland the constitutional ramifications of the realignment of UK politics

reflected in the result of the 2015 general election and the debate over the possible replacement of the Human Rights Act 1998 with a British Bill of Rights The chapters are written in sufficient detail for anyone coming to the subject for the first time to develop a clear and informed view of how the constitution is arranged and how it operates The main themes include discussion of the history sources and conventions of the constitution later chapters deal with constitutional principles the role of the Crown Parliament and the electoral system government and the executive the constitutional role of courts including the protection of human rights the territorial distribution of power between central devolved and local government and the European Union dimension In addition the book offers analysis of the evolution of the uncodified UK constitution its strengths and perceived weaknesses and of reforms aimed at its modernisation

The Constitution of South Korea

Chaihark Hahm, 2024-04-18 The constitutional system of South Korea is a work in progress and this volume fleshes out and makes intelligible to foreign readers that process within the specific political and historical context of modern South Korea The current South Korean Constitution of 1987 is the culmination of decades long efforts by the South Korean people to achieve democratic self government It is the fruition of untold sacrifices made by dedicated citizens who tirelessly fought to rein in the power of the government under some form of constitutional rule In that sense it should be understood against the backdrop of South Korea's experimentation with constitutionalism that began at the turn of the last century Yet it also represents a radical break the beginning of a new era which ended a long political history of constitution without constitutionalism For the first time in the history of the South Korean nation the constitution has become a living norm rather than an ornament or a facade for illegitimate or ineffectual governments It has proven to be a binding law that matters not only for government leaders but also for private individuals With the adoption especially of a system allowing the adjudication of constitutional issues at an independent court the people have begun to realise that the constitution can be invoked to protect their rights and advance their interests As a result the South Korean Constitutional Court is being stretched to its limits with a great number of cases filed at its docket This book is an insightful new addition to Hart's successful series Constitutional Systems of the World

The Constitution of India

Arun K Thiruvengadam, 2017-12-28 This book provides an overview of the content and functioning of the Indian Constitution with an emphasis on the broader socio-political context It focuses on the overarching principles and the main institutions of constitutional governance that the world's longest written constitution inaugurated in 1950 The nine chapters of the book deal with specific aspects of the Indian constitutional tradition as it has evolved across seven decades of India's existence as an independent nation Beginning with the pre-history of the Constitution and its making the book moves onto an examination of the structural features and actual operation of the Constitution's principal governance institutions These include the executive and the parliament the institutions of federalism and local government and the judiciary An unusual feature of Indian constitutionalism that is highlighted here is the role played by technocratic institutions such as the Election Commission the Comptroller and Auditor

General and a set of new regulatory institutions most of which were created during the 1990s A considerable portion of the book evaluates issues relating to constitutional rights directive principles and the constitutional regulation of multiple forms of identity in India The important issue of constitutional change in India is approached from an atypical perspective The book employs a narrative form to describe the twists turns and challenges confronted across nearly seven decades of the working of the constitutional order It departs from conventional Indian constitutional scholarship in placing less emphasis on constitutional doctrine as evolved in judicial decisions delivered by the High Courts and the Supreme Court Instead the book turns the spotlight on the political bargains and extra legal developments that have influenced constitutional evolution Written in accessible prose that avoids undue legal jargon the book aims at a general audience that is interested in understanding the complex yet fascinating challenges posed by constitutionalism in India Its unconventional approach to some classic issues will stimulate the more seasoned student of constitutional law and politics

The Constitution of Poland Miroslaw Granat, Katarzyna Granat, 2019-11-28 This book focuses on the Polish Constitution of 1997 concentrating on its structure its substance and some of the institutional choices made by the drafters The core of the Constitution is similar to other liberal democratic constitutions but in addition it regulates a number of issues such as public finances and sources of law that are new to Polish constitutionalism and to constitutionalism in general It considers in a detailed manner certain institutional choices made in the Constitution such as the bicameral parliament the peculiar structure of the executive branch as well as the principle of independence of courts and judges fundamental rights and local government The book is a vital resource for all those interested in Poland's Constitution and the rich comparative constitutional insights the country offers In addition to explaining the 1997 Constitution in its political historical and social context the book tackles the radical changes in particular within the judicial branch introduced by the new governing majority since 2015 These new regulations constitutional in character but without formally changing the Constitution challenged the rule of law a key component of membership in the European Union Despite the negative nature of these recent developments the anchoring of Polish constitutional law in European constitutionalism presents a source of optimism that the 1997 Constitution will regain its position as the supreme law of the state

Constitutional Law in Belgium André Alen, David Haljan, Willem Verrijdt, 2020-09-22 Derived from the renowned multi volume International Encyclopaedia of Laws this very useful analysis of constitutional law in Belgium provides essential information on the country's sources of constitutional law its form of government and its administrative structure Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application Throughout the book the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure Thorough coverage by a local expert fully describes the political system the historical background the role of treaties legislation jurisprudence and administrative regulations The discussion of the form and structure of government outlines its legal status the jurisdiction and workings of the central state

organs the subdivisions of the state its decentralized authorities and concepts of citizenship Special issues include the legal position of aliens foreign relations taxing and spending powers emergency laws the power of the military and the constitutional relationship between church and state Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for both practising and academic jurists Lawyers representing parties with interests in Belgium will welcome this guide and academics and researchers will appreciate its value in the study of comparative constitutional law

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