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HISTORY AND GENESIS OF GERMAN CONSTITUTIONALISM: LEGAL ASPECTS

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Abstract. The article examines the genesis and historical development of German constitutionalism as a significant phenomenon of European legal thought. Particular attention is devoted to the analysis of its doctrinal foundations, formed within the framework of the classical German legal and philosophical tradition. The evolution of constitutional and legal ideas, as well as their transformation into a coherent system of principles underlying the modern constitutional order, is explored.

The study analyzes the works of prominent German thinkers, including Georg Wilhelm Friedrich Hegel, Ferdinand Lassalle, Karl Theodor Welcker, Robert von Mohl, and others, whose theoretical contributions laid the intellectual foundations of German constitutionalism. Their concepts substantiate key elements of constitutional theory, such as the principle of the rule of law, the organization of state authority, and the protection and safeguarding of human rights and freedoms.

It is demonstrated that German constitutionalism developed as a consistent doctrinal system that exerted a significant influence on the evolution of the concept of the Rechtsstaat and on the formation of constitutional models in various countries. The study concludes that many of its principles have been adopted and adapted within modern legal systems. Particular significance is attributed to their role in shaping the constitutional order of the Republic of Kazakhstan, where the influence of the German legal tradition is clearly reflected.

Key words: German constitutionalism, rule of law, constitutional system, constitution, law.

НЕМІС КОНСТИТУЦИОНАЛИЗМІНІҢ ТАРИХЫ МЕН ГЕНЕЗИСІ: ҚҰҚЫҚТЫҚ АСПЕКТІЛЕРІ

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Андатпа. Мақалада германдық конституционализмнің генезисі мен тарихи қалыптасуы еуропалық құқықтық ойдың маңызды құбылысы ретінде қарастырылады. Ерекше назар оның классикалық неміс құқықтық және философиялық дәстүрі аясында қалыптасқан доктриналық негіздерін талдауға аударылады. Конституциялық-құқықтық идеялардың эволюциясы және олардың қазіргі конституциялық құрылыстың негізін құрайтын қағидаттардың тұтас жүйесіне айналуы зерттеледі.

Зерттеуде Гегель, Ф. Лассаль, К.Т. Велькер, Р. Моль және басқа да көрнекті неміс ойшылдарының еңбектеріне талдау жасалады. Олардың теориялық тұжырымдары германдық конституционализмнің интеллектуалдық негіздерін қалыптастырып, құқықтық

мемлекет қағидатын, мемлекеттік билікті ұйымдастыруды, сондай-ақ адам құқықтары мен бостандықтарын қамтамасыз ету мен қорғауды негіздейді.

Германдық конституционализмнің құқықтық мемлекет тұжырымдамасының дамуына елеулі ықпал еткен және әртүрлі елдердің конституциялық модельдерінің қалыптасуына әсер еткен бірізді доктриналық жүйе ретінде қалыптасқаны көрсетіледі. Зерттеу нәтижесінде оның көптеген қағидалары қазіргі құқықтық жүйелерде қабылданып, бейімделгені туралы қорытынды жасалады. Әсіресе, Қазақстан Республикасының конституциялық құрылысының қалыптасуында германдық құқықтық дәстүрдің ықпалы айқын көрініс табатыны атап өтіледі.

Кілт сөздер: неміс конституционализмі, құқықтық мемлекет, конституциялық жүйе, конституция, құқық.

ИСТОРИЯ И ГЕНЕЗИС ГЕРМАНСКОГО КОНСТИТУЦИОНАЛИЗМА: ПРАВОВЫЕ АСПЕКТЫ

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Аннотация. В статье исследуются генезис и историческое становление германского конституционализма как значимого явления европейской правовой мысли. Особое внимание уделено анализу его доктринальных основ, сформированных в рамках классической немецкой правовой и философской традиции. Рассматривается эволюция конституционно-правовых идей и их трансформация в целостную систему принципов, лежащих в основе современного конституционного строя.

Значительное место отведено анализу трудов выдающихся немецких мыслителей, включая Гегеля, Ф. Лассаля, К.Т. Велькера, Р. Моля и других, чьи теоретические положения заложили интеллектуальные основы германского конституционализма. Их концепции обосновывают ключевые элементы конституционной теории, такие как принцип правового государства, организация государственной власти, а также обеспечение и защита прав и свобод человека.

Показано, что германский конституционализм сформировался как последовательная доктринальная система, оказавшая значительное влияние на развитие концепции правового государства и формирование конституционных моделей в различных странах. Делается вывод о том, что многие его положения были восприняты и адаптированы в современных правовых системах. Особая значимость отмечается для формирования конституционного строя Республики Казахстан, в котором прослеживается влияние германской правовой традиции.

Ключевые слова: германский конституционализм, правовое государство, конституционный строй, конституция, закон.

Introduction. The history of German constitutionalism as a single state has not lasted more than a hundred years. During this time, three German constitutions were adopted. The adoption of each of them coincided with the crucial stages in the life of the country. The first Constitution of Germany was granted by Emperor William I in 1871 and legally enshrined the unification of the country, according to Bismarck, achieved by «iron and blood».

Until that time, however, the States of the German Union had been in the process of moving from absolutism to a constitutional State.

The constitutional history of the members of the German Union in the pre-revolutionary period is represented by a considerable number of constitutional acts of varying scope and degree of detail, the general consequence of which was the convening of representative bodies in individual States.

The reasons for these legislative enactments (hereinafter the Constitution) vary. Chief among them were the difficult state of public finances after the liberation war, the change of territories of a

number of German states after which became an indispensable unifying «property» of the constitution and representative body, as well as a new level of public awareness, the demands of the bourgeoisie and the general public for control over government and political participation (Robbers, 2017: 224-265).

The financial reasons for German constitutionalism were predominant. During the wars with Napoleon, the debts of individual monarchies rose sharply. To overcome financial difficulties, monarchs had to move to a system of taxation sanctioned by a representative body, which required constitutions.

The introduction of constitutions has improved German public credit. The major monarchies, especially Prussia, were able to prevent constitutionalism through external loans, which the king resorted to at critical historical moments.

The German constitutions before unification are divided into two main groups in terms of scope and subject matter. One is concerned only with the organization of the representative body and the determination of its powers.

The second group consisted of constitutions with a high level of detail (status of representative body, powers of government, rights and freedoms of citizens, guarantees of the Constitution, attitude of the State to church, educational and other institutions, principles and organization of judicial power, etc.).

Methods and methodology. This study employs a combination of general scientific and special legal methods to examine the genesis and development of German constitutionalism.

The dialectical method is used to analyze its evolution from philosophical foundations to modern constitutional forms. The historical-legal method allows for identifying key stages of development, including the formation of the concept of the Rechtsstaat. The comparative legal method is applied to assess the influence of German constitutionalism on other legal systems, including that of Kazakhstan.

The formal legal method is used to analyze constitutional principles and their doctrinal interpretation. In addition, the systemic method and elements of doctrinal analysis are applied to consider German constitutionalism as an integrated system of principles underlying the modern constitutional order.

Results and discussion. In the manner of enactment, most constitutions referred to the octroid, i.e. were imposed unilaterally by the monarchs.

The rules on the organization and powers of the representative body are the only and most regulated institution in all constitutions. About a third of them provided for a unicameral stack, the rest for a bicameral one, where the upper chambers were formed by hereditary principle, by appointment of the monarch and by selection «by office». The lower ones were only partially formed through elections in which only male voters participated. There were censorship restrictions in the right to vote: the presence of real estate, a certain amount of income, land ownership. Each estate had its own constituencies with different representation.

The right to convene assemblies was reserved exclusively for monarchs. The powers of representative bodies as a rule were related to legislation (right of «council», «discussion», «consent» on proposed bills by the government). There were often regulations that obliged the monarch to «seek the consent of the assembly» on the planned budget and costs.

The Institution for the Protection of the Constitution established a system of guarantees for the implementation of constitutional norms and, in general, the existence of a constitutional order. Constitutions generally had special sections. The guarantees provided for the swearing in of the monarch, ministers and officials, the members of the Assembly to execute, protect and defend the Constitution, the text of the Constitution and the manner of its promulgation. A number of constitutions included criminal liability for their violation, some of them under the «guarantee» of the German Union.

The definition of the rights and freedoms of citizens has fluctuated in constitutions within a very broad framework. Thus, in the Constitution of Schwarzburg-Rudolstadt there was only a passing mention of «personal rights and property rights» of subjects (§ 1). But the second group had special sections.

The rules of these sections on the subject of regulation can be divided into several groups: acquisition and loss of nationality, equality before the law, freedom of the person, freedom of opinion, freedom of ownership, choice of profession and trade, duties of subjects.

Constitutions generally enunciated the principle of equality before the law, especially in the case of citizens applying to the courts. However, there were widespread reservations granting privileges to the «highest» estates; Derogation from the principle of equality in suffrage (different electoral districts for estates with different representation norms, the right to inherit seats in assemblies, etc.). Some constitutions contained guarantees of personal inviolability against arbitrary arrests and searches (Baden 15, Kurgessen 117). Freedom of conscience was proclaimed with reservations for Jews.

States guaranteed in constitutions the protection of private property, fair compensation in case of expropriation for «public needs». The duties of citizens of the Constitution included, first and foremost, the payment of taxes, the performance of military service and the protection of the State in the event of armed action by other States.

The modern German scholar H.Steinberg quite rightly points out that the American constitution had a strong influence on the formation of German constitutionalism. American influence consists primarily of the adoption of some fundamental ideas about constitutional concepts and the selection of very important structural elements (Steinberger, 1997:189-190).

These influences are reflected in the Constitutions of 1849, the Weimar Constitution and the latest post-war constitution. At the same time, the German doctrine of constitutionalism is not only an attempt to reframe the experiences of Western countries (the US, England, France), but also the basis for their own constitutional development. And one of the greatest thinkers of his time - I.V.F. Hegel. obr.

In the history of constitutionalism in Germany, the philosophical and legal doctrine of Hegel (1770-1831) on the constitution and a well-organized state in the form of a constitutional monarchy is prominent. The provision of constitutional statehood is the leading idea of the entire Hegelian philosophy of the State and law.

Hegel showed a keen interest in the issue of constitutionalism throughout his career - from the early works of the end of XVIII to the most recent publication («The English Reform Bill», 1831).

Already in one of his early works («On Internal Relations in Württemberg New Times, above all, on the shortcomings of the Constitution concerning the administration of magistrates», 1798) Hegel advocates the introduction of a fair constitution. In the manuscript «Constitution of Germany» (1798-1802) Hegel is a supporter of a fully representative monarchy.

The revival and renewal of German statehood (the German Empire) Hegel is linked to the need to introduce a representative system along with the establishment of the monarch's supremacy.

The restoration of statehood in Germany should, in Hegel's view, be accompanied by a constitution based on recognition of the principle of representation (in its full and representative form) Giving the people the right to participate in public affairs and transforming the entire system of State bodies accordingly.

A great place of constitutional problem is devoted in «Ien real philosophy» (1805-1806), where the concept of «constitution» is explained by Hegel in substance in the form of a reasonable-legal organization of the whole sphere of state life (Gegel, 1971: 287-362).

The individual's rights and freedoms, according to Hegel, are only given effect in the reality of the State and its laws. «The mind of the people, - he notes - is as smart as (reasonable) his institution». The constitutional State is a reasonable form of organization and institutionalization of the developed stage of the popular spirit. The people, he emphasizes, are bad if the government is bad, as bad as it is ill-advised» (Conklin, 2008: 65-184).

«There is a great, deep meaning in that, - writes Hegel in 1807, - to create a constitution, the greater and deeper the greater the degree in modern Germany rule and act without any constitution, and this is considered not only possible, but even preferable!» (Gegel, 1971: 285).

Hegel has great hopes for the introduction of the Constitution of the German states. In the «Philosophical Proposition» (1808-1811) Hegel justifies a wide range of rights and freedoms of

citizens under the conditions of a constitutional monarchy. Limited by the laws and constitution of the monarchy, he contrasts despotism with its perversion, in which the State is governed at will. «Freedom, - Hegel writes - in general there is where the law prevails, not the arbitrariness of an individual». «Codex Napoleon», and even better - also some parts French.

Hegel considers both the firmness of government in the separation of powers and the protection of citizens' rights by law to be essential to a constitutional monarchy.

The «Encyclopedia of Philosophical Sciences» (1817) already almost completed contains the main provisions of the Hegel concept of constitutionalism. In a systematically developed form, the Hegelian constitutional theory is represented in «Philosophy of Law» (1820).

Hegel's theory of constitutionalism is based on his philosophical conception of world history as progress in the consciousness of freedom, progress in two senses: both deepening the knowledge of objective truth and objectivity (implementation in reality) The levels of freedom achieved in the State-legal forms (institutions, norms, relations, etc.) of political existence.

The constitutional monarchy is portrayed by Hegel as the result of prior world-historical progress in political formations.

The developed State, based on the idea of freedom and right, recognizing the rights of both the State and its constituent elements (including the individual, citizens), is, according to Hegel, a constitutional monarchy. The separation of the powers of a political State as an individual Hegel is a logical necessity: the whole must be divided into certain differences of concept. It is only in this division that the whole is alive and well, otherwise it is susceptible to disintegration and death.

The three substantively distinct authorities of the Hegel political State are: the legislature, the government and the sovereign. The proper separation of powers in the State of Hegel shall be regarded as the «guarantee of public freedom» (Bumke, 2019:293).

Judicial power, according to the Hegelian classification, as with Locke, is assigned to the executive power.

Hegel notes that sovereignty can only be said to exist when a State is constitutional and laws prevail; In this constitutional state, sovereignty manifests itself as the ideal of particular spheres and functions, expressing the fundamental role of the whole.

Central to the Hegelev doctrine of government power is his view of bureaucracy. Members of the government and government officials are, according to Hegel's characterization, the main constituent part of the middle class. In this estate, state knowledge and education are concentrated. It is the main pillar of the State «with regard to legality and intelligence». States where there is no such estate, according to Hegel, are still underdeveloped.

Guarantees against abuse of power by agencies and officials Hegel sees in control from above (hierarchy of officials and their responsibility) and from below (opposition of community corporations, etc.), allowing in extreme cases the supreme intervention of the monarch.

The legislature, according to Hegel, is the power to determine and establish universal power. Hegel rejects democratic views on legislative power and deputies as representation of «all», i.e. the entire people.

Karl-Theodor Welcker had a significant influence on German constitutionalism (including the constitution of 1849). He was one of the first German theorists to try to solve the problem of one of the most important elements of bourgeois constitutionalism - the right of citizens to form social organizations of a political nature.

This right, Welcker noted, has always provoked painful resistance from the government authorities and its officials; Without it, however, the free development of the people is unthinkable (Kommers, 1989:723).

In presenting his view of public associations and classifying them, K.T. Welcker pointed out that they were organized on the basis of the free interests and needs of individuals. The nature of this activity can be different and extends to both the private and the public sphere, i.e. political. He considered the people's assembly to be the highest form of political organization and to be directly involved in the exercise of State power. In deciding on the legality of associations, he pointed out that by virtue of the «natural State law» and by virtue of the essentially free and legal constitution, as

well as by tradition of «common German law» all associations should be considered legitimate if they are established, without doubt, with legal purposes and operate by legal means. According to K.T. Welcker, «this permissiveness and non-punishability per se are a direct result and a source not only of state-political, but also of general legal and especially personal freedom».

In the question of the relationship between the representative body and the government, K.T. Welcker (agreeing with Rottek) held the opinion that the representation should control the executive power «the budget». Assuming that the differing interests of the members of representative bodies would inevitably lead to the formation of factions, he said that the most powerful of them should exercise control over the Government (Zekoll, Reimann, 2005: 161, 162).

The idea put by Welcker in the work «State Constitution» is extremely revealing. In the conditions of «complexity of vital relations» of modern Germany, Welcker wrote, complexity, which was transferred by the German theory of the state, the true constitutional order in the country can be created only by an introduction from outside, Borrowing from their newest State institutions and elements of legislation (363-387]. The more advanced States have political experience, copying.

Robert von Mol (1799-1875), a well-known German politician, was the author of the original version of the theory of the «rule of law state». His views are set out in the work «Police Science» (Herget, 1996:1, 2).

The task of the New Age State - the «rule of law state» - was, according to Moly, to help individuals and their organizations to achieve «reasonable life goals «by providing «protection and assistance». The police force is the totality of the State institutions that carry out these tasks. German scientist E. Engermann writes about Robert Moll's views: «Police activity, however, should be limited to the limits of the «necessary», i.e. the state should intervene in private activities only if the obstacles standing in the way of this - necessarily «reasonable» activities cannot be eliminated without such intervention» (Berolzheimer, 2010: 118, 119).

The mission of Mol was, first of all, to link government and administration - until that time, the basis and monopoly of the bureaucratic absolutist police state, as well as legislation in firm legal principles and forms. Only through their citizens, as well as officials, are given the opportunity to check all acts of government on their conformity with the principles of the «State of the rule of law» and the legislation, hence, objectively valid law; Only if the citizen whose interests are affected by the management activity was able to exercise his subjective rights and interests, which are legally established, and defend them, if necessary ... The liberal concept of «legal freedom» can be considered implemented.

The general trend in the development of a constitutional monarchy in Germany was certainly the same as the latter. As a result, a special political form was realized which was essentially unparalleled in the countries of the Western parliamentary democracy (England, the United States and France) and in the pre-constitutional states of Eastern Europe. Although its progenitor was the French Charter of 1814, the German constitutional-monarchy tradition created its own special political style, best expressed by the notion of monarchy. As shown earlier, he has obtained a solid theoretical foundation here, leading to a substantial modification of the basic constitutional principles (the concepts of the separation of powers, the role of the monarch and the Government, the guarantee of political rights and freedoms) The Prussian Constitutional Charter of 31 January 1850.

The Constitution of Prussia was based on a monarchical principle, from which the main components of the Constitution - the position of monarch and dynasty, legislative, executive and judicial powers, rights and duties of subjects - were consistently derived. Under the Constitution, the King (whose identity was declared inviolable) was in fact the focal point of all three authorities.

The Constitution of the German Empire of 1849 also focused on the institutions of imperial power (the Reichstag-Reichstag-Imperial Court), which had the most important powers: international legal representation of the empire, management of the armed forces, Promulgation of laws, finance, etc. «The German Emperor» - such a title was established for the head of state - received in his hands a great power of imperial authority, appointed the government.

However, the 1849 Constitution is heavily influenced by the 1787 United States Constitution. The development of bourgeois constitutionalism has reached its highest point: the convening, on

a democratic basis, of the National All-German Assembly, the activities of political parties and the formation of numerous mass organizations, The abolition of censorship and the unprecedented activation of the political non-governmental press, a significant restriction on the sovereignty of the monarchs, and finally the creation of the most liberal constitution, as F.Engels has described it, throughout Germany.

The Constitution of the united Germany came into force on 4 May 1871. The supreme organs of the empire were the Emperor, the Chancellor (the head of the imperial administration) and the bicameral parliament (the Bundesrat and the Reichstag). Since the question of the separation of executive and legislative powers had not been settled, the Emperor and his Government had risen unconditionally above Parliament. The Emperor appointed an Imperial Chancellor, called, opened and closed the Chambers, and dissolved the Reichstag. The Emperor was responsible for drafting and publishing imperial laws (art. 17). The Reichstag had the right to propose laws within the limits of imperial competence (art. 23).

The legislation was administered jointly by the Bundesrat and the Reichstag (art. 5). The law must be approved by a majority in each house, and the Upper House was composed of representatives of the governments of the members of the federation. 17 of the 58 votes were Prussia, which according to Art. 78 could have failed any constitutional amendment proposal (14 votes were required). The Reichstag, called to represent the «universal will of the people», was busy discussing government bills.

One cannot but note the influence on the formation of the constitutional theory of the socialist F.Lassalle, who owns two remarkable works on the essence of the constitution (1862-1863). He called the «legal constitution» «the recording of actual power relations in the country», meticulously defining German constitutionalism as false, as a means of salvaging absolutism by means of external constitutional forms that do not affect the existing power relationship, as a State in which only an organized force - the army - stands outside the constitution, is subordinated only to the monarch and gives him full political power. The State is declared constitutional, while in reality it is absolute (Urяsa, 1991: 44).

On 6 February 1919, the National Assembly, elected by universal suffrage and vested with constitutional powers, adopted the second German Constitution, which went down in history as the Weimar Constitution (in the wake of the democratic constitutions of its time. It contained an extensive catalog of rights and freedoms; For the first time in the constitutional history of modern times, property was considered not only as a right, but also as an obligation, and the possibility of its nationalization for a fair remuneration was envisaged. At the same time, the structure of state power enshrined in the Weimar Constitution can hardly be considered successful. The enormous powers of the Reich President, coupled with a long term of office (7 years), the absence of a real counterbalance in the person of the parliament (Reichstag), whose rights under the constitution were seriously curtailed, ultimately played a fatal role in the fate of the Weimar Republic.

The Basic Law of the Federal Republic of Germany of May 23, 1949 is the fourth constitution in the history of Germany; its predecessors were the imperial Constitutions of 1849, 1871, 1919, the Weimar Constitution; the latter proclaimed Germany a republic.

The Basic Law reflects the traditional features of German bourgeois constitutionalism; it took into account the experience of the Weimar Constitution.

The German Constitution is called the "Basic Law", which was due to a number of circumstances:

1) the desire for the unification of Germany; after the unification, the law was to extend to the entire German territory;

2) the temporary nature of its action - until the entry into force of the constitution, adopted by the free expression of the will of the entire German people.

The constitution is based on a number of fundamental principles: democracy, parliamentarism and separation of powers, pluralism, equality, etc. One of the main ones is the principle of the federal structure of the state; according to paragraph 3 of Art. 79 of the Basic Law, it is not allowed to change its norms affecting the division of the federation into lands, the principles of cooperation between the

lands in legislation, etc. The Basic Law so strictly protects such principles as human dignity, popular sovereignty, the binding of the legislative power by the constitutional system, and the executive power and justice - by law and law.

Germany is defined by the Basic Law as a democratic and social federal state (paragraph 1 of Art. 20). All state power comes from the people, which is exercised by them through elections and voting, i.e. directly and through elected bodies. The Basic Law establishes guarantees for the functioning of the FRG as a democratic state, fixing the norms on the existence of a multi-party system, representative bodies, rights and freedoms of citizens, local self-government, an independent court, etc. The act establishes a special provision that all Germans have the right to resist anyone who will try to eliminate the constitutional order if other means cannot be used (paragraph 4 of article 20).

Conclusion. The Basic Law is based on the traditions of German constitutionalism. Both in form and in content, it reflects the German legal doctrine and practice, the experience of Weimar is especially carefully considered. At the same time, the influence of the constitutional legislation of Western countries, especially the United States, is felt in the constitution. The Basic Law enshrines the fundamental principles of the constitutional system: the priority of human and civil rights and freedoms as the basis of social and state order, democracy as a form of state, separation of powers, political pluralism, etc.

The Basic Law characterizes the FRG as a state governed by the rule of law. German legal doctrine considers the state to be legal if it ensures the priority of law in its organization and activities, as well as in relations with society. The features of legal statehood have found their consolidation in the following constitutional principles:

- the obligatory nature of the fundamental rights enshrined in the constitution for the legislative branch, the executive branch and the judiciary. Fundamental rights are directly applicable law (part 3 of article 1);
- the rule of the constitution and the rule of law (part 3 of article 20);
- establishment of an independent court (art. 97) and prohibition of the creation of extraordinary courts (part 1 of art. 101);
- prohibition of giving retroactive effect to the law (part 3 of article 103);
- priority of generally recognized norms of international law, which are an integral part of federal law and directly generate rights and obligations for persons living in the Federation (Article 25).

The Basic Law refers to the FRG as a welfare state (part 1 of article 20). The essence of this concept is not disclosed in the constitution. Its normative content can only be understood in practice. Establishing the social character of the German state is both a task, a goal and a legal norm. The legal doctrine considers a social state that helps the weak, seeks to influence the distribution of economic benefits in the spirit of the principles of justice, in order to ensure everyone a decent human existence. The welfare state must guarantee every citizen a living wage.

In terms of the method of change, the Basic Law of the Federal Republic of Germany can be attributed to tough constitutions. This, however, did not prevent it from changing and supplementing it quite often. Over the 50 years of the existence of the Basic Law, more than 100 out of 146 articles have been amended and supplemented.

The procedure for the adoption of amendments and changes is regulated in the Basic Law. The Constitution establishes that "the Basic Law can only be changed by a law that specifically changes or supplements the text of the Basic Law. Such a law requires approval by a two-thirds majority of the members of the Bundestag and two-thirds of the members of the Bundesrat" (Articles 1, 2, 79).

The Federal Constitutional Court (FCC) protects the constitution. The FCC checks the laws for their formal and material compliance with the constitution. A preliminary examination of the constitutionality of draft laws is inadmissible. The legal basis for the organization and activities of the FCC is the norms of the Basic Law (Articles 92-94) and the Federal Law on the Constitutional Court of 1951 (with subsequent amendments and additions).

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