

ЛИНГВОСТРАНОВЕДЕНИЕ

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CONSTITUTION AS THE FUNDAMENTAL LAW OF A COUNTRY

The year 2022 has been marked in Belarus by the adoption of the amended version of the basic law of the country, its Constitution. The Referendum on the adoption of this document was preceded by the wide discussion in all strata of the society. This testifies to the truly democratic nature of this Constitution as the written and adopted by the entire population document voicing the will of the people.

Not many countries priding themselves on the democratic nature of their form of government can boast of taking such steps on the road of representing the aspirations of their people.

Let us have a look at the nature of British Constitution known for the absence of it being represented in one written document and make some general observations on the types of constitutions as such.

A Constitution is a set of rules that seek to establish the duties, powers and functions of the various institutions of government; regulate the relationship between and among the institutions; and define the relationship between the state and the individual.

There are many different types of constitutions. Constitutions can be codified and uncodified, unitary or federal and seen as rigid or flexible.

A codified Constitution is a Constitution in which key constitutional provisions are collected within a single document. It is commonly known as a written Constitution. It allows to spell out citizens' rights and codify the country's political system. A written Constitution usually defines people's relationship to the state.

An uncodified Constitution is made up of rules that are found in a variety of sources in the absence of a single written document.

Constitutions organize, regulate and distribute state power. They set out the structure of the state, the major state institutions, the principles governing their relations with each other and with the state's citizens.

British Constitution is made up of acts of Parliament, court judgments and conventions.

The Constitution of the UK is a set of laws and principles in accordance with which the UK is governed. Britain has an unwritten Constitution, there is no single legal document which sets out in one place the fundamental laws outlining how the state works. The ultimate lawmaking power in Britain is vested in a democratically elected Parliament which creates or abolishes any law and which no other body can challenge. The statutes passed by Parliament are the UK's supreme and final source of law. It follows that Parliament can change the Constitution by simply passing new Acts of Parliament. Parliament is responsible for passing laws and

is solely responsible for controlling legislation, it is not bound to a written Constitution and therefore its decisions cannot be overruled. In law Parliament is sovereign in the sense of being the supreme legislative body. Since there is no documentary constitution containing laws that are fundamental in status and superior to ordinary Acts of Parliament, the courts may only interpret parliamentary statutes. In Britain it is Parliament and not the people that are responsible for the Constitution. At present in the matter of many conventions the Constitution is effectively what the government decides.

In Britain constitutional changes involving statute law are made in the normal way through a simple majority in both Houses. A written Constitution may be amended through a formal process, f.e. by a referendum or a vote by a two-thirds majority in the legislature.

Much of the British Constitution is embodied in the written form within statutes, court judgments, treaties. The Constitution has other unwritten sources including Parliamentary constitutional conventions and royal prerogatives. The “twin pillars” of the British Constitution are **the principle of Parliamentary sovereignty and the rule of law**. The first means that Parliament is the supreme law-making body, the second that all laws and government actions conform to certain fundamental and unchanging principles.

The British Constitution rests on three major principles which amount to the rule of law:

- 1) the equality of all before the law, with disputes decided in ordinary courts;
- 2) no man is punishable without a distinct breach of the law. No one is above the law;
- 3) the laws of the constitution, especially the liberties of the individual, are the result of judicial decisions. The rights of the individual do not derive from the Constitution but precede it, and are backed by the law. In other countries these rights were granted by the written Constitution and could be withdrawn.

The British Constitution has evolved over many centuries. It has not been assembled at any time into one single document. Instead, it is made up of common law, statute law and conventions. Britain does have certain important constitutional documents, including the Magna Carta (1215) which protects the rights of the community against the Crown. There is irony in the fact that the United Kingdom today does not have a written constitution, yet historically it has had a rich heritage of pioneering constitutional charters and documentation. First and foremost is Magna Carta (1215), the ‘Great Charter of the Liberties of England’. Insofar as Magna Carta was ‘the first great public act of the nation’, it also established the direction of travel for the British political system towards representative institutions and, much later, democracy itself.

Arguments for and against a written Constitution continue to this day and have been the subject of many debates and disputes.

A codified Constitution would make rules clearer, key constitutional rules collected together in a single document are more clearly defined than rules scattered across many different documents. A codified Constitution would create less confusion about the meaning of constitutional rules and greater certainty that

they can be enforced. Producing such a document could tackle the disillusionment of the general public in politicians and the crisis in British politics and set clear limits on the power of the executive. It could clarify citizens' rights and responsibilities and protect them against the state. Most flourishing democracies base their institutions on a written document.

"The system has worked well in practice, why change it", argue the opponents of a written Constitution. The listing of individual's rights in detail and an exclusive summary of Great Britain's constitutional settlement could prove beyond the grasp of most of the citizens it would be designed to protect. A national referendum would have to be held to approve the document.

A written Constitution would be likely to increase the political role of the courts as they would have to decide if the Constitution has been infringed. They might come into conflict with the Parliament in such situations. This would give greater power to the unelected judiciary at the expense of the elected Parliament.

Unlike the uncoded constitutions codified Constitutions are considered rigid. Not having a codified document affords certain flexibility. Due to the rigid, inflexible nature of codified constitutions it is difficult for the constitutions to remain relevant and up-to-date.

The people in Belarus have made their democratic choice and amended their Constitution through a referendum in conformity with the requirements of the day which have been forming their way within the society and will continue the progress of the country on the way of sustainable development.