

The Doctrine of Substantive Core of the Constitution of the Slovak Republic in the Light of Ruling Pl. ÚS 21/2014 Issued by the Constitutional Court of the Slovak Republic

Abstract

Presented paper is concerned with the question of substantive core of the Constitution of the Slovak Republic. The aim of the paper is to analyze the theory of substantive core of constitution in terms of doctrinal debate and of ruling PL. US 21/2014 issued by the Constitutional Court of the Slovak Republic. The author considers it as a crucial subject that is even more current in the light of the abovementioned ruling of Constitutional Court, which may be deemed as groundbreaking.

Author of presented paper has focused on several questionable aspects of substantive core theory, analyzing its theoretical and practical development. The paper analyzes especially questions of justification of the existence of constitutional substantive core, its content and its protection, mainly provided by the Constitutional Court.

Analysis of the abovementioned ruling of the Constitutional Court and critical examination of some of its objectionable considerations may be considered as the crucial part of the presented paper. The paper includes comparative analysis of similar theories in constitutional systems of India, Colombia and United States of America, reflection on possible applicability of comparative experience in the matter of implicit substantial core and also brief reflection on possible future development of substantive core theory in the Slovak Republic, in the light of personal changes in the Constitutional Court and the last constitutional change.

The paper concludes that the implicit substantial core theory contains many essential shortcomings which, in according to the author, were not eliminated by Constitution Court's ruling, that is considered to be widely criticizable. Author of the presented paper regards the substantive core theory skeptically and prefers the evolution of constitutional system of the Slovak Republic without it.

Keywords

substantive core of constitution, constitutional court, the Constitution of the Slovak Republic