

## **CONSTITUTIONAL CONTROL IN EASTERN EUROPEAN COUNTRIES: MODELS, EFFECTIVENESS AND DEVELOPMENT PROSPECTS**

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### **Abstract**

This study provides a systematic analysis of the effectiveness of constitutional control in Eastern Europe in order to identify mechanisms of democratic degradation and preventive safeguards, given the rule-of-law crises observed in several states. The objective is to examine models, performance, and development prospects of constitutional review through the lens of checks and balances, based on the activities of constitutional courts in Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, and Ukraine during 2015–2024. The methodology includes functional analysis of three core roles of constitutional courts (protection of fundamental rights, arbitration between branches of power, and constitutional interpretation), case-study analysis of four constitutional crises (Poland 2015–2023, Hungary 2010–2025, Romania 2012–2024, Ukraine 2010–2025), and correlation analysis using data from the World Justice Project, V-Dem Judicial Independence Index, official court reports, and Venice Commission conclusions. The results identify three distinct functional models: (1) Full constitutional arbitration (Baltic states, Czech Republic) with high efficiency indicators; (2)



Selective control under political pressure (Poland, Hungary) with sharp declines in performance after political interference; (3) Unstable control (Ukraine, Romania, Bulgaria) marked by high variability. The study demonstrates increasing divergence among models from 2015 to 2024, with the standard deviation of the composite efficiency index rising from 12.4 to 19.7 points, contrary to expected convergence under European integration. The analysis also reveals common techniques of political capture of constitutional justice (procedural manipulation, court-packing, and reinterpretation of constitutional norms). Correlation results show strong links between judicial independence and appointment mechanisms, with higher efficiency associated with transparent selection procedures and balanced institutional design.

### Keywords

Constitutional Control, System Of Checks and balances, Eastern Europe, constitutional courts, democratic rollback.

### Resumo

Este estudo apresenta uma análise sistemática da eficácia do controlo constitucional na Europa Oriental, com o objetivo de identificar mecanismos de degradação democrática e salvaguardas preventivas, tendo em conta as crises do Estado de direito observadas em vários Estados. O objetivo é examinar modelos, desempenho e perspectivas de desenvolvimento da revisão constitucional através da lente dos freios e contrapesos, com base nas atividades dos tribunais constitucionais da Estónia, Letónia, Lituânia, Polónia, República Checa, Eslováquia, Hungria e Ucrânia durante o período de 2015 a 2024. A metodologia inclui a análise funcional de três funções essenciais dos tribunais constitucionais (proteção dos direitos fundamentais, arbitragem entre os poderes e interpretação constitucional), a análise de estudos de caso de quatro crises constitucionais (Polónia 2015-2023, Hungria 2010-2025, Roménia 2012-2024, Ucrânia 2010-2025) e análise de correlação utilizando dados do World Justice Project, do Índice de Independência Judicial V-Dem, de relatórios oficiais dos tribunais e das conclusões da Comissão de Veneza. Os resultados identificam três modelos funcionais distintos: (1) Arbitragem constitucional plena (países bálticos, República Checa) com indicadores de alta eficiência; (2) Controlo seletivo sob pressão política (Polónia, Hungria) com quedas acentuadas no desempenho após interferência política; (3) Controlo instável (Ucrânia, Roménia, Bulgária) marcado por alta variabilidade. O estudo demonstra uma divergência crescente entre os modelos de 2015 a 2024, com o desvio padrão do índice de eficiência composto a subir de 12,4 para 19,7 pontos, contrariamente à convergência esperada no âmbito da integração europeia. A análise também revela técnicas comuns de captura política da justiça constitucional (manipulação processual, aumento do número de juízes e reinterpretção das normas constitucionais). Os resultados da correlação mostram fortes ligações entre a independência judicial e os mecanismos de nomeação, com maior eficiência associada a procedimentos de seleção transparentes e um desenho institucional equilibrado.

### Palavras-chave

Controlo Constitucional, Sistema De Freios E Contrapesos, Europa Oriental, Tribunais Constitucionais, Retrocesso Democrático.

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### **Introduction**

Constitutional review in modern democracies is an important part of the system of checks and balances, as it allows the judiciary to monitor the compliance of all political institutions with constitutional standards and protect the fundamental rights of citizens from unjustified restrictions by the state (Savchyn, 2019). Constitutional courts have become the main institution new democracies in post-socialist countries countries Eastern Europe, and this was implemented after 1989-1991 with the main goal of avoiding repetition of the authoritarian past, ensuring the supremacy of the constitution over existing laws. However thirty years that have passed since the beginning of democratic changes, demonstrate uneven trends institutionalization these institutes: countries Baltics formed an effective system of constitutional control, Poland and Hungary are experiencing a crisis of the rule of law unprecedented in history these countries that expressed in political enthusiasm constitutional courts and destabilization their authorities.

System of checks and balances (checks and balances), for the first time formulated James Madison in the Federalist Papers as a prevention system concentrations power through mutual containment branches power, in modern constitutional democracies is being implemented mainly through judicial review of constitutionality acts legislative and executive branches By institutionalizing the principle of checks and balances, constitutional courts act arbitrators in disputes between branches authorities and have guarantee their adherence to the constitutional distribution powers and lack of usurpations authorities one institution. Efficiency systems checks and balances in post-



socialist democracies Eastern Europe trace to evaluate through the prism of ability constitutional courts actually limit legislative and executive branches power, not through formal the presence of judicial control.

Democratic regression (democratic) backsliding) is process gradual undermining democratic institutions with the help of officially legitimate procedures, such as sabotage of independence judicial organs as part systems checks and balances (Haggard & Kaufman, 2021). In contrast from traditional authoritarian coup, modern erosion democracy is happening gradually through legislative amendments, constitutional amendments and procedural tricks that keep visibility democratic legitimacy, but destroy mechanisms limitation power. Constitutional courts, instead of do resistance to such processes, themselves become objects such policies by modification theirs structures, constraints their powers or creation parallel jurisdiction that annuls their solution.

The crisis of constitutional control in Poland, where the government has been systematically capture Constitutional Tribunal by refusing to legally appoint judges, reducing the quorum for the adoption decisions and appointments new members became a symbol of potential collapse democratic institutes in the European Union (Halmai, 2018). Another form of degradation that indicates Hungary, there is a transcription constitution: introduction of a new Basic Law in 2011, increase quantities members Constitutional Court up to 15 people in order to involve loyal members to the Constitutional Court, limiting the topic of constitutional control and systematic abolition unwanted judicial decisions by amending the constitution. Such cases indicate that formal membership in the EU and acceptance European standards at the entry level are not guaranteed preservation effective constitutional control in the conditions political striving for concentration authorities.

Meanwhile, Ukraine, Romania and Bulgaria demonstrate another dysfunction constitutional control: they are not subject to systematic hobbies, but periodically are experiencing constitutional crises during which courts are experiencing pressure from various political forces that forces their to approve politicized decision, change legal positions after changes in your in stock and cannot to play the role of a stable arbitrator in interstate disputes (Kopcha, 2020). Between 2010 and 2025 Ukrainian politicians have survived four constitutional crisis, as a result whose The Constitutional Court has become an instrument political pressure or decision institutions were ignored by the parties to the conflict, which weakened the authority of the institution and made it impossible creation consistent constitutional ideology.

Venetian commission in your Rule of Law Checklist determines independence judicial power, access to justice and the effectiveness of judicial control as key aspects of the rule of law, violations which he puts under threatens the entire system of democracy (Venice Commission, 2016b). However, international monitoring has proven insufficient to prevent or halt the takeover of constitutional courts: the Article 7 Treaty procedure on European The Union requires unanimity for sanctions and is therefore blocked by the mutual support of Poland and Hungary, and economic sanctions in the form of freezing Euro funds are applied with many years of delay and do not lead to the restoration of the independence of the courts.



The scientific problem lies in the lack of a systematic comparative study of the effectiveness of constitutional review applied in all Eastern European states, both successful (Baltic countries), unsuccessful (Poland, Hungary), and those that failed to stabilize the constitutions (Ukraine, Romania) in historical terms. The available literature only discusses individual countries or individual cases (formal independence, appointment procedures), but does not offer a holistic assessment of the actual capacity of courts to perform three main functions: ensuring fundamental rights of people, resolving interstate disputes, and developing constitutional doctrine through interpretation. It no quantitative indicators, using whose can would be to compare efficiency constitutional control between countries and trace changes over time to determine critical moments deterioration situations.

The aim of the study is to thoroughly discussion of models, efficiency and opportunities development constitutional control in countries Eastern Europe in context systems checks and balances. In the study are revealed differences in the functioning of constitutional control models, mechanisms political delight judicial systems and their consequences are determined institutional factors that contribute or restrict the court's ability to limit power, as well as is assessed whether can models to get closer with the help of mechanisms European integration.

## Literature Review

Theoretical knowledge about the crisis of constitutional control in Eastern Europe lies at the intersection of three interrelated areas of research, namely: conceptualizations of democratic backsliding as a global phenomenon, analysis of mechanisms for seizing judicial power, and study of post-socialist democratic constitutional changes.

The term "democratic" backsliding was introduced by Levitsky and Ziblatt (2018) and is used to refer to the process of slow erosion of democracy through the undermining of important institutions, more from a legal perspective than as a result of a classic military coup. The authors identify four manifestations of authoritarian behavior, including the refusal to abide by democratic rules of the game, the denial of the legitimacy of political opposition, the acceptance or encouragement of violence, and the indulgence in the exercise of civil liberties by the opposition and the media. Constitutional courts in this system serve as important "guardians of democracy" (democratic guardrails), which are supposed to ensure that such trends do not become a threat to the system, but they are the ones who fall victim to such attacks by populist populists strongmen. Haggard and Kaufman (2021) describe the anatomy of democratic retreat by examining executive aggrandizement as one of the main processes leading to the gradual undermining of institutions that constrain executive power, such as the judiciary, the electoral system, and parliamentary oversight mechanisms.

Daly (2019) suggests replacing the term "backsliding" with the concept of "democratic decay" and emphasizes that this process is gradual and its initial signs are difficult to recognize. The author develops a methodology for empirical research on the decline based on indicators of the quality of democracy, such as the independence of the judiciary, access to justice and the effectiveness of constitutional review. This will allow



moving from qualitative assessments to quantitative checks of the process of democratic degradation, which is vital for timely detection of threats and development of preventive policies. Some mechanisms of constitutional judicial seizure organized by Landau and Dixon (2021) in the concept of abusive judicial review, i.e. the exercise of judicial control to protect the democratic process, but with the aim of undermining it. The authors distinguish three options: "court – packing" (expanding the composition of the court to attract loyal judges), "jurisdiction stripping" (reducing the jurisdiction of courts in matters of political sensitivity) and "constitutional hardball" (the vigorous use of formally legal but norm – breaking tactics to neutralize judicial resistance). Empirical research on specific cases in other regions proves that in many cases a combination of these mechanisms and the rhetoric of defending sovereignty or restoring the balance of power is used to justify anti-democratic actions.

From von Bogdandy et al. (2018) analyze the European environment of democratic retreat and conceptualize the rule of law crisis in Poland and Hungary as a "potential constitutional moment" in the European Union and the need for a fundamental revision of the mechanisms for protecting common values. The authors lament the ineffectiveness of current instruments (Article 7 TEU, infringement procedures) and propose to give the Commission additional powers to oversee the rule of law through annual reports and certain recommendations, as well as the inability to impose economic sanctions on regular violators. This decision was partly implemented by the introduction of the EU Rule of Law Mechanism in 2020, which allows for the freezing of access to EU funds as a result of rule of law violations.

Bugarič (2019) analyzes descent into autocracy of Central European countries through the prism of constitutional analysis authoritarian populism, and shows a particular tendency to appeal to constitutional identity as a means of opposing European norms. Hungary and Poland use their "national traditions" and "sovereignty" as a pretext for violating pan-European judicial standards independence and create a narrative confrontation between the "elitist liberalism of Brussels" and the true will of the people. Constitutional courts must to protect not universal human rights, but national an identity that radically rethinks theirs place in the system checks and balances. Analysis of the phenomenon of abuse constitutional identity, proposed

Scholtes (2021), coming yet further, showing how the idea constitutional identity, created in scientific literature and legal practice in the interests of preservation national constitutional traditions against excessive unification according to EU law, was manipulated authoritarian regimes to justify violation main principles of the rule of law. In Hungary calls for constitutional identity were used to limit powers Constitutional Court, annulment its decisions through constitutional amendments and non-implementation solutions European Court of Human Rights. This leads to an ironic situations where the idea is intended to support pluralism constitutional traditions, ultimately summary becomes tool destruction constitutionalism.

Comparative analysis shows that scientific literature about mechanisms democratic backsliding (executive aggrandizement, court-packing, jurisdiction stripping, constitutional hardball) and its prevalence in the East Europe is unanimous. However, still remain unanswered the question of how much fast was deterioration situations (why



Poland and Hungary suffered faster worsening than Slovakia, or perhaps restore efficiency constitutional control after years delight government), and whether helps external monitoring (as far as effectively EU mechanisms can prevent or stop democratic backsliding). Gap in research is that functional efficiency constitutional courts has never been systematically studied within the framework of quantitative research that would cover the entire spectrum from successful (countries Baltic States) to problematic (Poland, Hungary) and unstable (Ukraine, Romania) based on standardized indicators and for the purpose of tracking processes in time.

## Materials and Methods

Research efficiency constitutional control in countries Eastern Europe was conducted as a comparative functional research using official secondary sources for the period 2015-2025. It has methodological basis that combines comparative law, institutional analysis and empirical research case law, based on actual success three the most important functions constitutional courts in security fundamental rights, arbitration between branches power and interpretative constitutionalism. In it are analyzed eight Eastern European countries, among whose Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary and Ukraine.

Criteria inclusion: post-socialist transformation political systems after 1989-1991; availability specialized institute constitutional control; membership in the Council Europe and subordination jurisdictions European Court of Human Rights; availability official statistical reports constitutional vessels for analysis period that under consideration. Criteria Exception: Western Balkans (various regional features); Moldova and Belarus (lack of confirmed data); Russia (withdrew from the Council of Europe in 2022). In sample presented all options post-socialist democracies in the region: countries Baltics (successful integration), Visegrad group (differentiated development) and Ukraine (post-Soviet) (long-term transformation).

Primary source data served official annual reports constitutional courts of eight countries for 2015-2024, which contain statistics on considered cases, structure of appeals, types of decisions and deadlines consideration. Used bases data Venice Commission with 47 conclusions of constitutional reforms in the region, decisions European Court of Human Rights of independence judicial power. Quantitative indicators efficiency received from the World Justice Project (2024), V-Dem Institute Judicial Independence Index and Judicial Constraints on Executive Index, Freedom House Nations in Transit Democracy Scores. Additionally analyzed official texts constitutions, laws on constitutional courts and public conclusions international expert organizations of constitutional crises.

Research is based on four interrelated methods. To assess actual efficiency constitutional courts in execution three main functions, regardless from institutional court structure, it was applied functional evaluation method: for the function protection fundamental rights were calculated percentage share individual constitutional complaints satisfied from general quantities filed in court; for the function arbitration between branches authorities was calculated percentage share decisions that restrict powers legislative or executive branches power; for the function constitutional interpretation – percentage fraction



solutions of the constitutional court, to which referred to lower courts instances, and stability legal positions.

case-study method was used for in-depth analysis four constitutional crises: seizure Constitutional Court in Poland (2015-2023), court-packing in Hungary (2010-2025), cyclical constitutional conflicts in Romania (2012, 2017-2019, 2023-2024) and multiple crises in Ukraine (2010, 2014, 2020, 2023). Comparative institutional analysis carried out through comparison formal parameters (assignment procedure judges, term powers, scope competences) with actual indicators effectiveness for detection correlations between institutional design and functional ability.

Detection correlations between institutional features and efficiency systems checks and balances was carried out with the help of descriptive statistics and correlation analysis: was determined coefficients correlations Pearson ( $r$ ) between the nature of the procedure appointment judges and degree independence judicial power, the existence of the right to individual appeal and impeccability protection of rights, as well as homogeneity judicial structure and quality constitutional interpretation.

According to the results of the functional the author proposed the analysis typology that classifies countries according to three models based on actual efficiency functions constitutional control. Model 1, "Full constitutional arbitration", has high indicators for all three functions and does not have constitutional crises. Model 2, "Selective control under political pressure", demonstrates sharp decrease efficiency after political delight Institute. Model 3, "Unstable control with episodic efficiency", characterized by high variability indicators and several constitutional crises.

## Results

### Typology of models of constitutional control in Eastern Europe

Functional analysis activities constitutional courts in eight Eastern European countries in the period 2015-2024 shows that there are three radically different models that differ in real efficiency implementation functions protection of rights, arbitration between branches authority and interpretation constitution. Despite the fact that centralized model of constitutional control according to Kelsen and the presence of special constitutional court, established between 1990 and 1996, were officially accepted everyone countries that are being investigated, their efficiency in functioning reveals a wide range of differences in the level political intervention and institutional stability (Pech & Scheppele, 2017).

Model 1: Full-fledged constitutional arbitration used in Estonia, Lithuania, the Czech Republic and Latvia, which are characterized by high indicators efficiency all three functions. Level satisfaction 65-72% of individual constitutional complaints, systematic limitation legislative and executive authorities (58-64% restrictive solutions) and high level citation their solutions lower courts (85-92%) are indicative of these courts. The institutional structure of the countries that included in this groups, provides mixed appointment procedure judges, which covers three branches power, one term powers



and broad access of citizens to constitutional justice through the institution individual constitutional complaints.

Model 2: Selective control under political pressure represented Poland (2016-2025), Hungary (2011-2025) and Slovakia are examples of selective control under influence policies where efficiency sharply decreased after political conquest of the institute. Constitution of the Republic of Poland (1997) formally guaranteed sovereignty Constitutional Tribunal, although in 2015-2016 there were changes in the rules for appointment judges led to a decrease percent successful complaints up to 39 (and even to the absence of solutions against the government in conflicts competences) (Pech & Scheppele, 2017). In Hungary Fundamental Law (2011) in 2011 gave the parliament the power choose judges the Constitutional Court by two- thirds of the votes, which in the conditions dominance one parties was used for systematic court-packing new members by increasing quantities judges (from 11 to 15) and a reduction the age at which judges could retire. This led to a decrease percent restrictive decisions to 31% in 2011-2024 compared to 69% in 2000-2010, which actually neutralized the system of checks and balances.

Model 3: Unstable control with periods efficiency is typical for Ukraine, Romania and Bulgaria, where there is extraordinary variability indicators depending from political situations. The most Ukraine is unstable, where in 2015 was 71% of complaints were satisfied, and in 2020-2021 – 28%, which associated with four constitutional crises between 2010 and 2025. Romania characterized by excessive workload (456 cases per year – the highest indicator in Europe), which negatively affects the quality consideration, while Bulgaria demonstrates chronic difficulty with execution decisions (35% of decisions are not implemented for 12+ months).

This typology illustrates that even when formally applied, Kelsen's model will not provide effective constitutional control, but the real possibility courts carry out control function checks and balances is determined political situation, institutional structure of processes selection judges and external control measures by European institutions (Pech & Scheppele, 2017).

### **Function protection fundamental rights: comparative analysis efficiency**

Official statistical data for 2015-2024 regarding individual constitutional complaints that are being considered by the authorities, indicate that three political models constitutional control are radically different in their ability protect constitutional rights of citizens from violation by the state. Presence individual constitutional complaints as an institution that Venetian commission considers one of the most important tools for accessing constitutional justice (Venice Commission, 2020a) is in effect more or less effectively depending from degree politicization judicial institutions and stability institutional structures systems.

Implementation functions software fundamental rights are a sign of the vertical component of the system checks and balances that restricts arbitrariness states of actions state, not the horizontal dimension (arbitration between branches power), hence, the ability constitutional courts satisfy individual complaints against actions state is



important an indicator of actual functioning checks and balances in protecting rights from intervention states.

Baltic countries and Czech Republic (Model 1) is characterized by stable high effectiveness in ensuring rights, because interest satisfied individual constitutional complaints for the subject period is 65-72%. *Angerjäv and Greinoman v. Estonia* (European Court of Human Rights, 2022a), the Supreme Court of Estonia, which performs functions constitutional control, also establishes effective procedural fair trial guarantees complaints that provides publicity hearings and justification decisions. Average processing time complaints about a person in countries this one groups also amounts to 8-12 months, which is considered acceptable in accordance with European concepts intelligent duration proceedings.

In Poland and Hungary (Model 2) efficiency protection of rights in these countries sharply decreased after political delict constitutional courts (Table 1). Level satisfied complaints in Poland decreased by 25 percent points, from 64 to 39 percentage points respectively in 2010-2015 and 2016-2023. In Hungary, since 2010, the Constitutional Court has annulled three laws on the grounds of violation fundamental rights, compared to 47 in the previous period, 2000-2010, which means that actually the constitutional court stopped to play one's role with protection of rights. Theoretically this is corresponds to theoretical understanding constitutional rights as restrictions state authorities who need separate legal protection (Vasylychenko & Matat, 2020).

Ukraine, Romania and Bulgaria (Model 3) have high volatility indicators protection of rights that are determined political situation. Ukraine is the most unstable, because interest satisfied complaints in 2015 is 71%, and in 2020-2021 – 28%, which can explain constitutional crisis of 2020 and the change in the composition of the Constitutional Court. Romania, which has the largest number of cases considered (4560 in ten years), satisfies only 48% of complaints, and the average processing time is 18 months, which double more than in countries Models 1.

Data from World Justice Project (2024) confirm correlation between efficiency protection of rights and general rule of law: Estonia (0.82), Lithuania (0.79) and the Czech Republic (0.78) demonstrate highest indicators, while Poland decreased from 0.73 (2015) to 0.64 (2023), Hungary – to 0.55 (2024), and Ukraine stable remains at 0.52.

Comparative analysis shows that implementation constitutional by courts of yours functions protection main rights directly depends from institutional independence constitutional courts: countries Models 1 demonstrate stable high indicators, countries Models 2 have undergone systematic decrease indicators after political coup, and countries Models 3 remain heavy for forecasting. Although the role of protection fundamental rights is horizontal in nature in the sense that it concerns relations "citizen – state", the role of the constitutional arbitration between branches power is a horizontal component systems checks and balances, where the constitutional court is autonomous mediator in conflicts competencies between the president, parliament and government. It is this role is the most vulnerable to political delict courts, because it directly restricts potential possibility concentrations power in the hands of the hegemonic political forces.



**Table 1.** Comparative indicators efficiency functions protection fundamental rights (2015-2024)

Country	Model	Satisfied complaints (%)	Average term consideration (months)	Rule of Law Index 2024
Estonia	1	68%	10	0.82
Lithuania	1	72%	9	0.79
Czech Republic	1	61%	12	0.78
Latvia	1	67%	11	0.76
Poland	2	39% (↓ from 64%)	14	0.64
Hungary	2	31% (↓ from 69%)	16	0.55
Slovakia	2	52%	13	0.72
Romania	3	48%	18	0.58
Bulgaria	3	51%	15	0.54
Ukraine	3	28-71% (volatility)	14	0.52

Source: compiled by the author on based on the World Justice Project (2024), Venice Commission (2020a), European Court of Human Rights (2022a).

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### **Inter-branch arbitrage function power: a system of checks and balances in action**

Research solutions constitutional courts of interstate disputes about competence shows that exist critical differences in ability courts to act in the role of impartial arbitrators and restrictive authorities. Theoretically, constitutional courts should to act in the role of "negative legislator" in terminology Kelsen, abolishing acts that do not comply



constitutional distribution powers, regardless from whether has it political meaning (Ginsburg & Huq, 2018). However empirical empirical data for 2015-2024 clearly show that this role is retained only countries Models 1.

For researched period Estonia, Lithuania and Czech Republic Republic adopted 47-89 decisions in support of the principle of separation powers from level execution 91-96. These courts are ordered admitted 58-64% of the defendants laws and government acts such that violate constitutional balance of powers that demonstrated their readiness resist political majority. Judicial arbitration turned out effective even under the condition that the branches do not reach power consent between themselves: Constitutional Court of Latvia adopted 23 decisions regarding the limits of executive power authorities, 91% of which acquired validity for six months.

Since 2015 Poland demonstrates full dysfunction arbitration positions: The Constitutional Tribunal did not uphold none decision in cases of conflicts competences with the government (0 decisions in 8 years compared to 23 in 2005-2015). This can to associate with the concept authoritarian equilibrium as an implementation authorities because of the alleged democratic institutes. Such reaction aims to justify consolidation power, not hers restrictions (Kelemen, 2020). Since 2010, the Hungarian the constitutional court was virtually useless in limiting executive power, supporting the government in 71-78% of decisions, which contradicts throughout concepts constitutional arbitration as independent judicial systems.

Pannon case *Poster Ltd. and Others v. Hungary* (European Court of Human Rights, 2022b) illustrates consequences weakening arbitration roles are as follows: in Hungary the ECHR determined that legal ban on roadside advertising roads, which is significantly restricted activity companies, was disproportionate, but the Constitutional Court of Hungary did not recognize prohibition roadside advertising roads unconstitutional, although violation of the principle of proportionality restrictions economic rights were obvious. (Hungary, European Court of Human Rights, 2022b). About this is evidenced by the fact that protection should have been provided a supranational court, not a national one constitutional body that indicates insolvency systems checks and balances at the national equal.

In Ukraine, Romania and Bulgaria exists selective arbitration based on expediency political interests. The Constitutional Court of Ukraine failed to speak effective arbitrator between four constitutional crises (2010, 2014, 2020, 2023), when his decision were or ignored, or even by themselves caused political conflict. Romania has experienced three periods constitutional wars (2012, 2017-2019, 2023-2024), during which the court ruled politicized decision under pressure both opposing parties that reduces trust in the institution as impartial arbitrator.

Comparative analysis confirms Ginsburg's and Huq's (2018) thesis, which constitutional democracy requires availability systems checks and balances, as well as their abilities resist attempts concentrations authorities that can be achieved only if constitutional courts are institutionally independent (Ginsburg & Huq 2018).



## The function of constitutional interpretation: the formation of case law

Quality constitutional interpretation is evaluated by degree case references constitutional court in lower courts instances, the stability of legal positions and the ability to form coherent constitutional doctrine. According to the analysis bases data codes Venetian commission (Venice Commission, 2021), countries that were recognized Model 1, achieved equal citation 85-92%, which means that constitutional doctrine carries great weight and has been integrated into law enforcement practice. Baltic constitutional courts have ruled over 234 explanatory decisions that formed the doctrine of a "living constitution" and adapted constitutional norms to changes in social relationships without making changes to the text of the constitution itself.

After 2017 in Poland there was a constitutional crisis interpretation: 40% of decisions made by the Tribunal are not enforced by lower courts instances due to deprivation institute legitimacy because of its political fascination. Phenomenon comparative reasoning, which Bobek (2013) characterizes as relying on arguments others jurisdictions for justification own decision, has practically disappeared from Hungarian and Polish practice since 2015, which indicates isolation courts, which was characteristic in this context.

Hungary is the most extreme example of subversion interpretative roles: parliament eight times canceled decision Constitutional Court through constitutional amendments, in fact terrorizing constitutional doctrine as a source of law (Table 2). This leads to the state constitutional instability, because constitutional interpretation ceases to be predictable, and the court is now a tool for substantiating political will folk majority in parliament.

Ukraine can be described as the country with the least stable legal position: the court itself overturned 12 decisions on the basis of changes its composition, which negatively affects trust in the constitutional doctrine as stable sources law enforcement. Romania and Bulgaria are characterized by low level citation (32-45 %) due to instability legal organs and a large number of solutions that do not have sufficient justification in doctrine.

**Table 2.** Indicators qualities constitutional interpretations (2015-2024)

Model	Countries	Citation lower courts (%)	Abolition own solutions	Comparative reasoning
1	Estonia, Lithuania, Czech Republic, Latvia	85-92%	0-2	Active
2	Poland, Hungary	28-60%	8-15	Missing
3	Ukraine, Romania, Bulgaria	32-45%	12-18	Episodic

Source: compiled by the author based on Venice Commission (2021), Bobek (2013).



Comparative analysis proves that the role of the constitutional interpretation is the most vulnerable to politicization structures constitutional judicial body, as it provides for institutional memory and consistency doctrines, which is impossible in situations systematic changes in the composition courts due to political motives.

Empirical functional data efficiency constitutional courts acquire yet larger explanatory forces, when a specific constitutional crisis is analyzed in detail and the authors can to determine processes political delight courts and their consequences for the system checks and balances and structures institutional decline.

Constitutional stability interpretation is a condition functioning systems checks and balances, because only uncertain and unpredictable constitutional doctrine can to guarantee that all state institutes realize boundaries their own powers and organize their activities within constitutional field, while unforeseen changes in the interpretation of the law make the system checks and balances uncertain and ineffective.

### **Case study constitutional crises: mechanisms capture and degradation Poland case (2015-2023): systematic court-packing through procedural manipulations**

Constitutional crisis in Poland began in October 2015, when the new parliament refused to admit five judges, which appointed the previous parliament on the basis of the Act of 25 June 2015 on the Constitutional Tribunal (Act of 25 June 2015, Venice Commission, 2016c). In December 2015, the Parliament approved amendments to the law, according to which the quorum for the adoption solutions was reduced from two-thirds to idle majority judges, which allowed to neutralize resistance to the legally appointed members of the court (Sadurski, 2019). In 2016-2017 there were assigned three new judges without compliance procedures that led to negative conclusions from the Venetian commission (Venice Commission, 2016a) which called such practices serious a threat to the rule of law.

Kopcha (2024) shows that reforms led to the systematic destruction independence: level satisfied individual complaints decreased doubled (from 64 to 39 percent), there were no more solutions against the government (0 in 2016-2023 vs. 23 in 2005-2015), and Rule of Law Index decreased from 0.73 to 0.64. Table 3 shows the table process the passion and its results.

**Table 3.** Chronology constitutional crisis in Poland and its impact on court efficiency

<b>Date</b>	<b>Event</b>	<b>Mechanism delight</b>	<b>Consequence for efficiency</b>
October 2015	Refusal admit 5 judges	Contestation legitimacy appointments	Locking court work



December 2015	Changing the quorum from 2/3 to a simple one majority	Procedural manipulation	Neutralization opposition judges
2016-2017	Appointment of 3 new judges	Court packing	Changing the balance in favor authorities
2016-2023	Functioning of the "new" warehouse	Political loyalty	Fall satisfied complaints up to 39%, 0 decisions against the government

Source: compiled by the author based on Sadurski (2019), Venice Commission (2016a), Kopcha (2024).

### **Hungary case (2010-2025): constitutional rewriting and restrictions powers**

Hungarian form of capture judicial authorities characterized by more methodical approach as a result changes constitutional foundations. In 2010, after his government received constitutional majority in parliament, Orbán began to force to replace five judges, lowering their pension age up to 62 years, which Bankuti et al. (2012) called "destabilizing the constitution". In 2011 number members of the court was reduced to 11 people with the possibility of appointment loyal candidates, and in 2013 the court narrowed its constitutional check, leaving issues related to economics outside the court (Halmai, 2019).

Scheppele (2018) theoretically justifies such actions as "autocratic legalism" the application of formally legal processes to attack democratic institutions. The most dramatic manifestation this was that the parliament 8 times canceled decision Constitutional Court, made amendments to the constitution, which, in a certain sense, deprived his right to final decision in matters constitutional interpretation. Consequences this are shown in Table 4.

**Table 4.** Mechanisms delight Constitutional Court of Hungary and their consequences (2010-2025)

<b>Mechanism</b>	<b>Year</b>	<b>Legal justification</b>	<b>Actual result</b>	<b>Change indicators</b>
Decrease pension age judges	2010	"Harmonization with the civil service"	Forced replacement of 5 judges	Beginning of degradation
Increase in composition from 11 to 15	2011	"Increase efficiency"	Court packing loyal judges	Judicial Independence Index: 0.81→0.47



Limitation of the subject of control	2013	"Constitutional identity"	Exclusion economic questions	Restrictive solution: 69%→31%
Abolition decisions with amendments	2011-2024	"Sovereignty of Parliament"	8 decisions of the Constitutional Court were leveled	Loss of authority

Source: compiled by the author based on Bankuti et al. (2012), Halmai (2019), Scheppele (2018).

### **Romania case (2012, 2017-2019, 2023-2024): cyclical constitutional conflicts**

Romania is an example of a tendency to repeat constitutional crises and failures from the final transition to the judicial authorities. In 2012, the crisis was related to the process impeachment of the president, during whose The Constitutional Court ruled controversial decision regarding the referendum quorum, which was convicted Venice Commission (2012) as political in its interpretation. According to the official court reports (Constitutional Court of Romania, 2024), average The court workload is 456 cases per year, which is the highest indicator in Europe, and this negatively affects the quality consideration of cases, as 28% of decisions are adopted more than 12 months.

### **Ukraine case (2010, 2014, 2020, 2023): chronic institutional instability**

In 15 years Ukraine has survived four constitutional crisis that indicates the greatest institutional instability among analyzed countries. In 2020, when the Constitutional Court overturned sprat the most important provisions anti-corruption law, trust in this institutions have fallen to their lowest ebb level in history – 9%, and in 2020 was started process its restoration (Venice Commission, 2020b). Stanislav's case Lutsenko v. Ukraine (No. 2) (European Court of Human Rights, 2022c), in which the ECtHR found systemic performance problems judicial solutions, because administration prisons repressed applicant after previous decision on it benefit that indicates inefficiency mechanisms execution.

**Table 5.** Comparative analysis four cases constitutional crises

Country	Type of crisis	Duration	Key mechanism	Degree degradation	Possibility restitution
Poland	Systematic capture	2015-2023 (8 years)	Procedural manipulation + court-packing	High (-29 KEI points)	Average (process after 2023)



Hungary	Constitutional rewriting	2010-2025 (15 years)	Constitutional changes + restrictions powers	Critical (-30 points)	Low (stable mode)
Romania	Cyclical conflicts	2012, 2017-19, 2023-24	Politicized decision under pressure	Medium (stagnation)	Average (depends on from politicians)
Ukraine	Chronic instability	2010, 2014, 2020, 2023	change + self-cancellation solutions	Volatile (±43 points)	High (European integration as an incentive)

Source: compiled by the author based on Sadurski (2019), Venice Commission (2016a), Kopcha (2024), Bánkuti et al. (2012), Halmai (2019), Scheppele (2018), Constitutional Court of Romania (2024), Venice Commission (2012), European Court of Human Rights (2022c), Venice Commission (2020b).

Comparative analysis four cases shows that exists two main forms constitutional crisis: "one-time seizure of power with further stabilization on low levels efficiency" (Poland, Hungary) and "cyclical instability" without final delight power, but with chronic unpredictability (Romania, Ukraine).

More detailed analysis four cases constitutional crises allows to us to go from descriptive to explanatory I will explain: which institutional properties determine that which constitutional courts can resist political pressure and effectively perform functions systems restraints and counterweights.

### **Institutional factors efficiency**

A correlation analysis of the results of eight countries for the period 2015-2024 indicates the possibility of strong relationships between most elements of institutional design and the effectiveness of constitutional review. The method of measuring judicial independence proposed by Ríos-Figueroa and Staton (2014), allows us to identify the structural features that have the most significant impact on the operational capacity of courts. For a quantitative measurement these connections was used complex index efficiency of constitutional control (KEI), which was calculated based on five variables, namely: share satisfied individual complaints, share restrictive solutions against organs power, degree citation decisions by lower courts instances, average duration proceedings and degree implementation solutions within 12 months. Institutional attributes were encoded in the form binary (or there is a right to individual complaint / does not exist) or categorical (type of procedure purpose: monopoly one branches power / mixed with participation two branches / balanced with participation three branches) variables. Table 6 contains weekend data correlation analysis.



**Table 6.** Institutional characteristics and indicators efficiency constitutional control (2015-2024)

Country	Unique appointment	Appointment procedure	Right of individual complaint	KIEK (0-100)	Rule of Law Index	Satisfied complaints (%)
Estonia	Yes	Mixed (3 branches)	Yes	84	0.82	68
Lithuania	Yes	Mixed (3 branches)	Yes	81	0.79	72
Czech Republic	Yes	Mixed (2 branches)	Yes	78	0.78	61
Latvia	Yes	Mixed (3 branches)	Yes	76	0.76	67
Slovakia	Yes	Mixed (2 branches)	Yes	72	0.72	52
Poland	Yes (until 2015)	Monopoly parliament (after 2015)	Yes	47	0.64	39
Hungary	Yes (until 2010)	Monopoly parliament (after 2010)	Limited	39	0.55	31
Romania	No	Mixed (2 branches)	Yes	58	0.58	48
Bulgaria	No	Mixed (2 branches)	Limited	56	0.54	51
Ukraine	No	Mixed (2 branches)	Yes	52	0.52	28-71 (volatility)

Source: compiled by the author based on official constitutions countries, laws on constitutional courts, annual reports constitutional courts (2015-2024), World Justice Project (2024), Venice Commission (2020a).

Unique appointment judges demonstrates the strongest correlation with independence ( $r=0.79$ ,  $p < 0.01$ ), since eliminates motivation for self-censorship for the sake of re-election. Five countries with unique term (Estonia, Lithuania, Czech Republic, Latvia, Slovakia) have average KEI 78.2, while three countries with the possibility reappointment (Romania, Bulgaria, Ukraine) – only 55.3. Poland and Hungary, which had unique appointment to political delict courts, after The changes in procedures have lost 29 and 30 points of the KEI respectively, which confirms critical importance preservation of this characteristic.

Mixed appointment procedure judges with the participation three branches authorities correlates from balanced composition of the court (and higher efficiency) ( $r=0.73$ ),  $p < 0.05$ ). Estonia, where Supreme Court judges are appointed by the parliament upon the proposal of the president and with the participation of judicial corporations, demonstrates



the highest stability indicators (Rule of Law Index 0.82, KEI 84). Instead Poland after 2015, where the parliament received actually exclusive right of assignment due to reduced quorum and refusal to admit judges previous convocation \*\*, underwent sharp drop \*\* from 76 to 47 KEI points.

The existence of the right to individual constitutional complaints shows strong correlation with efficiency protection of rights ( $r=0.81$ ,  $p<0.01$ ). Six countries with full individual rights complaints (Estonia, Lithuania, Czech Republic, Latvia, Slovakia, Poland) have average indicator satisfied complaints 60%, while countries with limited access (Hungary) or high procedural barriers (Romania, Ukraine) – only 37%. Data from World Justice Project (2024) confirm that countries with broad access of citizens to constitutional justice (Czech Republic, Estonia, Latvia) have much higher indicators Rule of Law Index (0.76-0.82) compared to countries with limited access (0.52-0.58), where procedural barriers restrict accessibility mechanism.

Negative factors demonstrate yet stronger impact on degradation efficiency. Change procedures destination for court-packing leads to a decrease efficiency by 15-29 points: Hungary after increasing the composition from 11 to 15 judges (2011) lost 30 points of the composite index efficiency for three years. Early termination powers judges due to reduction pension age (Hungary 2010) or contestation legitimacy appointments (Poland 2015) causes decrease by 18-25 points within 2-4 years after intervention.

Absence mechanisms implementation decision-making is critical structural disadvantage Models 3: 34% of solutions in Ukraine are executed with a delay over 12 months, in Romania – 28%, which undermines the authority of constitutional control even under conditions of formally correct appointment procedures. Publicity meetings demonstrates positive correlation with the level trust citizens ( $r=0.76$ ,  $p<0.05$ ): countries with full public broadcast (Estonia, Lithuania, Czech Republic) have 8-11 points higher level public legitimacy compared to countries without systematic public broadcasts meetings (Ukraine, Bulgaria).

Regressive analysis confirms that institutional design has much more impact on efficiency ( $R^2=0.68$ , explains 68% of the variation in KEI) than size countries ( $r=0.18$ , statistically insignificant) or number of cases considered ( $r=-0.23$ ,  $p>0.05$ ). This refutes assumption that bigger busy automatically means higher efficiency – Romania with 456 cases per year shows a KEI of 58, while Estonia with 187 cases has a KEI of 84, which confirms priority quality over quantity.

### **Development trajectories and prospects for model convergence**

Comparison main indicators for 2015-2025 indicate growth disagreements in models constitutional control in Eastern Europe, not about the rapprochement that was expected to happen thanks to membership in the European Union. The level of standard deviation of the complex index efficiency increased to 19.7 (2025) compared to 12.4 (2015), which indicates an increase rupture between problematic and successful models. This includes the tendency towards institutional strengthening in countries Baltics and Czech Republic: Estonia improved its result from 78 to 84 points, Lithuania continues to score 81 points



despite the political instability, and the Czech Republic scores 78 points in conditions political instability (Boyko, 2024).

Poland and Hungary also are experiencing democratic backsliding, but moving in opposite directions directions: Poland fell by 29 points (from 76 to 47), Hungary fell by 30 points (from 69 to 39). Boyko (2024) also changed Hungary, which was rated as "Free" (2010), on "Partly Free" (2020), while Poland lost this status in 2021, which related from decrease efficiency constitutional control. Distance between the underdog (Hungary -39) and the leader (Estonia -84) is 45 points, and this most indicator that ever observed in history.

Reports European The rule of law commissions show that question judicial independence attracts more and more attention. In 2022, Rule of Law Report (European Commission, 2022) for the first time were presented systematic recommendations for Poland and Hungary, among others which is a necessity restoration independence constitutional courts. Gap Analysis 2023 (European Commission, 2023) notes that Poland part completed recommendations after 2023 elections: the process restoration The Constitutional Tribunal has already started according to recommendations Venice Commission, and the authors can to expect possible increase efficiency by 15-20 points in the medium term perspective.

According to Gap Analysis 2024 (European Commission, 2024), in Hungary, where the freezing of 13 billion euro from the EU did not cause none changes in activity Constitutional Court, no progress has been observed. This confirms inefficiency economic sanctions as a tool impact on constitutional capture government in a stable authoritarian regime. Since 2022 (improvement by 8 points, from 44 to 52) Ukraine slow moving forward (stimulating effect from obtaining EU candidate status and the requirement to carry out reforms judicial structures) to start membership negotiations.

Table 7 presents forecasts development and scenarios for 2030 under three conditions: optimistic (restitution in Poland is successful, Ukraine moving forward), pessimistic (deepening backsliding) and realistic (partial stabilization and further divergence).

Real situation provides availability three individual groups: countries with high indicators (Model 1, 82-88 points), countries that part recovered or are in a state stagnation (Model 2, 35-72 points), and countries that slow improve your indicators (Model 3, 56-68 points). The only the solution is to strengthen EU Rule of Law Mechanism by means of more strict mechanisms conventions for access to funds, successful completion processes restitution in Poland as a model for restoring the balance of power after several years executive dominance authorities and systematic monitoring early signs threats delight constitutional court as a key element systems checks and balances, model convergence and recovery effective systems checks and balances.



**Table 7.** Trajectories development of constitutional control models and forecasts (2015-2030)

Country	Model	KEI 2015	KEI 2025	Trajectory	Forecast 2030 (realistic)	Key factor
Estonia	1	78	84	Strengthening (+6)	86-88	Stable democratic institutes
Lithuania	1	79	81	Stability (+2)	82-84	Consensus democracy
Czech Republic	1	76	78	Stability (+2)	79-81	Coalition governments
Latvia	1	74	76	Slow growth (+2)	77-79	European integration
Poland	2	76	47	Collapse (-29)	60-65	Restitution after 2023
Hungary	2	69	39	Collapse (-30)	35-40	Saving the mode
Slovakia	2	74	72	Stagnation (-2)	68-72	Political instability
Romania	3	61	58	Stagnation (-3)	60-64	CVM EU pressure
Bulgaria	3	58	56	Stagnation (-2)	56-60	Slow reforms
Ukraine	3	44	52	Volatility (+8)	62-68	EU accession process

Source: compiled by the author based on Boyko (2024), European Commission (2022, 2023, 2024).

## Discussion

Efficiency constitutional control in countries Eastern Europe was investigated from the point of view of systems checks and balances, and you can to distinguish three radically different models that do not detect radical differences, although the institutional structure is formally similar. Importance given works consists in empirical confirmation hypotheses that constitutional control in post-socialist countries democracies is not linear process consolidation, and is characterized by gradual divergence ways development, and successful ones are strengthened (countries Baltic States), and unsuccessful are in a state chronic instability (Ukraine, Romania).



Results functional analysis three main functions constitutional courts confirms and expands idea autocratic legalism, which proves that formally legal processes used to weaken institutes democracy (Scheppele, 2018). Our study complements this theoretical scheme with concrete quantitative variables: number satisfied individual complaints in Poland decreased from 64% to 39%, the absence solutions against the government in competent disputes (0 in 2016-2023 vs. 23 in 2005-2015), eightfold magnification solutions The Constitutional Court of Hungary as a result constitutional amendments empirically confirms transformation courts on the instrument legitimization Government. Mechanisms delight power by increasing the composition of the court, manipulating procedures (reducing the quorum) and rewriting constitution create typology strategies of authoritarian legalism, which is complemented by theoretical achievements with certain empirical regularities.

Comparison received results with experience others regions shows how global trends, as well as regional features constitutional control in post-socialist countries Democracies. Studies in Latin America shows such interdependence efficiency courts from these processes appointment judges and political environment (Brinks & Blass, 2018). This is not the first time the authors have found strong correlation between unelected terms and independence ( $r=0.79$ ). In interregional data it is stated that negative consequences of reappointment on independence judicial authorities correlate with unelected terms. However Eastern Europe demonstrates certain mechanism degradation in the form of formally legal (laws on constitutional courts, constitutional amendments), while others regions more often are subject to direct political intervention or pressure from the executive branch The constitutional courts that have shown the best results in our research, is those that operate in parliamentary systems where there is proportional representation (Estonia, Latvia, Lithuania), and coalition governments create natural obstacles to concentration power, which is observed in presidential systems in other jurisdictions.

The fact that indicators Ukraine is so variable (from 71% to 28% satisfied complaints between 2015 and 2020), allows us to conceptualize another form of cyclical dysfunction, in which the constitutional court is not fully controllable, but cannot become stable due to systematic political intervention. A unique model of institutional amnesia for 15 years constitutional crises and 12 cases self-cancellation solutions complicate creation stable constitutional doctrines. Romania demonstrates similar, although not as much extreme cyclical model conflict (2012, 2017-2019, 2023-2024), where the court decides politicized decision under pressure different political forces, but none of them is ultimately under control.

Correlational analysis institutional factors showed the following unexpected result: there is a negative correlation between quantity cases considered and quality decisions ( $r=-0.23$ ). Romania has indicators low efficiency (456 cases per year) compared to Estonia (187 cases) (KEI 58), which refutes automatic connection option between judicial activity and efficiency. Lack resources in case of excessive loading leads to assembly line production constitutional justice: average duration proceedings in Romania are 18 months, complaints are satisfied only in 48% of cases, and the solution are executed with a delay over 12 months. This confirms the thesis of priority qualities constitutional



reasoning over quantitative indicators that for the first time quantitatively confirmed in the East Europe.

During the study, it was revealed that expansion of the models (increasing the standard deviation of the composite index from 12.4 to 19.7) does not correspond expectation European integration theories of convergence institutions thanks to EU conditionality instruments. EU membership has proven to be insufficient to ensure successful constitutional control: Poland and Hungary are members that suffered the most dramatic deterioration since 2004. Freezing EU funds for Hungary (13 billion) did not cause changes in activity Constitutional Court, proving vulnerability economic sanctions imposed on Member States with consolidated authoritarian regimes. On the contrary, Ukraine, which received EU candidate status, has experienced changes by 8 points, i.e. by 8 points up, that means that incentives better working in candidate countries that more prone to uphold the rule of law.

By contribution research in methodological part is to create a comprehensive index efficiency of constitutional control (CICE), which includes five dimensions: independence purpose, share restrictive decisions, duration production, accessibility for citizens and the possibility implementation solutions. CICEI measures functional ability to play a role in the system checks and balances as opposed to from current indices that mainly measure formal independence or general rule of law. Use this The index showed trends that cannot be to see with the help of individual indices: Slovakia officially has Rule of Law Index (0.72), but KEI records the beginning of deterioration situation (decrease from 74 to 72), which manifests itself before the general indices can point out the risks.

Theoretical value research consists in empirical verification hypotheses of the political nature of constitutional control in post-socialist countries democracies: effectiveness is not the result of a constitutional text, but of the actual distribution of powers and the existence external control. Value institutional model that guarantees that appointments are not monopolized one political power, confirmed by a strong correlation with the balance of the court composition ( $r=0.73$ ) and the mixed appointment procedure judges (which involves three branches government). Efficiency coalition government in countries is generally higher (average KEI in Europe is 78) than efficiency a one-party government with constitutional majority (average CIECC in Europe – 43).

Conclusions research have practical importance for policy European integration, because risks delight of the constitutional court were discovered at an early age stage with the help of some key indicators. Change in the method of assignment judges (decrease in quorum, increase size of the court) will be red flag, which will cause decrease efficiency by 15-29 points in 2-3 years. This will give opportunity European commissions and Venice Commission to interfere in constitutional crisis as soon as possible earlier stages when they yet can effectively decide, rather than accept the fact that delight authorities already took place. The example of Poland, where in 2023 will take place elections and where already started process restoration Constitutional Tribunal, indicates the possibility partial restoration efficiency even if long-term period political capture, which is an encouraging principle for others countries that have same problem.

Limitation research consist in the fact that it based on official data constitutional courts that may be incomplete or biased in some countries where there are authoritarian trends.



Procedures reporting between countries are not unified, and some indicators cannot be directly compare, for example, organization of cases considered and the criteria that apply to admissibility complaints. Although methodologically substantiated, combined The KEI index is calculated based on small quantities observations (8 countries, 10 years) that complicates statistical generalization. The study does not take into account high-quality assessment justification decision and its influence on law enforcement practice, but only formal indicators functioning of the court, which means they can be effective addition to quantitative paintings.

Future research opportunities foresee expansion geographical coverage research on Western Balkans and countries Eastern Partnership to confirm applicability detected patterns to a broader spectrum of post-socialist and post-conflict democracies. Long-term research mechanism restoration constitutional court after active authoritarian regimes (Poland after 2023, maybe Hungary in the future) will provide factors successful restoration institutional capacity and determine how long it will take this process. Differences in strategies arguments between independent courts and politicized courts can demonstrate with the help of qualitative content analysis constitutional justification in decisions different courts.

Results research roles comparative constitutional reasoning, transnational judicial networks and capacity constitutional courts resist return to the political influence can justify difference between the courts of the Baltic and Visegrad groups, even despite the fact that both groups courts had the same initial conditions.

In conclusion This work has shown that the system of constitutional control in Eastern Europe Europe is at a crossroads between installation democratic institutions and authoritarian reforms. The fact that models moving in different directions, shows that formal membership in the European Union and implementation European constitutional standards are not required guarantee an effective system of checks and balances. Set institutional mechanisms (procedures appointment, term powers, openness to citizens), political (type of electoral systems, coalition governments) and external deterrence (effectiveness of EU conditionality mechanisms) mitigate actual ability constitutional courts restrain power.

In the study confirmed necessity integrated strategies software constitutional control, which includes preventive institutional precautions, proactive external control and opportunity punishment in case non-compliance criteria of the rule of law.

## Conclusions

A study of the functional effectiveness of constitutional review in eight Eastern European countries in 2015-2024 revealed three radically different models: full constitutional arbitration (Estonia, Lithuania, Czech Republic, Latvia), selective control under political pressure (Poland, Hungary, Slovakia), and unstable control with periodic effectiveness (Ukraine, Romania, Bulgaria). A trend towards progressive divergence of development paths was identified: the standard deviation of the cumulative effectiveness index increased by 12.4-19.7 points, and the leader (Estonia – 84) and the outsider (Hungary – 39) had a gap of 45 points.



Functional analysis confirmed, which showed that in countries Model 2 system checks and balances has undergone critical deterioration, because constitutional courts have effectively ceased to be independent arbitrators between branches. The fact that number individual constitutional The percentage of complaints upheld in Poland decreased from 64 to 39 percent, and in Hungary from 69 to 31 percent, indicating a weakening roles protection of citizens ' rights from arbitrariness on the part of the state, while the fact that none of the solutions regarding the government against the state is not accepted in the field competences (Poland: 0 cases in 2016-2023 vs 23 in 2005-2015) indicates an alignment arbitrator. Eightfold abolition solutions Hungarian by the constitutional court on the basis of constitutional amendments is an indicator of how the judicial system can be subordinated parliamentary the majority that contradicts herself concepts systems checks and balances, developed by Madison, according to which none branch No power can be higher than another. In Ukraine was recorded twelve cases self-cancellation solutions by the judges of the new composition, which indicates the absence institutional memory that could prevent creation stable constitutional doctrines that are the basis of the system checks and balances.

It was it was discovered that there is a strong correlation between institutional design and efficiency, such as non-regulatory renewal appointment judges ( $r=0.79$ ), mixed procedures appointment ( $r=0.73$ ) and the right to individual complaint ( $r=0.81$ ). There was it was discovered that correlation between number of cases and quality is negative ( $r = -0.23$ ): Romania, which has 456 cases, appears less effective than Estonia, which has 187 cases.

Designed complex The KEI index demonstrates hidden worsening trends situations more than general Rule of law indices. What is important is the practical value knowledge to determine critical indicators early warning international organizations.

Limitation research: addition from official data, impossibility standardization reporting, small size samples (8 countries), quantitative indicators without emphasis on quality analysis constitutional reasoning. Prospects: expansion Western Balkans, long-term research process restitution, qualitative content analysis justification adoption solutions.

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