



## **World Conference on Social Sciences, Law and Public Policy**

Hosted Online from Toronto, Canada

Date: 26<sup>th</sup> February 2026

Website: <https://econferencia.com>

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### **ISSUES OF HARMONIOUS DEVELOPMENT OF CONSTITUTIONAL JUSTICE WITH SCIENCE AND EDUCATION**

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#### **Annotation**

This article analyzes the theoretical and practical aspects of the development of the constitutional justice system in harmony with modern scientific approaches. Constitutional control is considered as the main pillar of the mechanism of a democratic state governed by the rule of law, and its effectiveness is based on the fact that it is closely related to science, education, and the intellectual environment. Within the framework of the conference materials, proposals will be put forward for the formation of a school of constitutionalism, the introduction of a specialized master's program in constitutional law, the organization of special training modules at the Academy of Justice, the development of constitutional thinking among young people, and the creation of a research center under the Constitutional Court.

**Keywords:** constitutional justice, constitutional oversight, constitutionalism, national constitutional school, constitutional law education, digital constitutionalism.



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Constitutional justice, as a practical expression of the spirit of the constitution, is a special state mechanism aimed at ensuring the real force of the constitution as a document of supreme legal force, determining the supremacy of law and the limits of state power based on legal criteria, and guaranteeing their inviolability.[1]

The mechanism of constitutional control is a substantive guarantee of democratic governance, ensuring the practical effectiveness of constitutional values in life.

Indeed, it is no secret that the effectiveness of constitutional justice directly depends on its harmonious development with scientific achievements and the intellectual environment in society. Indeed, constitutional justice also manifests itself as an important institution that forms and develops legal thinking in society. Firstly, the systematic development of the sphere of constitutional law in New Uzbekistan and the creation of a scientific and theoretical foundation for the creation of a school of national constitutionalism is an urgent task of today. To this end, we believe that the time has come to form a cluster of continuous education and scientific research in the field of constitutional justice.

Such a cluster will serve to create a unified scientific and educational environment, covering all stages of studying constitutional law - academic lyceum, higher education, master's and postgraduate programs. Its main task is to train specialists who have a deep understanding of constitutional values, make decisions based on the spirit of the Constitution, and can combine scientific and theoretical knowledge with practice.

Secondly, in order to form a legal culture based on a deep understanding of the spirit and values of the Constitution, it is necessary to establish a system for training personnel with modern constitutional and legal thinking at all levels of modern democratic state administration.



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Therefore, the creation of a special master's program in the specialty "Constitutional Law and Constitutional Justice" in higher educational institutions that train lawyers is a strategic necessity in the process of building a legal state today. This initiative will serve to train highly qualified personnel not only for the Constitutional Court, but also for all entities ensuring constitutional legality - the parliament, courts of general jurisdiction, the prosecutor's office, the executive branch, the Central Election Commission, and other institutions.

This, in turn, will lay the foundation for training a new generation of specialists who will ensure the direct implementation of the Constitution, understand its spirit, and be able to implement it in practice.

International experience shows that developed countries are developing constitutional law in the higher education system not only as a theoretical science, but also as a practical and analytical direction. For example, prestigious educational institutions such as Columbia Law School (USA) [3], Osgoode Hall Law School of York University (Canada) [4], University of Valencia (Spain) [5] and RUDN University (Russia) operate such programs as "Constitutional Justice," "Comparative Constitutional Law" and "Judicial Review Studies."

Thirdly, the consistent practical application of the norms of constitutional law in the activities of judges, ensuring human rights and freedoms at the constitutional level, and the practical manifestation of the supremacy of the Constitution through the content of each court decision are of particular importance.

In this regard, it is important to establish a specialized training module on "Constitutional Justice" at the Academy of Justice in order to deepen the theoretical knowledge and practical skills of judges. This module serves to form a highly qualified judiciary capable of protecting human rights at the constitutional level and fully reflecting the content of the Constitution in court decisions.



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At the same time, the creation of a "Club of Constitutional Justice" at law faculties is of current importance. For example, such "Future Prosecutors Club," "Future Notaries Club," and "Justice Club" are effectively operating and contributing to the formation of young personnel as specialists in the above-mentioned areas. This experience, along with the formation of constitutional thinking and legal culture in the younger generation, serves as a scientific and innovative platform for judges, lawyers, and civil servants.

As a logical continuation of this process, it is proposed to create a Research Center under the Constitutional Court. This practice has proven itself in the practice of such countries as South Korea and Turkey. This think tank, acting as the scientific core of the cluster, serves to study modern trends in constitutional law, harmonize national legislation with international standards, and improve the practice of constitutional control on a scientific basis.

Fifthly, the formation of the Constitutional Court system strengthens the legal basis of judicial activity through the scientific and practical experience of law professors. Decisions made with their participation are based on legal analysis, scientific basis, and constitutional values. In a number of countries - in particular, in Italy, Spain, Portugal, Korea, and Japan - professors of law occupy a special place among the most authoritative lawyers who have the right to be elected as judges of the Constitutional Court. For example, according to Article 222 of the Portuguese Constitution, the Constitutional Court consists of 13 judges, six of whom are from different courts, and the rest are selected from lawyers, preferably professors of law.[6] Similar requirements are also established in Article 135 of the Italian Constitution,[7] Article 159 of the Spanish Constitution,[8] and Article 11 of the Constitutional Court Law of the Republic of Korea.[9] We propose to incorporate the positive aspects of this practice into our laws and introduce the experience in our country.



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Sixthly, it is important to ensure the openness of the activities of the constitutional court and the active participation of the public in raising the legal awareness and constitutional culture of citizens, forming a sense of respect for constitutional values.

In bringing the Constitutional Court closer to the people, especially to young people, it is advisable to hold court sessions openly for the public in the prescribed manner, to establish the practice of live broadcasting of court proceedings, and to organize "Open Doors Days." Through this, a sense of civic responsibility is formed in the younger generation.

At the same time, the introduction of a virtual visit (online excursion) system on the official website of the Constitutional Court is an important innovative direction based on modern information technologies. Through such a virtual platform, information about the history, building, important decisions, and activities of the court should be posted in different languages.

Expanding the participation of the public and civil society in constitutional court proceedings contributes to the validity and impartiality of court decisions. For this, it is advisable to introduce the institution of *amicus curiae* [10], i.e., the submission of an expert opinion to the court, which is used in international practice, through which the "third sector" and independent experts make a scientific and practical contribution to court proceedings.

International experience shows that establishing open dialogue and institutional cooperation with the public in the activities of the Constitutional Court yields effective results. For example, the "Constitutional Days" (Charter) conference, held in Croatia since 2019, serves as a dialogue platform for judges, scientists, and representatives of civil society institutions to exchange views on constitutional issues. Also, the experience of indicating to the parliament issues requiring legal regulation through decisions on the "constitutional gap" (*vacatio*)



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in the practice of the Constitutional Court of Italy is manifested as an effective mechanism for ensuring a culture of constitutional dialogue between the judiciary and the legislative branch, as well as a balance in the system of state power.

Seventhly, the introduction of an interactive services platform is an important innovative direction that will ensure citizens have access to the necessary information and send appeals in a convenient and transparent manner, and will serve to integrate the activities of the constitutional court into the processes of digital transformation. Through such a platform, it will be possible to familiarize oneself with court decisions, constitutional complaints, and practical recommendations in real time. At the same time, this innovative service ensures the openness of judicial activity, increases the legal activity of citizens, and forms an effective, reliable, and modern mechanism for ensuring constitutional justice in the digital environment.

In conclusion, the improvement of the constitutional justice system is a complex and systematic process that implements the spirit of the Constitution and has a deep scientific basis. The effective activity of the Constitutional Court ensures the stability of a democratic state, guaranteed protection of human rights and freedoms. Strengthening judicial independence, ensuring transparency, expanding public participation, and developing in harmony with science are the main conditions for this process.

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