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ПРОБЛЕМЫ И ПЕРСПЕКТИВЫ ПРАВООХРАНИТЕЛЬНОЙ ДЕЯТЕЛЬНОСТИ В СИСТЕМЕ КОНСТИТУЦИОННОГО НАДЗОРА

Аннотация: Конституционный надзор, являясь основной системой современного правового государства, призван обеспечить наивысшую эффективность конституционных норм и сохранить единство правовой системы. Однако в условиях стремительного социально-экономического развития и усложнения правовых отношений система конституционного надзора сталкивается с множеством проблем в процессе правоприменения, среди которых неоднозначность и отставание правовых норм, конфликт компетенции и эффективности в функционировании системы, а также влияние изменений международной обстановки и недостаточная информированность населения о Конституции в социальной среде. Эти проблемы ослабляют реальную эффективность конституционного надзора и представляют потенциальную угрозу для построения правового государства. С помощью многоаспектного анализа в данной работе раскрываются глубинные противоречия системы конституционного надзора в теории и на практике, а также предлагается системный путь совершенствования правовых норм, оптимизации институциональных механизмов и улучшения социальной среды. Исследование не только теоретически обосновывает реформу системы конституционного контроля в России, но и предлагает уроки для оптимизации механизма конституционного контроля в глобальном масштабе.

Ключевые слова: Конституционный Надзор, Правовое Государство, Правовые Нормы, Институциональные Механизмы, Социальная Среда

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LAW ENFORCEMENT CHALLENGES AND PERSPECTIVES WITHIN THE SYSTEM OF CONSTITUTIONAL OVERSIGHT

Abstract: Constitutional supervision, as a core system of modern rule of law countries, aims to ensure the highest effectiveness of constitutional norms and maintain the unity of the legal system. However, with the rapid socio-economic development and the complexity of legal relations, the constitutional supervision system faces many challenges in the process of law enforcement, including the ambiguity and lag of legal norms, the conflict of competence and efficiency in the operation of the system, as well as the impact of changes in the international situation and the lack of public awareness of the Constitution in the social environment. These problems have weakened the actual effectiveness of constitutional supervision and pose a potential threat to the construction of a rule of law state. Through a multi-dimensional analysis, this paper reveals the deep-rooted contradictions of the constitutional oversight system in theory and practice, and proposes a systematic path to improve legal norms, optimize institutional mechanisms and improve the social environment. The study not only provides theoretical support for the reform of the constitutional monitoring system in Russia, but also offers lessons for the optimization of the constitutional monitoring mechanism on a global scale.

Keywords: Constitutional Oversight, Rule Of Law State, Legal Norms, Institutional Mechanisms, Social Environment

Introduction

Constitutional supervision, as an important institutional arrangement of the modern rule of law, has the core function of ensuring the highest effectiveness of constitutional norms and maintaining the unity and stability of the national legal system. In the construction of the rule of law, constitutional supervision is not only an important guarantee for the implementation of the Constitution, but also a key mechanism for balancing power and protecting the fundamental rights of citizens.[1] However, with the rapid development of society and economy and the increasing

complexity of legal relations, the constitutional supervision system faces many challenges in the process of law enforcement. These challenges include the ambiguity and lag of the legal norms themselves, as well as the conflict of authority and efficiency problems in the operation of the system, and are also affected by the changes in the international situation and the lack of public awareness of the Constitution in the social environment. The existence of these problems not only weakens the actual effectiveness of constitutional supervision, but also poses a potential threat to the construction of the rule of law.

The purpose of this paper is to systematically analyze the main challenges faced by the constitutional supervision system in the process of law enforcement and, on this basis, to explore possible paths for its future development. Through a multi-dimensional examination of legal norms, institutional mechanisms and social environment, this paper tries to reveal the deep-rooted contradictions of the constitutional supervision system in theory and practice, and puts forward corresponding suggestions for improvement. The significance of the study is to provide theoretical support for the reform of the legal supervision system, as well as to provide reference for the optimization of the constitutional supervision mechanism on a global scale. The improvement of the constitutional supervision system is not only an inevitable requirement for the construction of the rule of law state, but also an important way to realize social fairness and justice and guarantee the rights of citizens.

Overview of the Constitutional Supervision System

Constitutional supervision is to safeguard the effectiveness of the Constitution as the supreme legal norm in an institutionalized form, and to ensure the unity and authority of the national legal system by systematically reviewing the constitutionality of legislative, administrative and judicial acts. Its core lies in the establishment of a normative review mechanism to clarify the binding force of the Constitution on other legal norms, and to coordinate the constitutional obligations between different branches of power. The establishment of the modern constitutional supervision system mostly originates from the institutional restructuring during the

period of constitutional transition, with the independent judiciary as the main body, through the interpretation of the Constitution, adjudication of disputes over competence and review of the constitutionality of laws and other competencies to maintain the constitutional order. The operation of the supervisory mechanism usually relies on open and transparent litigation procedures and collegial decision-making modes, with the aim of strengthening the independence of the institution and enhancing the credibility of the review results.[2] As a cornerstone of the rule of law, constitutional oversight not only provides institutional support for the dynamic harmonization of the legal system, but also creates the necessary preconditions for the implementation of constitutional values in law enforcement practices by balancing the power structure and safeguarding fundamental rights.

Challenges of Law Enforcement in Constitutional Oversight System

As the core structure of the rule of law, the gap between the theoretical presuppositions and the practical effectiveness of the constitutional supervision system presents multidimensional and structural complex contradictions in the law enforcement process. The tension at the level of legal norms stems from the inherent conflict between the principle of supremacy of the Constitution and the applicability of ordinary law: the abstract character of the Constitution as a fundamental law often leads to normative competition with subordinate laws in concrete implementation, while the limitations of legislative technology and the decentralization of the right to legal interpretation further exacerbate the logical rupture within the legal system. [3] This rupture is not only reflected in the different interpretation of the same constitutional provisions in judicial decisions, but also due to the lagging behind of legal amendments to the needs of social transformation, so that the digital economy, ecological governance and other emerging areas into a normative vacuum, weakening the adaptive function of the Constitution on the regulation of social relations.

Challenges at the institutional level focus on structural deficiencies in power allocation and program design. The ambiguity of the boundaries between the competence of the constitutional review body and other state organs often triggers the double dilemma of overlapping functions and dissolution of authority, especially in

the framework of federalism, the game of central and local legislative power may be alienated into the tendency of politicization of the constitutional disputes.[4] The high degree of formalization and complexity of the litigation process not only prolongs the dispute resolution cycle, but also hinders the effective exercise of citizens' constitutional rights of petition due to the uncertainty of the allocation of the burden of proof and the standard of review. The weakness of the enforcement mechanism of constitutional judgments exposes the rupture of the closed loop of the system, and the lack of mandatory safeguards reduces some of the judgments to symbolic declarations, which seriously undermines the effectiveness and credibility of constitutional supervision.

The influence of the social environment on the constitutional order is characterized by the interweaving of explicit and implicit. Citizens' weak constitutional awareness is not only reflected in the fragmented knowledge of fundamental rights, but also in the lack of subjectivity in participating in constitutional supervision, making it difficult for society to form effective checks and balances on unconstitutional acts. The infiltration of non-institutional forces, by means of lobbying and public opinion intervention, attempts to alienate constitutional review into a tool for interest games, eroding the value core of judicial independence. The impact of external norms brought about by the wave of globalization has forced the local constitutional governance system to seek a balance between safeguarding sovereignty and absorbing universal values, while new types of challenges, such as transnational capital flows and disputes over digital sovereignty, have further highlighted the limitations of the interpretive power of the traditional model of constitutional supervision. The converging effect of these challenges not only reveals the nature of the estrangement between the textual constitution and the real constitution, but also points to the demand for power reconstruction in constitutional governance practice. Only through the innovation of constitutional interpretation methods, the technological transformation of the review process, and the cultivation of the citizens' culture of constitutional governance can we realize the paradigm shift of constitutional supervision from formal authority to substantive efficacy, and lay a

critical foundation for the exploration of the subsequent paths of systemic improvement.

Perspectives on the Development of Constitutional Oversight System

The innovation of the constitutional supervision system is essentially a constitutional project for the rule of law to move from formal norms to substantive governance, and its effectiveness depends on the synergistic evolution of legal norms, institutional structure and social foundation. The reconstruction at the level of legal norms requires going beyond the static textualism, and giving the constitutional text a vitality of the times through the dynamic interpretation mechanism: the exercise of the right of constitutional interpretation needs to take into account the dual logic of textual intent and social change, and establish a flexible interpretative framework in the emerging fields of digital economy, bioethics, etc., so that the constitutional norms can not only anchor the core of values, but also adapt to the innovation of governance.[5] The self-purification mechanism of the legal system, on the other hand, relies on the scientific transformation of legislative technology, the introduction of algorithmic models for predictive identification of legal conflicts, and the normalization of post-legislative constitutional review to form a dynamic balance of the normative system. The localized transformation of international experience should be wary of the phenomenon of cultural discounts in the transplantation of norms, focusing on drawing on procedural rules rather than substantive values, and constructing a constitutional supervision paradigm with civilized qualities under the framework of the principle of sovereignty.

The innovation at the institutional level points to the functional reengineering of the constitutional review body. The authority of the Constitutional Court not only needs to be empowered by the constitutional text, but also needs to be strengthened by the irreversible design of the conclusion of unconstitutional review.[6] Constitutional judgment automatically triggers the legislation of the constitutional court.[6] When the constitutional judgment automatically triggers the legislature's obligation to amend the law, constitutional supervision can be truly embedded in the closed loop of the operation of state power. The optimization of litigation procedures

should be oriented towards substantive justice, establishing typological review standards and differentiated rules of proof, for example, applying the benchmark of strict scrutiny to fundamental rights cases, while adopting the principle of presumption of reasonableness for economic legislation. The breakthrough improvement of judgment enforcement can explore the linkage mechanism between constitutional responsibility and political accountability, link the declaration of constitutionality to the performance evaluation of state organs, and make constitutional supervision an insurmountable rigid constraint on the operation of power.

The transformation of the social dimension requires the reconstruction of the generation mechanism of constitutional culture. Constitutional education should shift from knowledge transfer to capacity cultivation, and cultivate the ability of social subjects to use constitutional thinking to resolve disputes through practical platforms such as the citizen's constitutional litigation support system and the mock constitutional court. The construction of a pluralistic monitoring network should break through the traditional state-society dichotomy and build a three-dimensional system of checks and balances that includes professional organizations, media monitoring and algorithmic auditing. Constitutional dialogue in the context of globalization should not only resist normative hegemony, but also proactively participate in the shaping of international rules in emerging areas such as climate governance and digital sovereignty, and realize the dialectical unity of sovereign autonomy and normative commonality through the construction of regional constitutional communities.

This trinity of transformation paths reveals the essential contradictions of modern constitutional oversight: how to maintain the supreme authority of the constitution while maintaining the resilience of governance, how to achieve synergy of power while defending judicial independence, and how to hold fast to cultural subjectivity amidst the wave of globalization. Its success not only implies the perfection of the technical system, but also heralds a paradigm revolution in the constitutional governance model from power constraints to value integration. This revolution will

redefine the coordinates of the constitution in national governance - from a passive regulator to an active shaper - and ultimately make constitutional supervision an institutional bridge connecting legal ideals and social realities, providing a constitutional solution to the complex governance challenges of the 21st century.

Conclusion

The normative conflicts, institutional tensions and social identity crises exposed in the law enforcement practice of the constitutional oversight system have profoundly revealed the structural estrangement between the textual constitution and the living constitution. This estrangement stems from the insufficient response of the methodology of constitutional interpretation to the complexity of governance, is also reflected in the imbalance of the interaction between the reviewing body and other branches of power, and is rooted in the absence of the culture of constitutional governance at the level of social consciousness. The maturity of the rule of law country is always based on the effectiveness of the implementation of the Constitution as the fundamental yardstick, only through the substantive transformation of the constitutional supervision mechanism, in order to bridge the normative authority and the value of governance practices, so that the Constitution really become a “living normative system” to regulate the order of national governance.

The core of perfecting the constitutional supervision system lies in building the closed loop of constitutional governance of “interpretation-examination-execution”: activating the governance potential of the text through the dynamic exercise of the right of constitutional interpretation, enhancing the efficiency of dispute resolution with the help of the technical innovation of the review procedure, and realizing the spatial protection of the effectiveness of the Constitution by relying on the rigid safeguard of the enforcement mechanism of the judgment. Rigid guarantee to realize the spatial penetration of the constitutional effect. This transformation not only requires a sophisticated transformation of institutional design, but also requires the reshaping of the generative logic of constitutional culture in the process of modernizing national governance - transforming citizens from norm abiders to

constitutional participants, and transforming constitutional values from theoretical propositions to social consensus.

In the future, the development of constitutional supervision will be deeply involved in emerging fields such as digital sovereignty and ecological governance, and its paradigm will inevitably shift from power constraints to value integration, and expand from the construction of domestic order to the global dialogue on constitutional governance. This evolution is not only a transcendence of the traditional rule of law model, but also a constitutional response to the technological revolution and the clash of civilizations.

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