

***Boryslavska O.M.,**
Candidate of Law Sciences,
Senior Lecturer, Department of constitutional law,
Lviv National University named after Ivan Franko*

MODERN CONCEPTS OF CONSTITUTIONALISM

The article is devoted to the systematization of scientific approaches to understanding the essence of constitutionalism and analysis of key concepts that form the doctrinal foundation of modern models of constitutionalism.

In the constitutional law doctrine three main concepts of constitutionalism (formal, material and institutional) have been emerged. They laid the foundations for the existence of appropriate models of constitutionalism – American, British and European. The essence of the formal concept of constitutionalism is to recognize the key role of the Constitution as the fundamental law of the state, endowed with the characteristics of the rule and stability. The formal concept of constitutionalism exists in three movements – formal-regulatory (was distributed in the United States late 18th – early 19th century, nowadays exists in socialist countries), formal -teleological (inherent in the current political and legal practice in the United States and a number of oth-

er countries) and formal-valuable (inherent in some post-Soviet states).

Material concept of the constitutionalism formed on the ideas of liberalism, is based on the political and legal practice of The United Kingdom with unwritten constitution, where constitutionalism is considered as limited government and identified with the rule of law. It's based on the powerful interpretative and supervisory powers of the courts seen as a means of legal power's limiting.

The institutional concept of constitutionalism emerged from the political and legal practice of continental Europe to limit state discretion and comes from the ideas of limited government and democracy. According to it, constitutionalism is seen through the prism of institutional mechanisms that are used to limit the government in a democracy. The institutional concept contains the teleological component, the aim of constitutionalism is considered to be a building of democratic limited government.