

wołanemu w tym celu sądowi konstytucyjnemu lub jednemu z już istniejących najwyższych organów sądowych – rozważano również w Szwecji na kanwie prac nad nowelizacją konstytucji, ostatecznie dokonaną w 2011 r. Propozycje te spotkały się jednak z dużym oporem w parlamencie. Przede wszystkim wskazywano, iż wprowadzenie takiego systemu byłoby sprzeczne z zasadą, iż władza polityczna w państwie nie może zostać przeniesiona na organ apolityczny, a ponadto podkreślano, podobnie jak w Finlandii, iż rozwiązanie takie jest obce szwedzkiemu porządkowi prawnemu.

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CONSTITUTIONAL REVIEW OF NORMS BY COMMON COURTS – THE SOLUTION OF NORDIC COUNTRIES

The article concerns the constitutional review of law adopted in Nordic countries. It is worth noticing that in any Nordic state the centralized model of constitutional review, recognized as “the European model of constitutional review” was adopted. Generally speaking, in all Nordic states, unlike most European countries, the de-concentrated model of constitutional review of law was adopted, which means the right of any court (regardless of the instance) to assess the constitutionality or legality of the act under which the court has to issue a ruling. Such solution is rooted in American patterns, which mainly influenced the constitutional review in Norway in the eighteenth century.

The Author discusses the arrangements for judicial review of law in all Nordic countries, with reference to the legal basis, as well as different aspects of judicial practice. It is worth mentioning that only in Sweden and Finland, the right of courts to review the constitutionality of legal acts has clear basis in the Constitution. In other countries, it arises from the common law. Although the European model of centralized constitutional review of law has not been adopted in any Nordic country, it does not mean that general discussion in this field was not conducted.