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39 results searching for "Gozler AND "Judicial Review of Constitutional Amendments" in All Databases. , sorted by "Volume Date (Oldest First)"

   Gözler, K.
   Kysela, J.
   Právník, 148:1128-1130
   2009

2. Book Reviews [reviews]
   Book Reviews
   7 Int'l J. Const. L. 544 (2009)
   - Topics: European Union, Legal Positivism, Federalism, Taxation
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3. Control of Constitutionality of Constitutional Norms [article]
   Radovi
   Croatian Academy of Legal Sciences Yearbook, Vol. 1, pp. 1-28
   Omejec, Jasna
   - Topics: Constitutions, Inheritance, International Law: History
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4. Unconstitutional Constitutional Amendments [article]
Unconstitutional Constitutional Amendments

Barak, Aharon (Cited 346 times)
44 Isr. L. Rev. 321 (2011)

☐ Topics: Comparative Law, Constitutional Amendment, Judicial Review, Judiciary, Politics, Separation, Constitutional Courts, South Africa

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Until 1971, the Turkish Constitution did not contain an express provision regarding the *judicial review of constitutional amendments*. ...REV. 417 (2007-2008). 7 TURKISH CONST., 1982, art. 148. 8 TURKISH CONST., 1982, art. 4: "The provision of Article 1 of the Constitution establishing the form of the state as a Republic, the provisions in Article 2 on the characteristics of the Republic, and the provision of Article 3 shall not be amended, nor shall their amendment be proposed." 9 TURKISH CONST., 1982, art. 1: "The Turkish state is a Republic: 10 TURKISH CONST., 1982, art. 2: "The Republic of Turkey is a democratic, secular and social state governed by the rule of law..." See KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY 23-24 (2008). 322 [Vol. 44: 321 #12;]

☐ All Matching Text Pages (7)

☐ 5.  

**The Origins and Limits of Originalism: A Comparative Study** [article]

Varol, Ozan O. (Cited 157 times)

☐ Topics: Constitutional Law, History, Legal History

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☐ 6.  

**When a Constitutional Amendment Violates the Substantive Core: The Czech Constitutional Court’s September 2009 Early Elections Decision** [article]

Williams, Kieran (Cited 1 times)

☐ Topics: Constitutional Amendment, Constitutional Courts, Elections, Comparative Law, Constitutional Law, Jurisdiction

**Turn to page**
(Footnote omitted from citation.) 58 Kemal Gozler, Judicial Review of Constitutional Amendments: A Comparative Study (Ekin, Bursa, 2008), 34-37. This book was cited by the Czech Court in the Melik case (at 4629) to support its claim that: The development of democratic constitutionalism in democratic countries at present emphasizes the protection of values identifying a constitutional system of freedom and democracy, including alternative forms of *judicial review of constitutional amendments*. Gbzl’s book in fact shows that there is still a very wide range of views on the matter, with several noteworthy states (such as France, the United States, Norway and Turkey under its 1982 Constitution) not authorizing courts to safeguard aspects of their constitutions deemed unalterable, such as republican guaranty clauses. 59 Gozler, op.cit. note 58, 37-39. ...It thereby duplicates an error in Hollander’s 2005 article “Materidini ohnisko fistavy a diskrec fisvadorstce” (at 323). 60 Gozler, op.cit note 58; Richard Stith, “Unconstitutional Constitutional Amendments: The Extraordinary Power of Nepal’s Supreme Court”, 1(l) Am.

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☐ 7.  

**The Annulment of the Decision on Amnesty by the Constitutional Law** [article]

Balog, Boris
95 Pravny Obzor 318 (2012)

☐ Topics: Annulment, Constitutional Law, European Union, Regulation
8. Some Comments on the Decision 61/2011 (VII. 12) of the Constitutional Court [article]


Drinoci, Timea (Cited 2 times)


9. Constitutional Protection of the Head of State: The Case of Kosovo [article]


Hasani, Enver (Cited 9 times)

7 Vienna J. on Int'l Const. L. 128 (2013)

Topics: State, The, Jurisdiction, Courts

10. Unconstitutional Constitutional Amendments - The Migration and Success of a Constitutional Idea [article]

American Journal of Comparative Law, Vol. 61, Issue 3 (Summer 2013), pp. 657-720

Roznai, Yaniv (Cited 95 times)

61 Am. J. Comp. L. 657 (2013)

Topics: Constitutional Amendment, Judicial Review, Jurisprudence, Comparative Law, Constitutional Law

11. The Theory and Practice of Supra-Constitutional Limits on Constitutional Amendments [article]


Roznai, Yaniv (Cited 95 times)

62 Int'l & Comp. L.Q. 557 (2013)

Topics: Constitutional Amendment, Judicial Review, Jurisprudence, European Union
12. **A New Typology of Judicial Review of Legislation** [article]


Colon-Rios, Joel I. (Cited 38 times)
3 GlobCon 143 (2014)

**Topics:** Judicial Review, Legislation

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13. **State Constitutions and the Basic Structure Doctrine** [article]


Mate, Manoj (Cited 49 times)

**Topics:** Constitutional Law, Constitutions, Interest, Judges, Courts

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**All Matching Text Pages:** (3)

14. **The Structure of Constitutional Amendment Rules** [article]


Albert, Richard (Cited 362 times)
49 Wake Forest L. Rev. 913 (2014)

**Topics:** Comparative Law, Constitutional Amendment, Constitutional Law, Politics

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Judicial review of constitutional amendments may be procedural or substantive. For a leading analysis on this distinction as well as the difficulty of identifying the line separating procedure from substance, see generally KEMAL GOZLER, *JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY* (2008) (inquiring into the practice and theory of judicial review of formal amendments around the world). 276.

**All Matching Text Pages:** (1)

15. **The Substantive Validity of Constitutional Amendments in South Africa** [article]


Abebe, Adem Kassie (Cited 4 times)
131 S. African L.J. 656 (2014)

**Topics:** Constitutional Amendment, Constitutional Courts, South Africa, Legal History, Politics

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16. **Legisprudence Limitations on Constitutional Amendments: Reflections on the Czech Constitutional Court's Declaration of Unconstitutional Constitutional Act** [article]


Roznai, Yaniv (Cited 95 times)

8 Vienna J. on Int'l Const. L. 29 (2014)

**Topics**: Constitutional Amendment, Constitutional Courts, Elections, Government, Ultra Vires, Constitutions, Human Rights Law

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Authority to Review Constitutional Norms At the outset, it has to be admitted that the court is correct in its observation that the global trend, albeit some exceptions, is moving towards acceptance of the idea of judicial review of constitutional amendments. 12 There is also little doubt regarding the limited power of the constitutional legislature under the Czech Constitution. ... Krishna Iyer (Universal Law Publishing Co 2012) 240; For a review of different judicial approaches see also Kemal Gozler, *Judicial Review of Constitutional Amendments - A Comparative Study* (Ekin Press 2008); Gary Jeffrey Jacobsohn, 'An Unconstitutional Constitution?'

17. **In the Name of the Constitution - Substantive Limits of Constitutional Change** [article]


Vukovic, Ana Horvat

65 Zbornik PFZ 481 (2015)

**Topics**: Constitutional Law, Minorities, European Union

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... str. 241, prema Kostadinov, op. dt. u bilj. 35, str. 307. 77 Kemal Gozler jedan je od autora koji sustancijalna ograničenja ustavne promjene dopuštaju samo u slučaju po postojanja izridite 'Iduzve vjednosti' - op. dt. u bilj. 41, str. 67.

18. **The Eternal Territory - The Crimean Crisis and Ukraine's Territorial Integrity as an Unamendable Constitutional Principle** [article]

The Crisis in Ukraine


Roznai, Yaniv (Cited 95 times); Suteu, Silvia (Cited 5 times)

16 German L.J. 542 (2015)

**Topics**: United Nations, International Law: History, Annexation

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See generally Roznai, supra note 31; KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY 5-7 (2008). 9 UKRAINE CONST. (1996), art. 159; Tkhyi, supra note 96, at 207-08 (2011); GABOR HALMAI, PERSPECTIVES ON GLOBAL CONSTITUTIONALISM 40 (2014); WOJCIECH SADURSKI, RIGHTS BEFORE COURTS: A STUDY OF CONSTITUTIONAL COURTS IN POSTCOMMUNIST STATES OF CENTRAL AND EASTERN EUROPE 25, n. 116 (2014); see generally Futey, supra note 78 (discussing the Constitutional Court).

19. **Judicial Review of Constitutional Amendments and New Constitutions in Comparative Perspective** [notes]

The Role of Constitutional Courts in Constitutional Design


Halmay, Gabor (Cited 9 times)

50 Wake Forest L. Rev. 951 (2015)

**Topics**: Constitutions, Courts, Judicial Review, Constitutional Amendment
20. Amending Constitutional Amendment Rules [article]

Symposium: The Challenge of Formal Amendment


Albert, Richard (Cited 362 times)


Topics: Constitutional Amendment, Constitutional Law, Comparative Law, Politics

21. Unconstitutional Constitutional Amendments in Ethiopia: The Practice under Veil and Devoid of a Watch Dog [article]


Degifie, Zelalem Eshetu

4 Haramaya L. Rev. 59 (2015)

Topics: Constitutional Amendment, Judicial Review, Human Rights Law

22. The Theory and Doctrine of Unconstitutional Amendment in Canada [article]

Comparative Perspectives on Canadian Constitutional Change

Queen’s Law Journal, Vol. 41, Issue 1 (Fall 2015), pp. 143-206

Albert, Richard (Cited 362 times)

41 Queen’s L.J. 143 (2015-2016)

Topics: Comparative Law, Constitutional Law, Constitutions, Constitutional Amendment, Judicial Review, Jurisprudence
In this Part, I draw from the judicial review of constitutional amendments around the world to propose a framework anchored in three major categories of possible unconstitutional constitutional amendment in Canada: procedural, substantive and ‘procedural-substantive hybridity’; the last of which is a more speculative form of unconstitutionaly. I have learned a great deal from Kemal Gozler’s study of unamendability, in which he divides judicial review of constitutional amendments into procedural and substantive categories. See Gozler, supra note 53 at 28-97. (2015) 41:1 Queen’s LU #12.
26. The Scope and Limitation of the Amending Power in Ethiopia: Thinking beyond Literalism [article]

Mekelle University Law Journal, Vol. 4, pp. 1-33

Eshetu, Zelalem

4 Mekelle U. L.J. 1 (2016)

Topics: Constitutional Amendment, Constitutional Law, Judicial Review

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27. Entrenchment Illusion: The Curious Case of Egypt's Constitutional Entrenchment Clause [article]


Abdelaal, Mohamed (Cited 7 times)

16 Chi.-Kent J. Int'l & Comp. L. 1 (2016)

Topics: History, Constitutional Amendment, Constitutional Law

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KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY 38-39 (2008). 190 "The Constitutional Court has the following functions: (a) to pronounce on the constitutionality of laws before their promulgation upon request of the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the People's Attorney, at least 50 deputies or 25 senators, as well as on its own initiative [ex officio] on proposals for the amendment of the Constitution."

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28. Judicial Supremacy in Comparative Constitutional Law [article]


Mate, Manoj (Cited 49 times)

92 Tul. L. Rev. 393 (2017-2018)

Topics: Constitutional Law, Jurisprudence, Supreme Court of the United States, Judges, Jurisdiction

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29. Negotiating the Eternal: The Paradox of Entrenching Secularism in Constitutions [article]

Symposium: Is Secularism a Non-Negotiable Aspect of Liberal Constitutionalism


Roznai, Yaniv (Cited 95 times)


Topics: Constitutions, Comparative Law, Constitutional Law, European Union

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GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY (2008); Aharon Barak, Unconstitutional Constitutional Amendments, 44 ISR. ...L. 339 (2013); Gabor Halmai, Judicial Review of Constitutional Amendments and New Constitutions in Comparative Perspective, 50 WAKE FOREST L.

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30.
Judicial Review of Constitutional Amendments in Colombia: A Political and Historical Perspective, 1955–2016 [article]
Special Issue: The Theory and Practice of Legislation - South America
Cajas-Sarria, Mario Alberto
5 Theory & Prac. Legis. 245 (2017)

- Topics: Judicial Review, Courts, Sovereignty

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31. How a Court Becomes Supreme: Defending the Constitution from Unconstitutional Amendments [article]
Symposium - The 2017 Maryland Constitutional Law Schmooze
Albert, Richard (Cited 362 times)
77 Md. L. Rev. 181 (2017-2018)

- Topics: Constitutional Law, States, Comparative Law, Constitutional Amendment

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32. Eternity Clauses in Post-Conflict and Post-Authoritarian Constitution-Making: Promise and Limits [article]
Special Issue: Constitution-Making and Political Settlements in Times of Transition
*Global Constitutionalism*, Vol. 6, Issue 1 (March 2017), pp. 63-100
Suteu, Silvia (Cited 5 times)
6 GlobCon 63 (2017)

- Topics: Constitutional Law, Democracy, Israel, Sovereignty, Constitutions

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33. The Role of the Constitutional Court in the Development of the Rule of Law in Kosovo [article]
Special Issue Dedicated to the Workshop Kosovo as a Member of the International Community: Accession to International Organizations at the University of Graz, Graz, Austria, 2014
Hasani, Enver (Cited 9 times)

- Topics: Rule of Law, Democracy, International Law: History, Courts
34. **Unconstitutional Constitutional Amendments [reviews]**

Mini Symposium: Yaniv Roznai, Unconstitutional Constitutional Amendments


Garlicki, Lech (Cited 25 times); Garlicka-Sowers, Zofia A.


- **Topics**: Separation, Separation of Powers, Constitutional Amendment, Judicial Review, Jurisprudence

35. **Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment [article]**


Roznai, Yaniv (Cited 95 times); Kreuz, Leticia Regina Camargo

5 Revista de Investigacoes Constitucionais 35 (2018)

- **Topics**: Constitutional Amendment, Research

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And in Brazil, like in several other countries, the unamendable provision is enforced through substantive judicial review of constitutional amendments, aimed to ensure that the constitutional amendment power does not exceed its limits. True, while the Constitution does not entrench an 1 On the constitutional amendment procedure in Brazil, see MAIA, Luciano ... Oxford: Oxford University Press, 2017. p. 129. * On judicial review of constitutional amendments in Brazil, see MENDES, Conrado H~ibner, *Judicial Review of Constitutional Amendments* in the Brazilian Supreme Court.

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36. **Temporary Constitutional Amendments as a Means to Undermine the Democratic Order: Insights from the Israeli Experience [article]**


Dishon, Nadav (Cited 1 times)

51 Isr. L. Rev. 389 (2018)

- **Topics**: Constitutional Amendment, Constitutions, Constitutional Law

37. **Constitutional Amendments and Constitutional Core Values: the Brazilian Case in a Comparative Perspective [article]**

Dossie - The 30th Anniversary of the 1988 Brazilian Constitution


Scotti, Valentina Rita

5 Revista de Investigacoes Constitucionais 59 (2018)

- **Topics**: Constitutional Amendment, Research

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38. **The Many Precious Gifts of Secular Papacy [article]**

Novak, Ales
73 Pravnik 29 (2018)

Topics: Gifts, Jurisprudence, Precedents

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Ustavno sodišče je s tem jasno zavyrilo mejo med politiko in pravom: spreminjanje ustave ostaja »v polju politike«, predstavniški organ pa ima tako vsaj eno ustavno dopustno pot, da presež odločitev ustavnega sodišča, s katerim se ne strinja: spremembo ustave.92 Vsak od dejavnikov v tem razmerju tako ohranja prostor svoje suverenosti: ustavno sodišče v vsakodnevem delovanju države, kjer mora predstavniški organ spoštovati zahteve ustave, predstavniški organ pa v tistih izjemnih okoliščinah, ko demokratično Kakovosten pregled takih pristojnosti ponuja Kemal Gozler: Judicial Review of Constitutional Amendments - A Comparative Study.

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39. The Latin American Constitutions between Life and Death: Possibilities and Limits of Amendment's Power [article]

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Barroso, Luis Roberto (Cited 36 times); Osorio, Aline

Topics: Democracy, Government, State Government, Financial Services

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