



NEWSLETTER

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**PERMANENT SECRETARIAT
FOR PLANNING AND COORDINATION**

Association of Asian Constitutional Courts and Equivalent Institutions
Constitutional Court of the Republic of Indonesia

 aacc-asia.org



GREETINGS FROM JAKARTA TO ALL FELLOW AACC MEMBERS!

Warm greetings from the Permanent Secretariat for Planning and Coordination (Permanent Secretariat) of the AACC in Jakarta, Indonesia. We are pleased to announce the publication of AACC Newsletter Volume 7/2.12/2025, which highlights the latest key developments across our Association.

This edition provides a comprehensive summary of the handover of the AACC Presidency, outlining the main discussions and decisions that continue to strengthen our shared commitment and direction. It also presents updates from the three Permanent Secretariats, along with contributions from AACC members that showcase their steadfast work in advancing the objectives of the Association.

In addition, readers will find coverage of notable rulings and institutional activities from our members, as well as insights into related events organized by partner associations.

We extend our sincere appreciation to all member institutions and contributors for their continuous support and valuable input, which have been essential to the success of this publication.

We trust that this Newsletter will provide valuable insights and further strengthen collaboration within our Association. We welcome your suggestions and contributions for future editions.

With sincere appreciation,

**THE PERMANENT SECRETARIAT FOR PLANNING AND COORDINATION
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA**



PERMANENT SECRETARIAT FOR PLANNING AND COORDINATION



Heru Setiawan

Head of Permanent Secretariat for Planning and Coordination

"With this edition, we seek to strengthen synergy among members, promote new ideas in the field of constitutional justice, and provide meaningful contributions toward achieving our collective vision."

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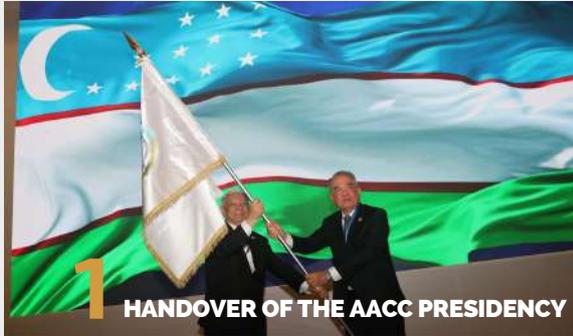
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Handover of the AACC Presidency

Chairperson of the Constitutional Court of the Republic of Uzbekistan, Abdusalomov Mirza Ulugbek, officially assumed the mandate as President of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) for the term 2025–2027. The handover ceremony, held on Tuesday, November 11, 2025 in Tashkent, Uzbekistan, marked the transition of leadership from the previous AACC President, Chief Justice of the Constitutional Court of Thailand, Nakharin Mektrairat, and was witnessed by Chief Justices from AACC member states, representatives from the AACC Permanent Secretariat for Planning and Coordination, and other invited guests.

The former AACC President, Nakharin Mektrairat of the Constitutional Court of the Kingdom of Thailand, stated that handing over the leadership of the Association to Uzbekistan was a great honor. He expressed his confidence that under Uzbekistan’s chairmanship, the Association will continue to grow stronger and play an increasingly significant role in promoting the rule of law and the protection of human rights across Asia.

During the discussion, Head of AACC Secretariat for Planning and Coordination (SPC) Heru Setiawan underscored the importance of coordination, collaboration, and synergy between the Presidential Secretariat, the AACC SPC, the Research and Development Centre (SRD), and the Centre for Training and Human Resource Development (CTHRD) in carrying out the AACC Statute’s mandate. Additionally, the key responsibilities of the AACC President were conveyed, including organizing the Meeting of Secretaries-General, the Board of Members Meeting, and the AACC Congress, as well as strengthening cooperation with other constitutional associations to enhance knowledge exchange in the field of law and judiciary among member states.



The AACC Voice in the 6th WCCJ Congress



The Association of Asian Constitutional Courts and Equivalent Institutions (AACC) plays a significant role in representing the Asian continent within the World Conference on Constitutional Justice (WCCJ). During the 6th WCCJ Congress held in Spain on October 28–31, 2025, with the theme "The Human Rights of Future Generations," AACC member states convened a dedicated meeting on October 28, 2025, at Hall 4 IFEMA Madrid. In this meeting, members collectively agreed to nominate the Constitutional Court of Thailand as the representative of the Asian continent in the WCCJ Bureau for the 2025–2028 term, reflecting AACC's coordinated approach in ensuring that Asia maintains a strong and unified voice in global constitutional justice forums.

The AACC's structural mechanism also ensures continuity in WCCJ engagement, as the incoming AACC President (the Constitutional Court of Uzbekistan), which will assume the presidency during the handover ceremony on November 9–11, 2025 will automatically serve as a member of the WCCJ Bureau. The meeting further emphasized the principles of consensus and collective decision-making among AACC members, underscoring the importance of sustained cooperation and solidarity in advancing constitutional justice across the region and on the global stage.

Passing the Torch: Indonesia in the Bureau of WCCJ



The Constitutional Court of Indonesia has been a distinguished and active member of the WCCJ Bureau for eleven consecutive years, serving in various capacities: as AACC President (2014–2017), as the Asian continental representative (2017–2020), as the next congress host (2020–2022), and as the former host of the 5th WCCJ Congress (2022–2025). The WCCJ Bureau meeting in Spain marked Indonesia's final term in the Bureau, and the Indonesian delegation, led by Constitutional Justice Prof. Dr. Arief Hidayat who will conclude his term of office in February 2026, expressed sincere appreciation for the collective efforts and camaraderie among Bureau members during the 2022–2025 period. Indonesia's contributions were also instrumental in shaping the amendment to the WCCJ statutes concerning membership termination and readmission.

Beyond its formal Bureau membership, Indonesia has made substantive intellectual contributions to global constitutional discourse. The Indonesian delegation's intervention on judicial independence, drawing from progressive legal theory and national experience, inspired the inclusion of key language in the Madrid Communiqué, the outcome document and collective agreement of the 6th WCCJ Congress. The Communiqué acknowledged that threats to constitutional court independence are neither hypothetical nor isolated and reaffirmed that constitutional justice can only fulfill its role when the autonomy and independence of courts are fully guaranteed.

In closing statement by Justice Arief Hidayat, Indonesia committed to remaining active in international judicial forums and quoted President Sukarno's historic 1960 UN General Assembly address, urging the global constitutional community to seize the opportunity to build a better, safer, more just, and more peaceful world together.



FEDERAL SUPREME COURT OF IRAQ JOINED AACC

During the Board of Members Meeting (BoMM) on Tuesday, 24 June 2025 in Bangkok, Thailand, AACC members officially approved the Federal Supreme Court of Iraq as a new member of the AACC and extended an invitation for it to participate in the 7th AACC Congress, which will be hosted by Uzbekistan between 2025 and 2027. Earlier, the Permanent Secretariat for Planning and Coordination (SPC) of the AACC had reported that the membership proposal had been officially submitted by the Chief Justice of Iraq’s Federal Supreme Court, Hon. Jassim Mohammed Abboud, on December 4, 2024. In the lead-up to the BoMM, the Permanent Secretariat had received official responses from 17 AACC member countries regarding Iraq’s application.

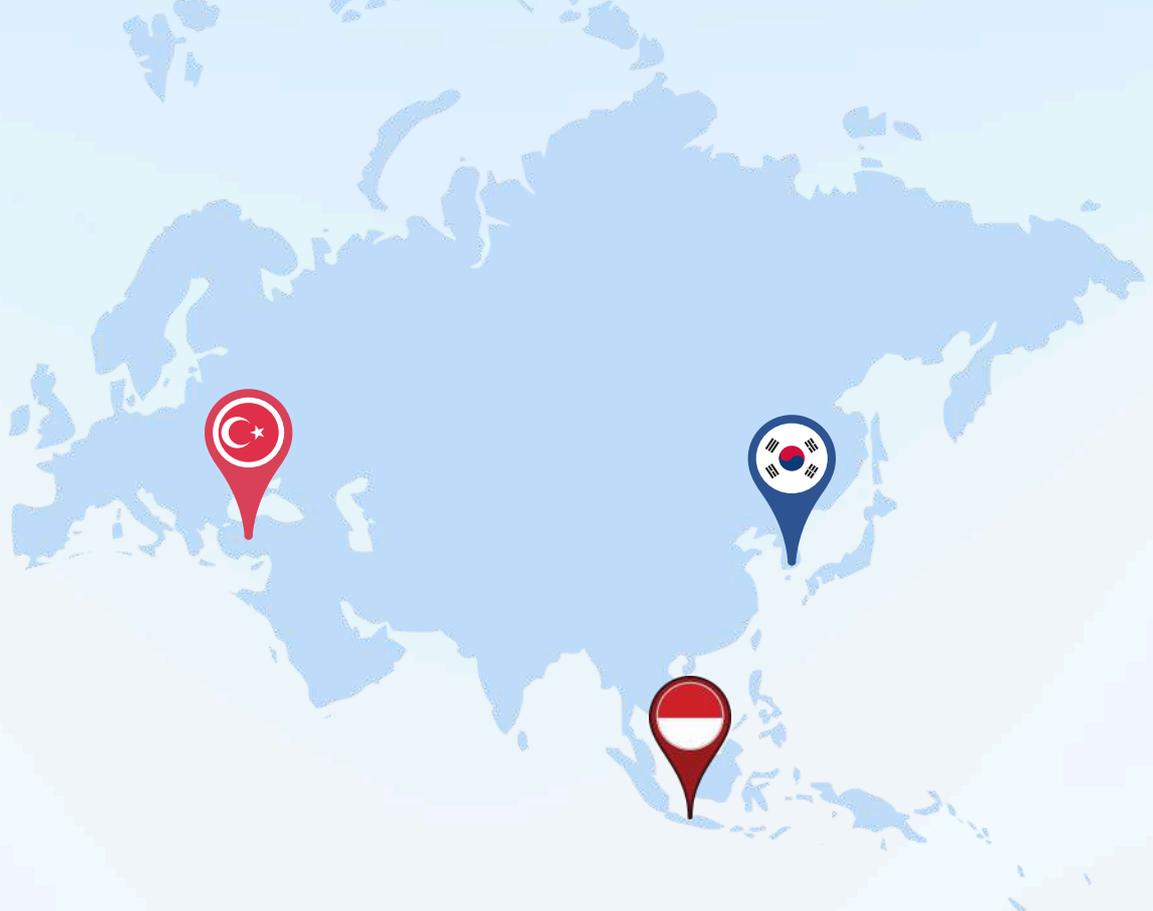
The Constitutional Court of Thailand expressed its strong support for Iraq’s inclusion, noting that the decision would enhance AACC’s global visibility and institutional development, as well as strengthen bilateral relations between Thailand and Iraq. According to Thailand’s Ministry of Foreign Affairs, the Republic of Iraq is currently considering reopening its embassy in Thailand—a move that could also contribute to Thailand’s energy diversification strategies in response to current global challenges.

After receiving the official letter from the AACC confirming its full membership—which emphasized that Iraq’s participation would make a meaningful contribution to strengthening constitutional dialogue, upholding the principles of the rule of law, and expanding areas of cooperation among member states—the Federal Supreme Court, in response, affirmed its commitment to openness and active engagement with international organizations concerned with constitutional justice. This commitment forms part of its efforts to promote the exchange of experiences, perspectives, and ideas, and to further consolidate cooperation on various issues related to constitutional practice.





AACC PERMANENT SECRETARIAT ACTIVITIES



Secretariat for Planning and Coordination
(SPC) in Jakarta, Indonesia



Secretariat for Research and Development
(SRD) in Seoul, South Korea



Center for Training and Human Resources Development
(CTHRD) in Ankara, Türkiye

Bilateral Meeting Between the SPC and the Constitutional Court of Uzbekistan



On Monday, November 10, 2025, The Permanent Secretariat for Planning and Coordination (SPC) and Constitutional Court of Uzbekistan held a bilateral meeting led by Chief Justice Abdusalomov Mirza Ulugbek, accompanied by seven constitutional justices and Secretary General Nilufar Said-Gazieva. The SPC was represented by its Head, Heru Setiawan, and accompanied by Wiryanto and Indah Apriyanti Tomas. Also, was joined by the Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Republic of Uzbekistan and Kyrgyzstan, Siti Ruhayani Dzuhayatin.

The meeting discussed the strategic role of the AACC President, the operational mechanism of the Presidential Secretariat, and its synergy with the AACC Secretariat. On this occasion, the Chief Justice of Constitutional Court of Uzbekistan expressed deep appreciation to the AACC Secretariat for its support and reaffirmed his commitment to lead the AACC effectively over the next two years. Chief Justice H.E. Abdusalomov Mirza Ulugbek also outlined several leadership priorities, including expanding AACC membership, strengthening cooperation with similar constitutional associations, and ensuring the active involvement of the Secretariat for Research and Development (SRD) managed by the Constitutional Court of Korea and the Center for Training and Human Resources Development (CTHRD) managed by the Constitutional Court of Türkiye in upcoming AACC activities.

Earlier, on Saturday, November 8, 2025, the Head of Permanent Secretariat for Planning and Coordination, Heru Setiawan met with Secretary General of the Constitutional Court of Uzbekistan, Nilufar Said-Gazieva, to prepare for the bilateral meeting with the President of Constitutional Court of Uzbekistan. The meeting covered various topics concerning the AACC leadership transition and the crucial role of the AACC Presidential Secretariat in supporting the AACC President.

SPC Supports Leadership Transition as Uzbekistan Becomes AACC President 2025–2027

the Head of the AACC Permanent Secretariat Planning and Coordination, Heru Setiawan attended the handover ceremony of the Presidency of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). The handover ceremony, held on Tuesday (11/11/2025), marked the transition of leadership from the previous AACC President, Chief Justice of the Constitutional Court of Thailand, Nakharin Mektrairat, and was witnessed by Chief Justices from AACC member states, representatives from the AACC Permanent Secretariat for Planning and Coordination, and other invited guests.



Source: en.mkri.id

5TH INTERNATIONAL SYMPOSIUM OF AACC

The 5th International Symposium of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) Secretariat for Research and Development (SRD) was successfully held in Seoul, Republic of Korea, from 25 to 28 August 2025. With the theme “Right to Privacy,” the symposium brought together justices, research officers, and staff from constitutional review bodies representing 17 AACC member institutions, fostering an exchange of ideas and comparative perspectives on the protection of privacy as a fundamental right in the modern era.



Participants of the 5th International Symposium also visited the office of AACC SRD on Aug 26, sharing information and discussing as to the operation of the office, and the secondment.



Source: <http://www.aaccsrd.org>

13th International Summer School

The Constitutional Court of the Republic of Türkiye, acting as the Center for Training and Human Resources Development (CTHRD) under the AACC, successfully hosted the 13th International Summer School on 6–7 October 2025. This year’s program focused on “Family Life in the Constitutional Perspective and the Right to Respect for Family Life”, bringing together 66 participants from 30 countries, including representatives of the European Court of Human Rights.

Opening the event at the Grand Tribunal Hall, President Kadir Özkaya emphasized the value of international judicial cooperation, noting that courts across continents face similar constitutional challenges. He highlighted that 2025 had been declared the “Year of the Family” in Türkiye, making the theme especially relevant. Özkaya underscored the family’s role as the foundation of society and referenced key judgments of the Turkish Constitutional Court that protect family rights, including issues related to children’s best interests, deportation, the matrimonial home, and maintaining family ties for detainees.

He stressed that the right to respect for family life, jointly protected by the Turkish Constitution and the European Convention on Human Rights, prohibits unjustified state interference and ensures individuals’ freedom to shape their family lives. In concluding remarks, he also expressed concern over the humanitarian crisis in Gaza, describing it as a grave violation of family-related rights.

The two-day program continued with thematic academic sessions led by delegations from participating countries. Secretary General Murat Azaklı opened the sessions, expressing appreciation for the opportunity to exchange comparative perspectives. Delegates presented their national experiences and jurisprudence, engaging in substantive discussions on constitutional protection of family life.

Source: <https://www.anayasa.gov.tr>



MEMBERS ACTIVITIES



Baku Host International Conference on Constitutionalism and the Rule of Law in Modern Legal Systems

On November 12, an international conference on “Constitution and the rule of law in modern legal systems” was held in Baku, with the support of the Administration of the President of the Republic of Azerbaijan and organized by the Constitutional Court of Azerbaijan. The event began with the screening of a video dedicated to the 30th anniversary of the Azerbaijani Constitution. Farhad Abdullayev, Chairman of the Constitutional Court of Azerbaijan delivered an address from Azerbaijani President Ilham Aliyev to the conference participants. In his remarks, the Chairman of the Azerbaijani Constitutional Court emphasized that according to the Presidential Order dated December 28, 2024, the year 2025 was officially declared the Year of Constitution and Sovereignty in the country. He also described the adoption of the Azerbaijani Constitution as one of the exceptional contributions made by National Leader Heydar Aliyev to the Azerbaijani people.



Addressing the event, Sabina Aliyeva, Human Rights Commissioner (Ombudsman) of Azerbaijan, highlighted that the establishment of the protection of human rights and freedoms as the supreme goal of the state in the first Constitution of independent Azerbaijan, which was drafted under the leadership of National Leader Heydar Aliyev and adopted through a referendum, reflects the highest value placed on human rights. The Commissioner emphasized that, through the decrees and orders of National Leader Heydar Aliyev to effectively defend, ensure, and promote human rights, the relevant state program was adopted; the ombudsman institution as an effective human rights protection mechanism was established, which was followed by the adoption of the Constitutional Law on the Ombudsman; and the Constitution was amended accordingly.

The Commissioner said that the successful domestic and foreign policies pursued by President Ilham Aliyev, along with the consistent reforms and significant decisions implemented, have laid the foundation for a new stage in the history of Azerbaijan’s independent statehood. She noted that the constitutional amendments and the improvement of the legal framework have created favorable conditions for ensuring the rule of law and for the development of democratic governance and the principles of a legal state.

Sabina Aliyeva underlined the importance of improving the legal framework in order to harmonize modern trends and new legal relations with constitutional principles, of studying relevant good international practices, of ensuring the proper use of digital technologies and AI, and of establishing coordinated cybersecurity mechanisms.

Other speakers included Gunduz Karimov, Head of the Department of Legislation and Legal Policy of the Azerbaijani Presidential Administration; Ejaz Ahmad Qureshi, Federal Ombudsman of Pakistan, President of the Asian Ombudsman Association; Teresa Rodríguez de las Heras Ballell, President of the European Law Institute. The event continued with the panel discussions revolving around such topics as “Constitutional Values and Human Rights: Global Trends and Challenges,” “Constitutional Principles: The Path to the Rule of Law,” and “Constitutionalism and State Sovereignty in an Era of Global Legal Transformations”. Subsequently, Chairman of the Azerbaijani Constitutional Court Farhad Abdullayev delivered closing remarks.



BILATERAL TALKS WITH SUPREME COURT OF NEPAL TO STRENGTHEN JUDICIAL COOPERATION



Chief Justice of Supreme Court of Bangladesh, Hon. Dr. Syed Refaat Ahmed, held a bilateral meeting this morning at the Supreme Court of Bangladesh with the Chief Justice of Nepal, Rt. Hon. Mr. Prakash Man Singh Raut. The discussions focused on the legal and judicial practices of both countries, shared institutional experiences, and ongoing reform efforts aimed at delivering faster and more effective justice to the public. All Justices of the Appellate Division were present, while the Nepalese delegation was accompanied by senior judges and officials.

Following the meeting, Chief Justice Dr. Ahmed and Chief Justice Raut jointly presided over proceedings at the Appellate Division, marking a gesture of strong cooperation between the two judiciaries. In an afternoon session led by Chief Justice Dr. Ahmed, participants discussed a roadmap for legislative change, judicial integrity, and partnership-building. He highlighted Bangladesh's recent progress in judicial reform, while Chief Justice Raut shared Nepal's approach to managing justice delivery during times of crisis. Justice Sapana Pradhan Malla of Nepal also contributed insights on structural reforms in her country's judiciary.

In a separate dialogue, Justice Sapana Pradhan Malla and Justice Farah Mahbub of Bangladesh led discussions on digitalization, gender justice, judicial independence, and court specialization. Women Justices from the High Court Division of Bangladesh participated, underlining the importance of inclusiveness and representation in the justice system. The visit concluded with Chief Justice Dr. Ahmed hosting a dinner in honor of Chief Justice Raut and his delegation, reaffirming the strong and growing ties between the judiciaries of Bangladesh and Nepal.

Source: mofa.gov.np

SUPREME COURT OF INDIA HOSTED NATIONAL ANNUAL STAKEHOLDERS CONSULTATION



The Supreme Court of India, through its Juvenile Justice Committee, hosted the 10th National Annual Stakeholders Consultation on "Safeguarding the Girl Child: Towards a Safer and Enabling Environment for Her in India" on 11-12 October 2025. The event followed a series of state-level consultations and continued the Court's yearly effort to strengthen coordination among justice, social welfare, and community systems to advance children's rights nationwide.

Led by Justice B.V. Nagarathna (Chairperson, Juvenile Justice Committee) and Justice J.B. Pardiwala (Member, Juvenile Justice Committee), and organized in partnership with UNICEF India, the consultation coincided with the International Day of the Girl Child. Chief Justice Bhushan Ramakrishna Gavai delivered the inaugural address, followed by senior officials including Women and Child Development Minister Annpurna Devi and UNICEF Representative Cynthia McCaffrey. A new Handbook on Child Rights and the Law was released during the event.

Across two days, participants discussed key issues such as preventing violence against girls, ensuring timely justice for survivors, and expanding access to education, healthcare, and social protection. Sessions addressed themes including the right to be born and educated, cybercrimes targeting girls, protection from abuse and exploitation, trafficking, child marriage, and strengthening the implementation of the POCSO Act, 2012. Judges from High Courts, officials from multiple ministries, state departments, police authorities, and legal services authorities took part in the consultation. Previous consultations in 2023 and 2024 resulted in improvements to services for children in conflict with the law and enhanced protections for children with disabilities. Reaffirming the collective commitment of the judiciary, government, and civil society, this year's consultation highlighted that safeguarding and empowering every girl is essential to India's inclusive and equitable development.

Source: sci.gov.in

7th Indonesia Constitutional Court International Symposium

The Indonesian Constitutional Court held the 7th Indonesia Constitutional Court International Symposium (ICCIS) on 8–9 October 2025, highlighting global experiences with constitutional complaint mechanisms as tools to protect citizens’ rights. Chief Justice Suhartoyo stressed that such mechanisms are increasingly important to prevent state abuse of power and are now widely discussed as a potential addition to Indonesia’s legal system.

Speakers from Thailand, Hungary, Azerbaijan, Madagascar, and Indonesia shared how their countries handle constitutional complaints and how these mechanisms strengthen human rights protection. Former Justice I Dewa Gede Palguna emphasized the need for Indonesia to consider adopting a constitutional complaint system, possibly through constitutional amendment.

Secretary-General Heru Setiawan noted that ICCIS 2025 is especially significant as the Court has been assigned to prepare a national policy paper on constitutional complaints. The symposium received 51 submissions, with 11 selected for presentation, and was held virtually. Overall, the event reinforced the importance of constitutional complaints in modern constitutional justice.



Sources: en.mkri.id

Indonesia Highlights Digital Inclusion and Judicial Independence at 6th WCCJ in Madrid

The Constitutional Court of Indonesia, led by Justice Arief Hidayat, actively participated in the 6th World Conference on Constitutional Justice (WCCJ) in Madrid on 28–31 October 2025. With the theme “The Human Rights of Future Generations,” the conference gathered constitutional courts worldwide to discuss environmental protection, cultural heritage, technology access, and judicial independence.



During the session on access to scientific knowledge and new technologies, the Indonesian delegation stressed that digital access is becoming a fundamental human right. They highlighted Indonesia’s challenges as an archipelagic nation, where the digital divide still affects remote communities. The delegation urged a multilateral and inclusive international cooperation framework to ensure fair access to technology, intellectual property reform, and adaptive legal systems.

In discussions on judicial independence, Indonesia outlined four major challenges: political interference, budget dependency, external pressure, and internal constraints. They emphasized that weakening judicial independence undermines public trust and legal certainty. Indonesia shared its transparency initiatives—such as broadcasting all Constitutional Court hearings live online—as best practices. Their recommendations were appreciated and contributed to shaping the Madrid Communiqué, the conference’s final declaration.



On the sidelines, the Indonesian delegation also met with the Spanish Constitutional Court, agreeing to advance cooperation under their existing MoU through exchange programs and staff internships. This step aims to deepen bilateral collaboration and strengthen institutional capacity in constitutional justice.

Sources: en.mkri.id

Justice Arsul Sani Speaks on Climate Justice at the J20 Summit

JOHANNESBURG, Constitutional Justice Arsul Sani called on members of the Forum of Constitutional Courts and Supreme Courts/Judiciary 20 (J20 Summit) to work together and take responsibility in addressing climate change as part of achieving climate justice. Arsul made this statement while representing Indonesia and leading the delegation of the Constitutional Court of Indonesia at the J20 Summit, held as part of the Group of Twenty (G20) Summit 2025, on Thursday (09/04/2025) in Johannesburg, South Africa. The J20 Summit, taking place from September 2–5 2025, carried the main theme “Justice in a Time of Change: Independence, Innovation and Co-operation.”



Arsul, appointed as one of the speakers in the third session, delivered a presentation titled “Climate Change Justice through Judicial Collaboration: An Indonesian Perspective.” In his opening remarks, he noted that Indonesia is among the countries experiencing the impacts of climate change. In addition to rising temperatures, rising sea levels are also among the unavoidable consequences of climate change.

Furthermore, Arsul emphasized that climate change is a global and transnational issue. Therefore, he urged all stakeholders, including judicial institutions, to collaborate and assume responsibility in tackling it. He underscored that climate justice cannot be achieved if the burden is distributed unfairly, particularly as this disproportionately affects vulnerable groups within nations. “Judicial collaboration is a necessity. This J20 Summit in Johannesburg can serve as a historic milestone in advancing global judicial cooperation to promote climate justice for the benefit of present and future generations,” said Arsul.

The Court’s involvement in the J20 Summit is expected to have positive effects for Indonesia—particularly its judiciary—in addressing similar constitutional and legal challenges through global dialogue that can be adopted domestically. The J20 Summit is one of the G20 Engagement Groups, consisting of judicial institutions from G20 member states. South Africa currently holds the G20 Presidency and hosted this year’s J20 Summit, aimed at discussing strategic issues facing judiciaries today and formulating actionable recommendations to improve judicial performance.

Sources: en.mkri.id

Indonesia and Algeria Strengthen Judicial Cooperation Through Courtesy Visit and General Lecture

The Algerian Constitutional Court visited the Indonesian Constitutional Court on 4-8 November 2025 to reinforce long-standing bilateral relations. Both sides highlighted their historical ties and expressed commitment to expanding cooperation, including reviving the AACCC-CCJA Joint Conference. The delegation also observed Indonesian Constitutional Court’s plenary hearings.

A joint general lecture followed on 5 November 2025, where Algerian Justices Bouziane Aliane and Ahmed Bennini explained the structure and authority of the Algerian Constitutional Court, which gained stronger independence after the 2020 Constitution. They outlined the Court’s role as the final interpreter of the constitution, its oversight of presidential and parliamentary regulations, and its powers during institutional crises. The speakers also described the Court’s strict membership requirements and clarified that citizens cannot directly file constitutional review petitions, which must go through designated state bodies or judicial channels.



The events reaffirmed the strong partnership between the two courts, building on cooperation since the 2015 MoU and reflecting their shared commitment to promoting constitutional justice and legal collaboration.



Sources: en.mkri.id

JUDGE MUNTHER IBRAHIM HUSSEIN AS THE NEW PRESIDENT OF SUPREME COURT OF IRAQ



Source: www.iraq-businessnews.com

Baghdad, 6 July 2025 - The Supreme Federal Court of Iraq announces the official oath-taking of Judge Munther Ibrahim Hussein as its new President, following a formal ceremony held at Baghdad Palace and attended by President Abdul Latif Jamal Rashid. The occasion marked an important moment in the Court's ongoing mission to uphold the Constitution and strengthen the rule of law in Iraq.

In his address, President Rashid extended his congratulations to Judge Hussein and reaffirmed the state's full support for the independence of the Supreme Federal Court and its essential role in preserving constitutional order, democratic principles, and checks and balances within the Iraqi legal system. He emphasized that strict adherence to the Constitution is fundamental to ensuring justice, stability, and the protection of citizens' rights and freedoms.

Judge Hussein expressed his commitment to safeguard the Constitution, uphold the rule of law, and maintain the Court's independence from any external influence. He conveyed his gratitude for the confidence placed in him and reaffirmed the Supreme Federal Court's constitutional mandate to serve the Iraqi people with integrity, impartiality, and dedication to justice.

CONSTITUTIONAL COURT OF THE HASHEMITE KINGDOM OF JORDAN

RECEIVED A LEGAL DELEGATION FROM THE FEDERAL REPUBLIC OF GERMANY



Amman, September 8, 2025 - The Constitutional Court received at its headquarters in Amman a delegation of legal researchers from the German Federal Constitutional Court on a scientific visit aimed at reviewing the work of the Court and its mechanisms in exercising control over the constitutionality of laws and regulations in force and interpreting the texts of the Constitution, in addition to promoting scientific dialogue and exchanging experiences with counterpart international institutions under the guise of "Together to Promote Constitutional Thought and Exchange of Legal Experiences between Jordan and Germany".

The President of the Court began the meeting with a welcoming speech to the visiting delegation, stressing that such meetings are a valuable opportunity to exchange constitutional legal knowledge, and emphasize the strength of the ties between judicial institutions in the service of the rule of law, and the representative of the delegation expressed his deep thanks to the Court for the good reception, and the importance of this visit in enhancing joint scientific cooperation, and the President of the Court and the Director of its Technical Office made two presentations that included a detailed explanation of the constitutional and legislative framework of the Court's work, and its competence The conditions of membership in it, the role of the technical office, and an explanation of the organizational structure of the court and the tasks of the departments, and the visit ended with an open discussion during which opinions were exchanged and inquiries were answered

Source: www.cco.gov.jo

ASTANA HOSTS THE CENTRAL ASIAN DIALOGUE PLATFORM OF WOMEN IN JUSTICE

On 11 September 2025, Astana hosted the Central Asian Dialogue Platform “Women in Justice: Professional Development Through Association,” organized by the Constitutional Court of Kazakhstan in cooperation with the Supreme Court and the OSCE Programme Office in Astana. The event brought together judges from constitutional and supreme courts, representatives of government and law-enforcement agencies, and experts from Central Asian countries and other regions, as well as international organizations. Distinguished participants included Claire Bazy Malaurie, President of the Venice Commission, and Pamela Harris, President of the International Association for Court Administration, whose presence underlined the global relevance of the discussions.



The dialogue focused on strengthening the role of women in the judiciary through leadership development, professional networking, and the promotion of gender equality and access to justice. Participants shared experiences on judicial reform, the protection of victims of violence, and the increasing importance of digitalization within court systems. Special attention was given to the contribution of women to peace, security, and stability in the region. During the discussions, the idea of establishing a regional Association of Women Judges in Central Asia was proposed as a long-term platform for cooperation, research, and the exchange of best practices in constitutional and judicial affairs.

In her address, Chairperson of the Constitutional Court of Kazakhstan, Ms. Elvira Azimova, stressed that women in the justice sector are not only legal professionals but also key drivers of institutional and social change. She noted that out of the ten judges currently serving on the Constitutional Court, three are women. Chairman of the Supreme Court, Mr. Aslambek Mergaliyev, further highlighted that women now make up 54% of Kazakhstan’s judiciary, reflecting significant progress toward gender balance at all court levels, including the Supreme Court.

The OSCE Programme Office in Astana reaffirmed its commitment to supporting women’s meaningful participation in decision-making in line with Sustainable Development Goal 5 on gender equality. The dialogue concluded with the adoption of a Joint Statement, confirming the shared commitment of the participants to promote equal and non-discriminatory access to justice, expand opportunities for women in the judiciary, and strengthen collaboration among Central Asian states and international partners in advancing judicial integrity and reform.



Source: <https://www.gov.kz>



INAUGURATION CEREMONY FOR SECRETARY GENERAL SON INHYUK



The inauguration ceremony for Secretary General Son Inhyuk took place on September 1 at 10:00 a.m. at the auditorium of the Constitutional Court.

In his inaugural speech, Secretary General Son stated, “Upon taking office last July, President Kim Sanghwan set forth our task: to ensure adjudication that can be trusted and accepted, and adjudication that shares the purpose and spirit of the Constitution with the people. In pursuing this task, the President emphasized transparency in the constitutional adjudicatory process and broader access to constitutional justice.”

The Secretary General further added, “To fulfill the mission and tasks of the Ninth Term of the Constitutional Court, namely to enhance and firmly establish public trust, I propose that the Department of Court Administration and the Research Department pool their wisdom together.”



Source: www.ccourt.go.kr

KOREA AND KAZAKHSTAN CONSTITUTIONAL COURTS DEEPEN COOPERATION THROUGH MEMORANDUM OF UNDERSTANDING

The Constitutional Court of the Republic of Korea and the Constitutional Court of the Republic of Kazakhstan strengthened their judicial cooperation with the signing of a Memorandum of Understanding (MOU) during a meeting held on 12 September at Baeksong Hall in Seoul. President Kim Sanghwan of the Korean Constitutional Court and Chairperson Elvira Azimova of the Kazakhstan Constitutional Court signed the agreement, marking a renewed commitment to expand exchanges and collaboration between the two constitutional courts.

Chairperson Azimova’s working visit to Seoul included high-level discussions with President Kim, during which she highlighted the ongoing legal and constitutional reforms in Kazakhstan, particularly the role of the Constitutional Court following the 2022 constitutional changes. She also briefed the Korean side on efforts to ensure the effective implementation of Constitutional Court decisions by state bodies. President Kim welcomed these updates and expressed Korea’s strong interest in deepening institutional cooperation, emphasizing the value of reciprocal visits and knowledge-sharing initiatives.

The signing of the MOU formalized both courts’ intention to enhance dialogue, share best practices, and reinforce cooperation in the field of constitutional justice. Both sides affirmed that stronger judicial ties will support the development of constitutional governance and mutual understanding between the Republic of Korea and the Republic of Kazakhstan.



Source: www.ccourt.go.kr / www.gov.kz

JUDGES OF THE CONSTITUTIONAL COURT OF THE KYRGYZ REPUBLIC PARTICIPATE IN THE 26TH INTERNATIONAL CONFERENCE OF CHIEF JUSTICES OF THE WORLD

On 21 November 2025, the 26th International Conference of Chief Justices of the World opened in Lucknow, India. The event, organized annually by the City Montessori School, brings together judges and experts from various countries to discuss global legal challenges. The Constitutional Court of the Kyrgyz Republic was represented by Judges Mukambet Shadykanovich Kasymaliev and Kyrkkeldi Jumalievich Kydyrbaev. Judge, Doctor of Law Kyrkkeldi J. Kydyrbaev served as a speaker at the 5th parallel session titled "Judicial Cooperation and International Dispute Resolution."

In his presentation, he emphasized that respect for the Constitution strengthens trust in international law and the decisions of international judicial bodies, while independent constitutional justice contributes to the development of predictable and peaceful state governance.



Judge Mukambet Sh. Kasymaliev took part in the second panel discussion titled "Multilateralism and the Role of Middle-Power States." He highlighted that amid great-power rivalry, a "multilateral vacuum" is emerging—one in which middle-power states are uniquely positioned to build coalitions, support functional international networks, and serve as mediators in addressing global issues.

Throughout the conference, experts discussed the need to strengthen international judicial institutions, develop common legal standards, and enhance cooperation between national and international justice bodies. The participation of the judges of the Constitutional Court of the Kyrgyz Republic added practical depth to the discussions and underscored Kyrgyzstan's commitment to contributing actively to the development of sustainable approaches to international justice and the promotion of the rule of law.

Source: constsot.kg

APPOINTMENT OF THE CHIEF JUSTICE



His Majesty Sultan Ibrahim, King of Malaysia, presented the Instrument of Appointment to Datuk Seri Utama Wan Ahmad Farid bin Wan Salleh as the Chief Justice of Malaysia on 28 July 2025.

The appointment was made in accordance with Article 122B of the Federal Constitution, following the advice of the Prime Minister and after consultation with the Conference of Rulers. Datuk Seri Utama Wan Ahmad Farid succeeded Tun Tengku Maimun Tuan Mat, who completed her tenure upon reaching the mandatory retirement age.

Datuk Seri Utama Wan Ahmad Farid has served in the judiciary for several years and brings extensive experience in judicial administration and adjudication. Prior to his appointment as Chief Justice, he held senior judicial positions within the Malaysian courts, contributing to the development of jurisprudence and the effective administration of justice.

The presentation ceremony was held at Istana Negara and was attended by senior members of the judiciary and government officials.

Source: BERNAMA



PARTICIPATION OF THE MALDIVES CHIEF JUSTICE AT THE 6TH UNCITRAL ASIA-PACIFIC JUDICIAL CONFERENCE

Chief Justice Hon. Abdul Ghaneer Mohamed attended the 6th UNCITRAL Asia-Pacific Judicial Conference, held from 1–2 December 2025 in Hong Kong, China. Justice Hon. Aisha Shujune Muhammad also participated in the conference alongside the Hon. Chief Justice.

PARTICIPATION OF THE MALDIVES CHIEF JUSTICE AT THE 6TH UNCITRAL ASIA-PACIFIC JUDICIAL CONFERENCE

The Ambassador of the United States of America (U.S.) to the Republic of Maldives, H.E. Mr. Hugo Yon paid a courtesy call on Chief Justice of the Maldives, Hon. Abdul Ghaneer Mohamed on 10 December 2025 at the Court.

Source: Maldives Judiciary



STRENGTHEN JUDICIAL COOPERATION WITH CONSTITUTIONAL COURT OF KAZAKHSTAN

The Constitutional Court of Mongolia has reaffirmed its commitment to strengthening cooperation with the Constitutional Court of the Republic of Kazakhstan following a bilateral meeting held on the sidelines of the International Forum on Constitutional Justice, “Peace and Future through Law,” in Astana on 12 September 2025.



During the meeting, Chair of the Constitutional Court of Mongolia, Bayasgalan Gunga, discussed key areas of collaboration with his Kazakh counterpart, Elvira Azimova, including the continued implementation of the Memorandum of Understanding signed in September last year. The agreement focuses on the exchange of regulatory and legal information related to constitutional oversight systems and the roles of constitutional control bodies in both countries.

Mr. Gunga emphasized Mongolia’s strong interest in expanding cooperation with Kazakhstan in both bilateral and multilateral frameworks, particularly within the Eurasian Association of Constitutional Control Bodies and the Association of Asian Constitutional Courts and Equivalent Institutions (AACC).

The meeting concluded with a mutual agreement to advance practical initiatives, including joint research on constitutional and legal standards and the exchange of analytical materials, aimed at enhancing mutual understanding of each country’s legal system and strengthening future collaboration.

Source: www.gov.kz

PAKISTAN AND CHINA SIGN MOU TO ENHANCE JUDICIAL COOPERATION

On October 23, 2025, the Supreme Court of the Islamic Republic of Pakistan and the Supreme People's Court of the People's Republic of China signed a Memorandum of Understanding (MoU) on Judicial Exchange and Cooperation, marking a major step forward in strengthening bilateral judicial relations. The MoU was signed by Chief Justice of Pakistan Justice Yahya Afridi and Chief Justice and President of the Supreme People's Court of China Justice Zhang Jun, reflecting both countries' commitment to closer institutional cooperation, capacity building, and knowledge sharing between their judicial systems.

The initiative for enhanced judicial cooperation began earlier this year following the participation of Pakistan's Chief Justice at the 20th Conference of Chief Justices of SCO Member States in Hangzhou, China. The agreement focuses on cooperation in emerging and complex legal areas such as artificial intelligence, cybercrime, financial crime, climate change, international trade law, commercial dispute resolution, and alternative dispute resolution (ADR). It also highlights the importance of effective dispute resolution mechanisms in supporting major regional projects, particularly the Belt and Road Initiative (BRI) and the China-Pakistan Economic Corridor (CPEC).

Under the MoU, the two courts will exchange significant judgments, conduct joint legal research on global challenges, organize judicial visits, training programs, and academic exchanges, and create a liaison mechanism to ensure consistent communication and follow-up. The agreement also emphasizes judicial modernization through digital transformation and technology integration, aiming to improve efficiency, promote the rule of law, and align judicial practices with evolving international standards.



Source: www.supremecourt.gov.pk



CONSTITUTIONAL COURT PARTICIPATES IN THE 12TH SCIENTIFIC FORUM OF THE UNION OF ARAB CONSTITUTIONAL COURTS AND COUNCILS IN MOROCCO

Rabat, 12 November 2025 – The Supreme Constitutional Court, represented by its President Justice Ali Mahna, participated in the 12th Scientific Forum of the Union of Arab Constitutional Courts and Councils, held in the Moroccan capital, Rabat. The two-day event was convened under the theme "The Impact of Constitutional Judgments in Comparative Constitutional Systems."

The high-level regional forum brought together a distinguished group of presidents and judges from the Union's member constitutional courts and councils. The goal was to exchange expertise and perspectives on the topic of the forum and to explore ways to strengthen cooperation in support of constitutional supremacy and the consolidation of the rule of law.



As part of ongoing constructive judicial and constitutional cooperation among Arab states, the 12th Scientific Forum addressed the profound influence of constitutional court judgments and decisions in upholding constitutional principles, reinforcing the rule of law, and protecting rights and freedoms.

Throughout its scientific sessions, participants engaged in rich exchanges of insights and experiences amid the major developments shaping constitutional justice today. These discussions contributed to deepening Arab cooperation in the field of constitutional adjudication.



Source: www.tscc.pna.ps

PARTICIPATION OF THE CONSTITUTIONAL COURT IN THE 4TH CJCA INTERNATIONAL LEGAL SYMPOSIUM

Mr. Evgeny Taribo, Judge of the Constitutional Court of the Russian Federation, participated in the 4th International Legal Symposium of the Conference of Constitutional Jurisdictions of Africa (CJCA) entitled: «Constitutionalism and State-Building in African Countries». The event took place in Addis Ababa, Republic of Ethiopia. On 28 November 2025, President of the Republic of Ethiopia Taye Atske Selassie, Chief Justice and President of the Constitutional Council of the host country Tewodros Mihret Kebede and Chairperson of the African Union Commission Mahmoud Ali Yusuf gave a welcome address at the opening ceremony.

Five panel sessions included presentations from representatives of the judicial systems of members and observers to the Conference – Algeria, Angola, the Democratic Republic of the Congo, Zimbabwe, Cape Verde, Morocco, Mozambique, Namibia, Russia, Turkey, Ethiopia, and others. Participants from China, Germany, and Spain also addressed the Conference. The presentations covered the role of constitutional review bodies in shaping the state systems, the impact of constitutional reforms on this order, and the development of constitutional identity and its protection at the national level. Participants also discussed traditional and modern constitutionalism, democracy, the development of governance systems, and legitimacy, citing unique examples and examining these issues through the lens of comparative law.

Judge of the Constitutional Court Evgeny Taribo delivered a presentation «Strengthening the State on a Constitutional Basis», in which he emphasized the application of the concept of «sovereignty» in constitutional justice practice. He underlined that its application is intended to strengthen state institutions and protect the legal system from threats of both internal and external origin. The 4th International Legal Symposium was organised by the Conference of Constitutional Jurisdictions of Africa and the Constitutional Inquiry Council of the Federal Democratic Republic of Ethiopia. The Constitutional Court of the Russian Federation acquired the status of observer to CJCA in 2018.

CONSTITUTIONAL COURT PARTICIPATED IN THE VIII INTERNATIONAL CONFERENCE OF THE COURT OF THE EURASIAN ECONOMIC UNION

On 20-21 November 2025, Andrey Bushev, Judge of the Constitutional Court of the Russian Federation, participated in the VIII International Conference of the Court of the Eurasian Economic Union entitled “Ensuring the Rule of Law in the EAEU Space”. The Conference of the EAEU was held on 20-21 November 2025 in Minsk, Republic of Belarus. Alexey Dronov, the Chairman of the Court of the EAEU, gave a welcome address at the opening ceremony.

On the first day of the Conference participants discussed the role of the Court of the EAEU in ensuring the rule of law in the Union and in identifying gaps in legal regulation. On the second day of the Conference a working meeting “Dialogue of the EAEU Member States and the Court of the EAEU” was held jointly with the Ministry of Justice of the Republic of Belarus, as well as a round table “Issues of representation in the Court of the EAEU”; sessions on actual issues were held. Judge of the Constitutional Court Andrey Bushev delivered a presentation “The Law of the Eurasian Economic Union in the Practice of the Constitutional Court of the Russian Federation on Customs Regulation Issues” during a session dedicated to the formation of the Union’s internal market. He emphasized the role of constitutional review bodies in the formation of a common Eurasian space. The conference was attended by representatives of the legislative, executive and judicial authorities of the member states of the Union and international organizations, the Eurasian Economic Commission, the business community, scientists from leading scientific institutions of the EAEU countries, practicing lawyers.

Source: ksrf.ru

CONSTITUTIONAL COURT OF TAJIKISTAN MARKS 31ST ANNIVERSARY OF THE NATIONAL CONSTITUTION

5 November 2025, the Constitutional Court of the Republic of Tajikistan held a ceremonial session dedicated to the 31st anniversary of the Adoption Day of the Constitution of the Republic of Tajikistan, with the participation of the Chairperson, the Deputy Chairperson, judges, and staff members of the Court. The ceremonial meeting was opened by the Chairperson of the Constitutional Court of the Republic of Tajikistan, Hon. Ashurzoda A. A., who noted that as the nation celebrates the 31st anniversary of the adoption of the foundational document of the state—the Constitution of sovereign Tajikistan—he extends his congratulations to all attendees, wishing happiness and peace to their families, as well as lasting stability and unprecedented progress to beloved Tajikistan.

The Leader of the Nation, President of the Republic of Tajikistan, Hon. Emomali Rahmon—who played a significant role in the drafting and adoption of the Constitution—has emphasized the importance of this political and legal document in the development and strengthening of an independent, democratic, and law-based state. He noted: “Following the adoption of the Constitution, fundamental and comprehensive political, legal, economic, and social reforms began in the country, regulating all spheres of society and state life and creating a direct foundation for constitutional stability.” The Constitutional Court of the Republic of Tajikistan, one of the achievements of the Independence period and a product of the Constitution of sovereign Tajikistan, functions as an independent branch of judicial power tasked with safeguarding the Constitution. There is full confidence that the Constitution will continue to serve the state and nation for centuries and remain a solid foundation guaranteeing the sustainability of a just and social state. In conclusion, the Chairperson of the Constitutional Court once again congratulated everyone on this auspicious and historic celebration, wishing health, prosperity, and further progress and flourishing to our our great nation

Source: constcourt.tj

COURTESY VISIT FROM SWISS AMBASSADOR

The President of the Constitutional Court of Thailand, Mr. Nakarin Mektrirat, along with fellow judges and senior executives of the Office of the Constitutional Court, received Mr. Pedro Zwahlen, Ambassador of the Swiss Confederation to Thailand, and his delegation during a courtesy visit on Tuesday.

Mr. Mektrirat was accompanied by Judge Jiraniti Havanon and Judge Naphadol Theppitak in welcoming the Swiss delegation at the Reception Room on the 3rd Floor of the Constitutional Court Office, Ratchaburi Direkrit Building, Government Complex on Chaengwattana Road, Bangkok. The meeting reflected the Constitutional Court's continued commitment to strengthening international dialogue and cooperation in the field of constitutional justice.

The visit provided an opportunity for both sides to reinforce mutual respect and strengthen ties, while fostering exchanges on matters of shared interest in the legal and constitutional domains.



Source: www.constitutionalcourt.or.th



SUPREME COURT OF THE PHILIPPINES



SC HIGHLIGHTS JUSTICE ZONES AT 2025 OPEN GOVERNMENT PARTNERSHIP GLOBAL SUMMIT

The Supreme Court of the Philippines, led by Associate Justices Amy C. Lazaro-Javier and Maria Filomena D. Singh, participated in the 2025 Open Government Partnership (OGP) Global Summit held from 7-9 October, 2025. At the summit, the Philippines highlighted its Justice Zones initiative as a key reform to strengthen transparency and rebuild public trust in the justice system.

The summit brought together around 2,000 participants from governments and civil society worldwide and focused on strengthening trust between citizens and institutions. Justice Lazaro-Javier joined sessions on participation and inclusion, while Justice Singh presented the Justice Zones program, a flagship initiative of the Justice Sector Coordinating Council (JSCC), which improves coordination among police, prosecutors, courts, corrections, and community stakeholders. Since its launch in 2014, the program has expanded to 16 Justice Zones nationwide and received an 87% positive rating in a European Union-supported report.

Justice Singh emphasized that transparency and public understanding of legal processes are essential to building trust and announced the planned launch of a new Justice Zone in November focused on addressing Online Sexual Abuse and Exploitation of Children (OSAEC). Philippine officials also met with OGP leaders and took part in the Global Launch of the Philippine Agenda for the Localization of OGP, reaffirming the country's commitment to open governance.

Source: sc.judiciary.gov.ph

WORKING VISIT TO NORTH MACEDONIA TO STRENGTHEN CONSTITUTIONAL COURT COOPERATION

President of the Constitutional Court of Türkiye, Mr. Kadir Özkaya, led a delegation on a working visit to North Macedonia from 28 September to 1 October 2025 to strengthen cooperation between the two countries' constitutional courts. He was accompanied by Court Members, senior officials, and legal staff.

During the visit, Özkaya held bilateral talks with Mr. Darko Kostadinovski, President of the Constitutional Court of North Macedonia. Their discussions focused on deepening institutional cooperation, exchanging experience in constitutional review, and preparations for the 3rd Annual Meeting of the Balkan Constitutional Courts Forum, to be held in Antalya on 13–16 November 2025.

A ceremony was also held to mark the completion of a TİKA-supported project to digitalize the North Macedonian Constitutional Court's meeting hall. Both leaders highlighted the strong and friendly relations between the two countries, emphasizing their shared commitment to upholding the rule of law and human rights in the Balkans. The delegation also met with national leaders and visited historical sites linked to Mustafa Kemal Atatürk in Skopje.



Source: www.anayasa.gov.tr

CONSTITUTIONAL COURT OF THE REPUBLIC OF UZBEKISTAN

MEETING BETWEEN THE DELEGATION OF THE CONSTITUTIONAL COURT OF THE KINGDOM OF THAILAND AND THE CONSTITUTIONAL COURT OF UZBEKISTAN

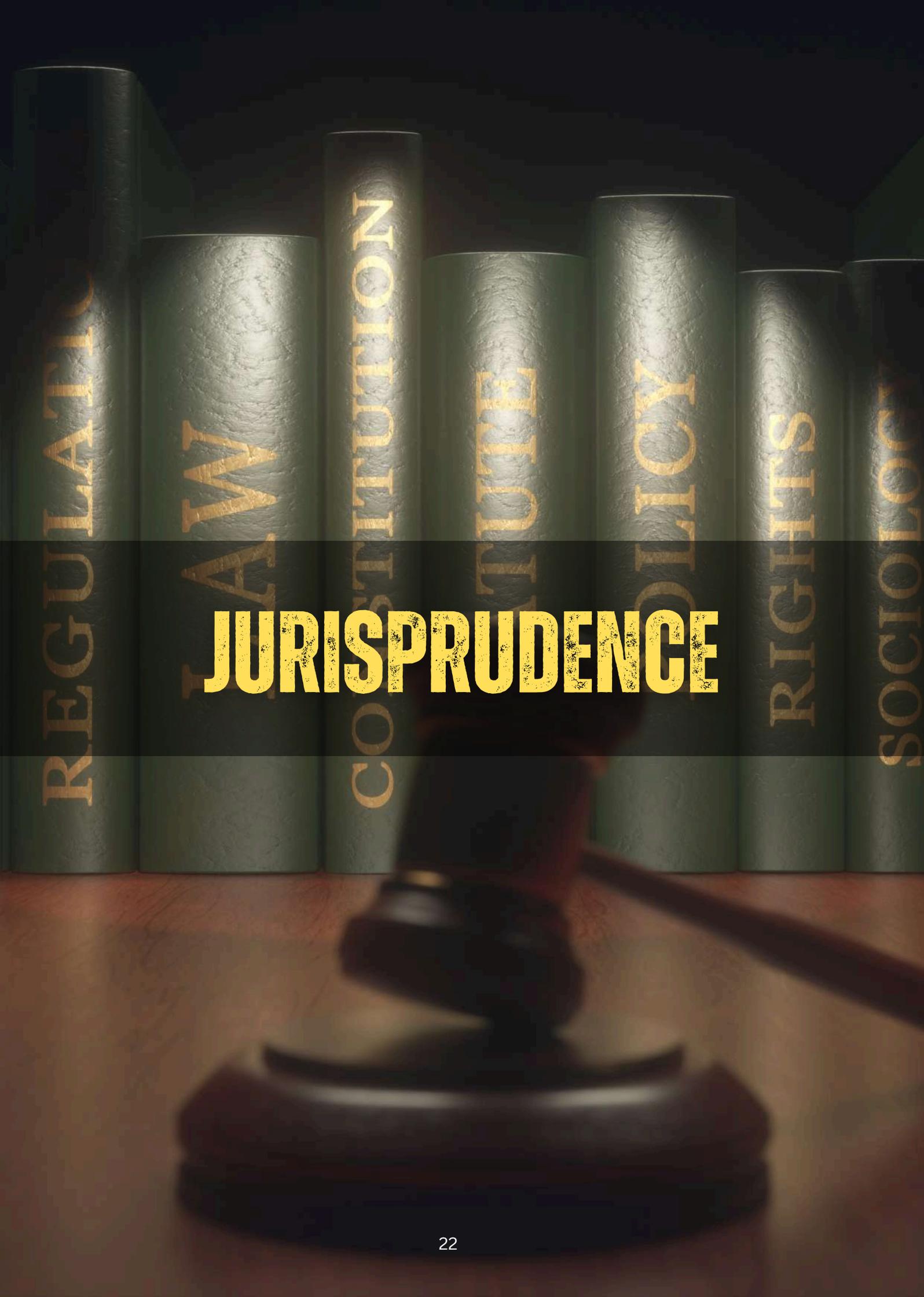
On 10 November, a delegation headed by Professor Dr. Nakharin Mektrairat, President of the Constitutional Court of the Kingdom of Thailand and President of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), held a meeting with members of the Constitutional Court of the Republic of Uzbekistan. The meeting was attended by Chairman of the Constitutional Court of Uzbekistan M. Abdusalomov, Deputy Chairman A. Gafurov, Judges K. Kamilov and A. Rakhmanov, as well as Court staff members H. Abdurakhmanov and Sh. Isakulov.

The delegation arrived in Uzbekistan to participate in the international conference dedicated to the 30th anniversary of the Constitutional Court of the Republic of Uzbekistan. Within the framework of the international conference, it is expected that the Constitutional Court of the Kingdom of Thailand will transfer the AACC Chairmanship for the years 2026–2027 to the Constitutional Court of the Republic of Uzbekistan.

During the meeting, the sides discussed the upcoming chairmanship of the Constitutional Court of Uzbekistan in the AACC for 2026–2027, including the President's role in representing AACC at all international events, as well as the organization of the Congress and Summit with the participation of all member states during Uzbekistan's Presidency. Chairman of the Constitutional Court of Uzbekistan M. Abdusalomov noted that assuming the AACC Peresidency is an honour for Uzbekistan and will contribute to further development of constitutional justice. He emphasized the Court's commitment to organizing AACC events at the highest level during its 2026–2027 chairmanship and to working effectively with all member states.



Source: www.konstsud.uz



JURISPRUDENCE

Azerbaijan Constitutional Court Clarifies Scope of Liability for Pre-Trip Vehicle and Driver Inspections

Baku, 24 November 2025 — The Plenum of the Constitutional Court of the Republic of Azerbaijan has issued a significant decision interpreting Article 326 of the Code of Administrative Offenses in connection with Article 26.3 of the Law “On Automobile Transport.” The ruling responds to a request from the Baku Court of Appeal concerning ambiguity over who may be held liable for failing to ensure pre-trip technical inspections of vehicles and pre-trip medical examinations of drivers.



Background

The petition stemmed from an administrative case in which "Foodini" LLC had been found liable under Article 326 for not organizing the required pre-trip inspections. Upon reviewing the appeal, the Baku Court of Appeal concluded that ambiguity existed regarding whether the provision applies exclusively to commercial carriers or also to legal entities and individual entrepreneurs transporting their own employees or goods for internal, non-commercial purposes. To ensure legal clarity and uniform judicial practice, the Court of Appeal sought constitutional interpretation.

Court’s Legal Analysis

The Constitutional Court emphasized several key findings:

- Article 326 of the Code of Administrative Offenses is a blanket norm, meaning the content of the underlying obligation must be derived from the Law “On Automobile Transport.”
- Article 26.3 of the Law imposes pre-trip inspection duties only on “carriers”, defined explicitly as those performing paid, commercial transportation of passengers or goods.
- The definition of “carrier” was clarified through a 2020 legislative amendment, which added the phrase “for remuneration,” confirming the legislature’s intent to restrict the term to commercial operators.
- The implementing regulation—Cabinet of Ministers Decision No. 71 (2009)—also applies exclusively to commercial passenger and freight transport, not to transportation carried out for internal business needs.

The Court underlined that broad or expansive interpretation of liability provisions is prohibited, as it would violate constitutional principles of:

- Legality and legal certainty (Article 71 of the Constitution),
- The prohibition of extensive interpretation of sanction-based norms, paralleling criminal and administrative law.

Additional Considerations

While acknowledging that non-commercial transportation (e.g., transporting employees or goods with company-owned vehicles) may pose similar safety risks, the Court stressed that:

- Extending pre-trip inspection obligations to non-commercial transport requires legislative amendments by the National Assembly.
- Judicial bodies cannot impose such obligations through interpretation, as doing so would distort the legislator’s intent and undermine legal predictability.

Final Decision

The Constitutional Court concluded:

1. Legal entities and individual entrepreneurs conducting transportation of their employees or goods for their own needs (non-commercial transport) cannot currently be considered subjects of administrative liability under Article 326 of the Code of Administrative Offenses.
2. Applying the pre-trip technical and medical inspection requirements to non-commercial transport is only possible through formal amendments to the Law “On Automobile Transport.”
3. The decision is final, enters into force upon publication, and cannot be annulled, modified, or officially interpreted by any other authority.



Awaiting the Full Completion of the Judiciary's 'Sixteenfold Reform'

After the shift in the political landscape, a new wave of reform has taken shape—and as usual, the judiciary continues to lead from the front. Even before the Reform Commission reached its final consensus, the Chief Justice had already completed several visible reforms. Yet, many believe that the reform process is still not “fully complete.”

Legal experts argue that the establishment of a Supreme Court Secretariat will be the decisive step that completes the entire reform initiative. The draft for creating this secretariat has already received in-principle approval from the Advisory Council. Nevertheless, Chief Justice Dr. Syed Refat Ahmed has cautioned all concerned parties. According to him, “any form of distrust or unilateral action could weaken the foundation of institutional independence that has been built through tireless efforts over the past 15 months.” He therefore emphasized the importance of cultivating a culture of mutual trust and coordination among all stakeholders to ensure the sustainability of judicial autonomy.

On 11 August—shortly after the collapse of the Hasina government on 5 August 2024—Justice Dr. Syed Refat Ahmed officially assumed office as the 25th Chief Justice of Bangladesh. On 21 September of the same year, during a speech delivered at the Inner Garden of the Supreme Court's main building, he presented a roadmap for judicial reform to judges of the subordinate courts. Many elements of that roadmap have already been implemented, while others remain in progress. These include the establishment of the Supreme Court Secretariat, the Judges Appointment Ordinance, the formation of the Bangladesh Judicial Service, drafting of new regulations, the introduction of paper-free benches, the separation of civil and criminal jurisdictions, reactivation of the Supreme Judicial Council, creation of the Supreme Court helpline, and restructuring of the Judicial Service and Pay Commission.

According to Supreme Court lawyer Shishir Monir, the Chief Justice has taken important steps in judicial reform. If these initiatives continue, the judiciary will witness a brighter future—benefiting not only the judicial system but also the state, by strengthening the overall balance of power.

The first reform undertaken after the political transition on 5 August was the drafting of the Supreme Court Judges Appointment Ordinance 2025. Under Article 95 of the Constitution, the President traditionally appoints Supreme Court judges upon the recommendation of the Chief Justice. However, Chief Justice Dr. Syed Refat Ahmed initiated a new legal framework for the appointment process. The Supreme Court administration drafted the proposal, collected feedback from Supreme Court judges, and sent it to the Ministry of Law on 28 October. The ordinance received in-principle approval and was enacted on 21 January this year.

Yet, several provisions—particularly Sections 3, 4, 6, and 9—were challenged and became subjects of judicial review. The High Court eventually disposed of the petitions. Barrister AM Mahbub Uddin Khokon, President of the Supreme Court Bar Association, also raised concerns, calling some provisions discriminatory, though he acknowledged and appreciated the government's initiative to legislate the appointment process for the first time.

Section 3 of the ordinance establishes a selection council consisting of the Chief Justice, Supreme Court judges, a retired judge, the Attorney General, and a law professor. However, senior lawyer Manzil Morshed argued that having the Attorney General and an academic in the council is inappropriate. The Attorney General is appointed by the government, which may create undue influence. He suggested replacing them with more sitting or retired judges.

Meanwhile, Shishir Monir observed that the quality of newly appointed High Court judges under the revised mechanism has improved compared to the past.

The idea of establishing a Supreme Court Secretariat has been discussed since the landmark 1999 Masdar Hossain judgment. Yet, it remained unimplemented—until the current Chief Justice took concrete steps by sending a formal proposal to the Ministry of Law on 27 October last year. The proposal stressed that the dual administrative control between the Supreme Court and the Ministry of Law regarding recruitment, transfers, and discipline of lower court judges must be abolished to ensure true judicial independence. The post-July–August mass movement was seen as the optimal moment to implement this long-awaited reform.

Another major reform milestone is the introduction of paper-free benches. On 2 January this year, the High Court began conducting completely paperless proceedings in one of its company benches. The system is being expanded gradually. Lawyers have generally welcomed the move but warned of digital security risks and the need for backup systems. The Chief Justice also successfully separated civil and criminal jurisdictions at the district level, allowing judges to focus and potentially reduce case backlogs. However, Morshed argued that significant improvements will only materialize if the government increases infrastructure, judicial manpower, and logistical support.

Specialized commercial courts are also expected to be established soon—an initiative lawyers view positively and in line with global standards. Regarding the welfare of judges, Shishir Monir emphasized that judicial independence must include financial independence. He stated that his team is preparing a petition seeking higher salaries and benefits for judges, as the current remuneration makes it difficult for them to maintain a stable family life without financial strain.



Privacy vs. Evidence: Supreme Court allows secretly recorded spousal conversations as admissible evidence in matrimonial disputes

Supreme Court: In an appeal against the judgment passed by the Punjab and Haryana High Court, where the High Court had ruled that recorded conversations between a husband and wife could not be the basis for deciding a petition under Section 13 of the Hindu Marriage Act, 1955 the Division Bench of BV Nagarathna* and Satish Chandra Sharma, JJ. held that the founding rationale for Section 122 of the Evidence Act, 1872 as acknowledged by the Law Commission and various High Courts, was to protect the sanctity of marriage rather than focusing on the right to privacy of the individuals involved. Consequently, the Court stated that the right to privacy is not a relevant consideration in situations where the privilege under Section 122 is not granted, such as in proceedings between spouses (an exception recognized in Section 122 itself).

The Court emphasised that spousal communications were deemed privileged under Section 122 for the purpose of protecting the sanctity of the marital relationship, and not for safeguarding individual privacy rights. As a result, the Court set aside the impugned order of the High Court and restored the Family Court's order.

The Court directed the Family Court to accept the supplementary affidavit filed by the husband, which included evidence such as the memory card/chip of the mobile phones, compact disc (CD), and the transcript of the recorded conversations from the relevant period. The Family Court was instructed to consider this evidence in accordance with the law.



Background

The appellant-husband and respondent-wife were married on 20-02-2009, and a daughter was born on 11-05-2011. Due to marital discord, the husband filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955, before the Family Court on 07-07-2017, which was later amended and refiled on 03-04-2018. During the evidence stage, the husband submitted his affidavit of examination-in-chief on 07-12-2018. Subsequently, on 09-07-2019, he filed an application seeking permission to submit a supplementary affidavit along with memory cards, a CD, and transcripts of telephonic conversations recorded between November–December 2010 and August–December 2016. The wife opposed the application, questioning the admissibility of such electronic evidence and arguing that the examination-in-chief had already been completed. On 29-01-2020, the Family Court allowed the husband's application, holding that the recordings were relevant and admissible under Sections 14 and 20 of the Family Courts Act, 1984.

The husband later tendered the transcript, original memory card, and CD as evidence on 18-02-2020. Aggrieved, the wife filed a civil revision petition before the Punjab and Haryana High Court. The High Court issued notice and stayed the Family Court's order. By its judgment the High Court allowed the revision petition and set aside the Family Court's order. It held that the CD contained surreptitiously recorded conversations without the wife's knowledge or consent, amounting to a violation of her right to privacy, which is part of the right to life under the Constitution.

The High Court, in their judgment, held that recorded conversations between a husband and wife could not form the basis for deciding a petition under Section 13 of the Hindu Marriage Act, 1955, as courts could not ascertain the context in which such statements were made. They held that recording such conversations without the other partner's knowledge constituted a violation of the right to privacy. Relying on this reasoning, the High Court delivered the impugned judgment in favour of the wife. Aggrieved, the husband filed the present appeal.

Issue

Whether the High Court was justified in setting aside the order of the Family Court and thereby declining permission to the husband to corroborate his evidence in the form of what has been recorded on his mobile phone and by means of a compact disc (CD) and transcription of the same containing the communication made by the wife to the husband to prove his case for seeking divorce?

Please scan the barcode or click the link to access the full decision.



Source: www.sci.gov.in

Court Bans Deputy Ministers from Holding Concurrent Positions

JAKARTA (MKRI) – The Constitutional Court (MK) ruled that the prohibition against holding concurrent positions, as stipulated in Article 23 of Law No. 39 of 2008 on State Ministries, also applies to deputy ministers. The Decision No. [128/PUU-XXIII/2025](#) was delivered at an open plenary hearing on Thursday, August 28, 2025.

This case was brought by Viktor Santoso Tandiasa and Didi Supandi, who requested that prohibition against dual mandate imposed on ministers also be imposed on deputy ministers. The Petitioners submitted the petition because they believe the Government has disobeyed the Constitutional Court’s previous decisions and appointed deputy ministers as commissioners in State-Owned Enterprises (BUMN).

“[Verdict: The Court] has adjudicated, to grant the petitum of Petitioner I in part,” said Chief Justice Suhartoyo delivering the verdict. To declare Article 23 of Law No. 39 of 2008 on State Ministries (State Gazette of the Republic of Indonesia of 2008 No. 166, Supplement to the State Gazette of the Republic of Indonesia No. 4916) inconsistent with the 1945 Constitution of the Republic of Indonesia and conditionally unconstitutional insofar as it is not interpreted to mean: “Ministers and Deputy Ministers shall be prohibited from concurrently holding positions as:

- Other state officials in accordance with statutory regulations;
- Commissioners or directors in state-owned enterprises or private corporations; or
- Leaders of organizations funded by the State Budget and/or Regional Budgets”

In its legal considerations, delivered by Constitutional Justice Enny Nurbaningsih, the Court emphasized that Constitutional Court Decision No. [80/PUU-XVII/2019](#) had already made it clear that all prohibitions on holding concurrent positions applicable to ministers also apply to deputy ministers. Such legal reasoning is binding because it forms part of the Court’s ruling, which is final and inseparable from the verdict.

“The Court holds that the legal considerations in Constitutional Court Decision No. 80/PUU-XVII/2019 have clearly and unequivocally affirmed that all prohibitions against holding concurrent positions applicable to ministers under Article 23 of Law No. 39 of 2008 also apply to deputy ministers. Legally, such reasoning carries binding authority as part of a Constitutional Court ruling, which is constitutionally final. A Constitutional Court ruling is not limited to its verdict but also includes the ruling’s identity, the statement of facts, the legal considerations, and the verdict itself—even the minutes of the hearing—all of which form an inseparable whole. This includes Constitutional Court Decision No. 80/PUU-XVII/2019, which declared ‘the petition of the Petitioners inadmissible,’ but whose legal considerations, as ratio decidendi, contained a judicial order placing the position of deputy minister on equal footing with that of minister as a state official,” Justice Enny explained.

Justice Enny further noted that such legal considerations should have been implemented since the pronouncement of Decision No. 80/PUU-XVII/2019. The prohibition on deputy ministers holding concurrent positions is based on the consideration that, as state officials, deputy ministers must concentrate on the heavy workload requiring special attention within the ministry. This same reasoning justifies the appointment of deputy ministers in certain ministries, thereby precluding them from holding concurrent positions under Article 23 of Law No. 39 of 2008. At the same time, the shared status of ministers and deputy ministers as state officials does not risk creating dual leadership within ministries. Consequently, as the Court had reasoned in Decision No. 80/PUU-XVII/2019, deputy ministers, as state officials, are entitled to facilities proportionate to their office.

The prohibition on deputy ministers serving as SOE commissioners, as argued by the Petitioners, is consistent with Article 33 letter b of Law No. 19 of 2003 on State-Owned Enterprises (BUMN Law). Although Article 33 of Law No. 19 of 2003 was repealed by Law No. 1 of 2025 on the Third Amendment to Law No. 19 of 2003 on State-Owned Enterprises, the substance was retained—prohibiting commissioners from concurrently holding “other positions as stipulated by statutory regulations.”

Within reasonable interpretation, one such statutory regulation is Law No. 39 of 2008. Accordingly, the Court found it necessary to reaffirm in the present ruling the prohibition on deputy ministers holding concurrent positions, including as commissioners, in order to ensure they focus on ministerial duties. Similarly, the role of commissioner also requires sufficient time commitment, as confirmed by the Regulation of the Minister of State-Owned Enterprises of the Republic of Indonesia No. PER-3/MBU/03/2023, which requires members of BUMN boards of commissioners or supervisory boards to “be able to devote sufficient time to carrying out their duties.” The prohibition also aligns with the principles of clean governance, freedom from conflicts of interest, and the implementation of sound public administration.



Source: en.mkri.id

Federal Supreme Court Interprets Article 56: Legislative and Executive Powers Limited to Daily Affairs

The Supreme Federal Court held session on Wednesday, chaired by Judge Mr. Munther Ibrahim Husain, with the full attendance of the members of the judiciary, and issued its interpretive decision No. (213 / Federal / 2025) on 17/11/2025. This was based on the request of the President of the Republic regarding the interpretation of Article (56) of the Constitution of the Republic of Iraq of 2005, and the interpretive decision included the following principles:

- (The Federal Supreme Court finds that the President of the Republic of Iraq has the authority to request this Court to interpret the provisions and articles of the Constitution of the Republic of Iraq of 2005, including Article (56), which states that (First: The term of the parliamentary election cycle shall be four calendar years, beginning with its first session and ending at the end of the fourth year. Second: The new Council of Representatives shall be elected forty-five days before the end of the previous electoral term.),based on the provisions of Article (7) of the Internal Regulations of the Supreme Federal Court No. (1) of 2025, and by reference to Article (4) thereof as it is one of the authorities mentioned therein, it was decided to formally accept the request for interpretation).
- (The Supreme Federal Court finds that the description applicable to the work of the legislative and executive authorities and the nature of the powers they can exercise from the day of the general election for the new Council of Representatives generally lies in handling daily affairs and the transition of powers from full to limited).
- (The Federal Supreme Court finds, based on the interpretation of the constitutional texts contained in the Constitution of the Republic of Iraq of 2005, that the provisions of Article 56 (First and Second) are binding, determining the duration of the parliamentary term at four calendar years, beginning from the first session held by the Council of Representatives under the presidency of the eldest member, following its convening by the President of the Republic through a republican decree, and ending at the conclusion of the fourth year).
- (The Federal Supreme Court finds that the day on which the general elections for the membership of the Council of Representatives are held constitutes a decisive point between an expired legitimacy and a renewed one, thus representing the actual translation of the idea that the system of governance in Iraq is based on the principle of peaceful transfer of power, that the people are the source of authorities and their legitimacy, and that governance must derive from the ballot boxes within clearly defined constitutional terms).
- (The Federal Supreme Court finds that the day on which the general elections for the membership of the Council of Representatives are held is considered the natural end of the term of both the previous Council of Representatives and the Council of Ministers emanating from it, and their political legitimacy ends with the election of the new Council of Representatives, in order to strengthen the constitutional legitimacy of the elected institutions and to prevent the monopolization of power or its extension without constitutional basis).
- (The Federal Supreme Court finds that no entity is allowed to exceed the constitutional durations specified in the Constitution of the Republic of Iraq of 2005, because exceeding them means: violating the will of the people who established these durations from the beginning to the end when they approved the provisions of the Constitution through the general referendum conducted on all its articles, including Article (56) of the Constitution, which is considered the supreme and highest law in Iraq and is binding on all its branches without exception).
- (The Federal Supreme Court finds that, as of the day of the general vote for the election of the new Council of Representatives, any action taken by the legislative authority or the executive authority represented by the Council of Ministers must fall within the concept of managing daily affairs; otherwise, it has no backing in the constitution and the law, and its effects are considered null).
- (The Federal Supreme Court finds that when a voter casts their vote for the person they chose to represent them in the Council of Representatives, they thereby grant them a specific authorization in terms of duration, and this authorization ends at the conclusion of the period specified in the constitution, which is four calendar years).
- (The Supreme Federal Court finds that the day of the general election for the new Council of Representatives marks the end of the term of the previous Council of Representatives and the expiration of its authority in enacting laws and supervising the performance of the executive authority in practice, and that the powers of the Council of Ministers shift from full authority to limited authority in handling daily matters, represented by taking decisions and measures that cannot be postponed, which would ensure the continued regular and steady operation of state institutions and public facilities, and this does not include decisions and measures related to signing international treaties and agreements or concluding contracts that have an impact on the political, economic, or social aspects of the country, it also does not include proposing draft laws, contracting loans, appointing to high-ranking government positions, granting exemptions from them, or restructuring ministries and departments.)
- (The Supreme Federal Court finds that, as of the day of the general voting for the election of the new Council of Representatives, the President of the Republic, as one of the branches of the executive authority, continues to exercise his duties until after the conclusion of the elections of the new Council of Representatives and its convening, based on the provisions of paragraph (Second/B) of Article (72) of the Constitution of the Republic of Iraq of 2005).



Constitutional Interpretation on Administrative Powers: Summary of Decision No. (7) of 2025

The Constitutional Court, in its Decision No. (7) of 2025 concerning Petition No. (4) of 2025, examined a constitutional challenge filed by the applicant against several legislative provisions governing administrative authority, investigative procedures, and the rights of individuals during legal processes. The applicant argued that numerous articles—such as Articles 45/A, 38/A, 324, 372, 377, 38, 39, 45, 342, and 3/342—grant excessively broad powers to state authorities without adequate safeguards. The applicant contended that these provisions permit actions such as administrative detention, surveillance, movement restrictions, and investigative measures in a manner that could be arbitrary, thereby infringing constitutional guarantees of personal liberty, fair trial rights, and protection from abuse of authority.



In its deliberations, the Court emphasized the constitutional principles of legality and proportionality. It held that any state action affecting personal freedoms must be founded on clear legal authority, pursued for legitimate public purposes, and subject to effective oversight. The Court recognized that some of the challenged provisions are open to broad interpretation and, if implemented without strict limits, could enable practices incompatible with constitutional protections. Nevertheless, the Court also noted that these provisions serve legitimate objectives related to public order and the functioning of state institutions. Thus, their constitutionality depends not on the text alone but on their application within constitutional boundaries.

Rather than invalidating the provisions, the Court adopted a constitutional interpretative approach, declaring that the contested articles remain valid but must be applied strictly within the limits set by the Constitution. The Court affirmed that administrative measures—including detention, supervision, restrictions on movement, and other investigative acts—may only be carried out when necessary, proportionate, and non-arbitrary. Officials must ensure that each action has an explicit legal basis, respects individual rights, and is subject to judicial oversight. The Court further stressed that due process guarantees—such as access to legal counsel, protection of defense rights, and the prohibition of coercive or abusive conduct—must be upheld at all stages of the procedure.

In its operative part, the Court upheld several statutory provisions but clarified that their implementation must adhere to constitutional standards of fairness, proportionality, and the protection of fundamental rights. It ruled that state authorities may not rely on these legal provisions to impose restrictions arbitrarily and that any action exceeding the limits established by the Court constitutes a constitutional violation. By issuing binding constitutional interpretations, the Court sought to balance the state's interest in maintaining security and public order with its obligation to protect individual liberties. The decision reiterates the Court's essential role as guardian of constitutional supremacy and as a safeguard against governmental overreach in the administration of justice.



Source: www.cco.gov.jo



Regulatory Decision of the Constitutional Court of the Republic of Kazakhstan of 18 July 2025 No. 74-RD «On Consideration of the Conformity with the Constitution of the Republic of Kazakhstan of the Part Six of Article 152 of the Criminal Procedure Code of the Republic

The Constitutional Court considered a citizen's appeal to verify the constitutionality of part six of Article 152 of the Criminal Procedure Code (CPC).

According to this provision, the period during which a suspect is held in custody while he and his defense counsel review the materials of the criminal case is not included in the period of detention during the pre-trial investigation, but is considered by the court when imposing a sentence.

The reason for citizen A.'s appeal to the Constitutional Court was that, after the completion of the pre-trial investigation, she refused to familiarize herself with the materials of the criminal case and remained in custody for more than a year. However, during this period, her defense counsel and other participants in the criminal proceedings continued to review the criminal case materials. In this regard, according to citizen A., the aforementioned provision violates her constitutional rights to personal freedom and to the assistance of a lawyer (defense counsel) from the moment of detention, arrest, or indictment.

Based on the results of its review of the appeal, the Constitutional Court ruled that the detention of a suspect during the period when he and his defense counsel are reviewing the materials of the criminal case is authorized and must be extended by the investigating judge in accordance with the procedure provided for in the Code of Criminal Procedure. The detention of the suspect during the period when he and his defense counsel are reviewing the criminal case materials is not included in the period of detention during the pre-trial investigation, but is considered by the court when imposing a sentence. If the suspect and his defense counsel are clearly delaying their review of the case materials, the person conducting the pre-trial investigation has the right to draw up a schedule for reviewing the case materials, to be approved by the prosecutor, setting a specific time limit. At the same time, the lack of coordination between the defense counsel and the suspect in reviewing the case materials is not a basis for declaring the provision unconstitutional, but requires clarification of the opinion of the suspect in custody when the pre-trial investigation body draws up a schedule for reviewing the case materials by the participants in the criminal proceedings, including the suspect's defense counsel.

In addition to the above, the Constitutional Court noted that certain issues related to the detention of suspects had not been sufficiently addressed. For example, the division of the period of detention into separate segments depending on the stage of the criminal proceedings, as provided for in the Code of Criminal Procedure, may in practice negate the statutory time limits for the application of this preventive measure. In law enforcement practice, the calculation of the term of detention of a suspect is interrupted for the period of familiarization of all participants in the criminal proceedings, regardless of the time taken by the suspect and his defense counsel to familiarize themselves with the materials of the criminal case.

The Constitutional Court pointed out the insufficient legal consistency of the provisions of the Code of Criminal Procedure regulating the procedure for the provision of qualified legal assistance by a lawyer at the final stage of pre-trial proceedings in the event of a disagreement between the lawyer and the suspect.

Thus, considering the legal conclusions set out in the final decision, the Constitutional Court recommended that the Government of the Republic of Kazakhstan consider further improving criminal procedure legislation.

Regulatory decision No. 74 adopted by the Constitutional Court entered into force on the date of its adoption, is binding throughout the territory of the Republic of Kazakhstan, is final, and is not subject to appeal.



Source : www.gov.kz



CONSTITUTIONAL COURT OF THE REPUBLIC OF KOREA

Case on Priority to Oldest among Surviving Children of Deceased Person of Distinguished Service to State

On April 10, 2025, the Court, in a unanimous decision of all eight Justices who participated in the deliberation, issued the following rulings on the order of priority for receiving monetary compensation among the surviving children of a deceased person of distinguished service to the State.

1. The Court dismissed as nonjusticiable a claim challenging the portion of Article 13, Section (2), Item 1 of the Act on the Honorable Treatment of and Support for Persons, etc. of Distinguished Service to the State (amended by Act No. 16659 on November 26, 2019) that grants priority to one of the surviving children through consultation among them. Under this provision, if one child is designated through such consultation, that child is given priority.
2. The Court held constitutional the portion of Item 2 of the same Section that grants priority to a surviving child who mainly supported the deceased person of distinguished service to the State over the other surviving children. Under this provision, such child is given priority in the absence of a surviving child designated through consultation.
3. The Court held nonconforming to the Constitution the portion of the first clause of the first sentence of Item 3 of the same Section that grants priority to the oldest among the surviving children. Under this provision, such child is given priority in the absence of a surviving child who is designated through consultation or who mainly supported the deceased person of distinguished service to the State. The Court also ordered that the provision remain in effect until amended by December 31, 2026.



Source: www.ccourt.go.kr



CONSTITUTIONAL COURT OF THE KYRGYZ REPUBLIC

Court Considers Provision Allowing Case Termination Without Compensation to Victims

Decision Date: 2 July 2025

Subject: Review of constitutionality of subparagraph “v” of paragraph 5 of Article 3 of the Law on Amendments to Criminal Legislation

Factual Background

Vitaliy Vladimirovich Teplyakov submitted a petition challenging the constitutionality of a provision introduced by the 2021 amendments to criminal legislation. The challenged subparagraph removed a safeguard that previously prevented termination of criminal proceedings due to expiration of the statute of limitations when material damage to a victim had not yet been compensated.

Teplyakov argued that elimination of this protection violated his constitutional rights by depriving victims of an effective legal mechanism ensuring compensation for harm. This created a legal gap that allowed cases to be closed without addressing unpaid damages.

Position of the Court

The Constitutional Court examined whether the challenged provision aligns with the Constitution’s guarantees of protection of property rights, access to justice, and the principle of legal certainty.

The Court held that the removal of the previous procedural safeguard created conditions under which victims’ rights to compensation could not be effectively protected. The legislature had eliminated a mechanism intended to ensure that expiration of statutory deadlines did not deprive victims of their right to redress.

The Court concluded that the revised provision failed to provide adequate legal remedies and therefore contradicted constitutional guarantees. The Court emphasised that criminal procedure must preserve the balance between the rights of the accused and the protection of victims.

Decision

The Constitutional Court declared the challenged provision unconstitutional to the extent that it deprived victims of an effective legal mechanism for securing compensation when cases are terminated due to expiration of statutory limitations.

The legislature was instructed to develop additional legal tools ensuring protection of victims' rights. The applicant’s case is subject to review in light of this decision.



FEDERAL COURT OF MALAYSIA

STATUTORY RESTRICTIONS AND THE CONSTITUTIONAL RIGHT TO PEACEFUL ASSEMBLY

Decision Date : 1 July 2025

Legal Provisions Referred :

- Article 10(1)(b) of the Federal Constitution (right to peaceful assembly)
- Article 10(2)(b) of the Federal Constitution (permissible restrictions)
- Article 8(1) of the Federal Constitution (equality before the law)
- Article 4(1) of the Federal Constitution (constitutional supremacy)
- Subsections 9(1) and 9(5) of the Peaceful Assembly Act 2012

Factual Background

The applicant, a senior member of a Malaysian political party, organised a rally on 14 August 2022 to protest against the award of a government contract by the Ministry of Defence, which was alleged to be a scandal as the contract was purportedly not performed. The rally, attended by approximately 60 individuals, was conducted peacefully and ended without incident.

Subsequently, on 26 August 2022, the applicant was charged in the Magistrates' Court under subsection 9(5) of the Peaceful Assembly Act 2012 for organising the rally without providing prior notice as required under subsection 9(1) of the same Act. Notably, none of the participants who attended the rally were charged. The central issue before the court was whether subsection 9(5) of the Act was unconstitutional for being inconsistent with Articles 10(2)(b) and 8 of the Federal Constitution.

Position / Decision of the Court

The Federal Court held that subsection 9(5) of the Peaceful Assembly Act 2012 was unconstitutional and invalid. The provision was found to impose a disproportionate and discriminatory burden solely on organisers of peaceful assemblies, thereby violating the right to peaceful assembly guaranteed under Article 10(1)(b) of the Federal Constitution.

The Court ruled that the provision amounted to a disguised prohibition rather than a permissible restriction, as it effectively prevented urgent or spontaneous assemblies and created a chilling effect on the exercise of constitutional rights. The criminalisation of organisers, despite the peaceful nature of the assembly and absence of public disorder, lacked a rational nexus to public order or security. Accordingly, subsection 9(5) was struck down as null and void under Article 4(1) of the Federal Constitution

Source: Criminal Reference No. : 06(RJ)-1-08/2024(W) Amir Hariri Bin Abd Hadi V Public Prosecutor

SUPREME COURT OF THE MALDIVES

Maldives Supreme Court Welcomes President’s Decision on Independent Budget to Judiciary



The Supreme Court has welcomed President Dr Mohamed Muizzu’s decision to allocate a fixed percentage of state income to the judiciary as a block grant, granting the courts full financial autonomy to spend the funds independently. As pledged by President Dr Mohamed Muizzu, the state budget has allocated MVR 807.9 million to support judicial independence through a dedicated block grant, marking a major shift in how the judiciary is funded.

Announcing the decision in a post on social media, President Dr Muizzu said financial independence is essential for the judiciary to function without interference. He noted that the allocation will exceed the budget ceiling previously set for the judiciary, and that legal, technical and procedural changes are being prepared to implement the reform. The Cabinet has also agreed to reflect the changes in the State budget from next year.

In its statement, the Supreme Court described the move as a historic step towards strengthening the independence of the judiciary. The court added that the reform would address long-standing financial challenges in the sector and accelerate the delivery of justice.

The judiciary has previously called for greater autonomy, stressing that its effectiveness depends on sufficient and independent funding. The court expressed gratitude to President Dr Muizzu and the Cabinet for the decision, saying it will contribute to sustaining the stability and progress of the justice system.

Source: en.mmtv.mv

SUPREME COURT OF PAKISTAN

Admissibility of CCTV Evidence and Confirmation of Death Sentence in Zahir Zakir Jaffar v. The State

Headnotes

Conviction in capital offences may lawfully rest on circumstantial evidence where the chain is complete and incompatible with innocence. CCTV footage, once authenticated under the two-fold test (source + forensic integrity), constitutes primary evidence under the Electronic Transactions Ordinance and amended QSO provisions, operating under the “Silent Witness” doctrine. In this case, CCTV, DNA, forensic reports, and recovery of the crime weapon formed an unbroken evidentiary chain directly connecting the petitioner to the brutal murder and sexual assault of the deceased. The Court rejected the pleas of intoxication, a “drug party,” and insanity due to absence of medical proof and internal contradictions. Minor discrepancies (FIR timing, postmortem timing, absence of fingerprints) were held immaterial in the presence of overwhelming circumstantial and forensic evidence. Death sentence under section 302(b) PPC was upheld; death under section 376 PPC was converted to life imprisonment; conviction under section 364 PPC was set aside; sentences of co-accused were reduced to already undergone.

Summary

In this set of connected criminal petitions, the petitioner was convicted for the murder, rape, wrongful confinement, and related offences concerning the killing of Noor Mukadam. The body of the deceased was recovered from the petitioner’s residence. The prosecution case, founded on circumstantial and digital evidence, was upheld at trial and on appeal. The Supreme Court undertook a detailed re-evaluation of the evidentiary chain, emphasizing the admissibility and centrality of CCTV evidence under Pakistan’s updated digital-evidence framework.

The CCTV footage depicted the deceased jumping from the first floor in an attempt to escape, limping to the main gate, and being intercepted and ignored by the chowkidar. The petitioner was seen jumping after her, seizing her phone, locking her in the guard cabin, assaulting her, and forcibly dragging her back into the house, the last time she appeared alive. The forensic report confirmed the footage was unedited and positively matched the petitioner through facial recognition. DNA results established sexual assault, and the crime weapon bore the deceased’s blood. The petitioner offered no plausible explanation for the presence of the deceased inside his home, nor for the recovery of her body from his premises.

Both the majority and the additional note concluded that the circumstantial chain was complete and incompatible with innocence. Given the brutal nature of the offence, decapitation and multiple injuries, the Court maintained the death sentence under section 302(b) PPC, converted the death sentence under section 376 PPC to life imprisonment, upheld conviction under section 342 PPC, and set aside conviction under section 364 PPC. Co-accused Muhammad Iftikhar and Muhammad Jan’s convictions were maintained but sentences reduced to already undergone. Petitions seeking enhancement of sentence or reversal of co-accused acquittals were dismissed.

Source: www.supremecourt.gov.pk



CONSTITUTIONAL COURT OF MONGOLIA

Summary of Judgment on the Dismissal of the Prime Minister

On 22 October 2025, the Constitutional Court of Mongolia (Tsets) issued a judgment (Conclusion, 2025, No. 08) that the Parliament of Mongolia (State Great Khural)'s Resolution No. 95 dated 17 October 2025 dismissing the Prime Minister is inconsistent with the Constitution of Mongolia. Prime Minister G. Zandanshatar requested a review by the court, arguing for the unconstitutionality of the procedure of his own dismissal, but the respondent Deputy Chairperson Kh. Bulgantuya, together with the representatives of Parliament, maintained that the dismissal process followed prior practice and did not violate the Constitution.

The dispute was assessed in light of Article 43(1) of the Constitution, which provides the following: “The Parliament shall start discussing after three days and decide within ten days on a proposal to dismiss the Prime Minister, if at least one fourth of the members of the Parliament have formally proposed it. If a majority of the entire members of the Parliament have supported such a proposal, then the resolution of the Parliament on dismissing the Prime Minister shall be considered as adopted, and a new Prime Minister shall be appointed within thirty days.” On this basis, the dismissal proposal entitled “on the Dismissal of the Prime Minister of Mongolia,” formally submitted on 7 October 2025 by fifty- four MPs, was delivered to MPs only on 10 October 2025.

At the plenary session of the Parliament convened to decide whether to dismiss the Prime Minister, a vote was taken using the wording, “to support the Standing Committee on State Structure’s recommendation not to dismiss the Prime Minister” and Resolution No. 95 was thereby adopted on 16 October 2025. According to the Court, this violated Article 43(1) of the Constitution, which requires that the vote be taken using the wording “to support the dismissal of the Prime Minister” and the dismissal be approved only by an affirmative vote of a majority of the total MPs.

The judgment also notes that the original text of Article 43 of the 1992 Constitution contained only general provisions on who may initiate dismissal and the timeframe, and required only a simple majority to dismiss the Prime Minister, whereas the 2019 amendments to Articles 22 and 43 not only required to an absolute majority of the MPs to dismiss the Prime Minister, but also introduced a further consequence: if a new Prime Minister is not appointed within 30 days, the President shall decide to dissolve the Parliament. It further states that Resolution No. 95 (2025) differed from prior instances in that it applied the 2019 amended version of Article 43 for the first time.

Finally, where a breach of an organic law creates circumstances contrary to constitutional principles, it constitutes a violation of the rule of law. In this case, the Parliament aggregated attendance across the plenary sessions of 16 and 17 October 2025, and MPs who registered attendance on October 16 but did not register attendance or participate in voting on October 17 were nevertheless counted as having voted in favor of dismissing the Prime Minister which contravened Article 27(6) and Article 43(1) of the Constitution and Article 6.2 of the Law on the Parliamentary Procedure, thereby violating the “rule of law” and the principle of democracy in Article 1(2) of the Constitution.

Source: *legalinfo.mn*

CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Constitutional Review of Dividend Distribution Rules under the Joint-Stock Companies Law

On 25 September 2025 the Constitutional Court of the Russian Federation adopted Judgement No. 31-П in accordance with Article 47.1 of the Federal Constitutional Law «On the Constitutional Court of the Russian Federation». The case on the review of constitutionality of Article 32 (item 5) and Article 42 (item 3) of the Federal Law «On Joint-Stock Companies» was considered in connection with a complaint of citizens A.P.Beblov, E.G.Beblova, N.V.Mironenko, A.V.Chumak and P.V.Chumak.



Factual background

Alexander Beblow and Elena Beblova, along with other applicants, are preferred shareholders (the amount of dividends on these shares is determined by JSC charter). General meeting of shareholders in 2017 adopted decision to pay the dividends on the ordinary shares, although no dividends were distributed on the preferred shares.

Following a lawsuit by preferred shareholders, the court invalidated the part of this decision that did not include payment of the dividends on such shares. Subsequently, some preferred shareholders attempted to recover the unpaid amounts as unjust enrichment. Courts refused such claims. As the courts held, invalidating the aforementioned part of the general meeting of shareholders' decision does not replace the company's decision to pay the corresponding dividends, since such a decision is the prerogative of the company, but not the court. At the same time, the courts rejected the applicants' argument that the voting rights granted to them instead of dividends do not allow them, given the number of preferred shares they own, to influence on company.

Position of the Court

During the economic activities of a joint-stock company, the interests of the various parties may conflict, including shareholders who hold the shares of the various categories and types. Therefore, one of the main objectives of joint-stock company legislation is to ensure a balance between their legitimate interests. The decision to whether to distribute dividends is determined by the economic circumstances, which are assessed by the company itself.

Current legal regulation assumes that the non-distribution of the dividends among the holders of the preferred shares entails their additional right to participate in the management of the joint-stock company. However, this approach is designed for the situations where the failure to pay dividends is dictated specifically by the economic considerations. This, however, should be distinguished from the case where the preferred shareholders' failure to receive dividends is due to a violation of the mandatory order of the dividend distribution, despite the fact that the holders of ordinary (voting) shares made the corresponding decision exclusively in their favor.

In such cases, effective ways of protecting the violated rights of the other shareholders are required, but granting them the voting rights at the general meeting of the shareholders does not address these concerns and does not compensate for the negative consequences of the violation. Invalidating a dividend distribution decision made in violation of the regulatory restrictions also does not restore the property rights of the preferred shareholders.

The Constitutional Court of the Russian Federation noted that, practically, the prevailing approach precludes the courts from making a decision that would serve as the grounds for compelling a joint-stock company to pay the dividends on any shares (including preferred shares) in the absence of a resolution of the general meeting of the shareholders to do so. However, in the described situation, the implementation of this approach, originally intended to protect a business entity from the arbitrary court interference in the strategic decision-making of its management bodies, creates the preconditions for common shareholders to benefit from their illegal and inequitable conduct.

Thus, the paragraph one of item 5 of the Article 32 and item 3 of the Article 42 of the Federal Law «On Joint-Stock Companies» contradicts the Constitution of the Russian Federation, as they do not provide effective ways of protecting the rights of the preferred shareholders in the case under consideration.

The proceeding regarding contested provision of the paragraph two of item 5 of Article 32 of the indicated Federal Law was terminated because its application in the applicants' case is not supported by the submitted materials.

The legislator should provide the additional ways of protecting the rights of preferred shareholders. Until then, decisions made in violation of the rights of preferred shareholders, the dividend amount for which is determined in the joint-stock company's charter, are not a subject to implementation. If such a decision is implemented after the entry into force of this Judgement, the rights of the aforementioned preferred shareholders are subject to protection by compelling the company to pay damages for its unjust enrichment in the amount of the unpaid dividends for the relevant period.

The applicants' case is subject to review.

Source: www.ksrf.ru

Thai Constitutional Court Ruling on the Constitutional Review of the Extradition Act



Wednesday, 22 October 2025 - The Constitutional Court deliberated an important case of interest as follows. Whether section 19 paragraph one (2) and (3) and section 21 paragraph two and paragraph three of the Extradition Act, B.E. 2551 (2008), are contrary to or inconsistent with section 26, section 27 paragraph one and paragraph three, and section 29 paragraph two of the Constitution (Case No. 12/2568)

The Court of Appeal submitted the objection raised by the requested person (Mr. SHE Zhijiang) in Black Case No. Phor Dor (ผด) 1/2567 and Red Case No. 3494/2568, requesting the Constitutional Court to consider and adjudicate pursuant to section 212 of the Constitution whether section 19 and section 21 of the Extradition Act, B.E. 2551 (2008), are contrary to or inconsistent with section 4, section 5, section 25, section 26, section 27, and section 29 of the Constitution.

Ruling of the Constitutional Court

The Court considered that although the requested person is a foreign national, he, under section 4 paragraph one of the Constitution relating to the protection of human dignity, therefore, has the right to request the Constitutional Court to decide pursuant to section 212 of the Constitution. The Court unanimously ruled that:

Issue I : Section 19 paragraph one (2) and (3) of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26 and section 27 paragraph one and paragraph three of the Constitution.

Issue II : Section 21 paragraph two of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26, section 27 paragraph one and paragraph three, and section 29, paragraph two of the Constitution.

Issue III : Section 21 paragraph three of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26 paragraph one and section 27 paragraph one and paragraph three of the Constitution.

Remarks

1. Mr. Sarawut Songsivilai has been graciously appointed as a Justice of the Constitutional Court. However, as he has not yet made a solemn declaration before the King, he did not participate in the deliberation and adjudication of any matters.
2. The Extradition Act, B.E. 2551 (2008)

Section 19.

The Court shall issue an order to detain a person for extradition, if upon considering the evidence, it finds that there are the following grounds:

- (1) ... ;
- (2) there are grounds for admitting the case if the offence is committed in the Kingdom or regarded by the laws to be committed in the Kingdom; and
- (3) the offence sought for extradition is extraditable under this Act and in particular, not a political or military offence.

Section 21.

After the Court of First Instance issues a release order or a detention order for extradition against a person, the public prosecutor or that person may file an appeal against the order within thirty days from the day the Court reads that order.

When considering the appeal, the Court of Appeal shall examine the objection, particularly the grounds on which the Court issued the order under section 19, by considering whether or not the Court of First Instance issues the order based on sufficient evidence.

The decision of the Court of Appeal shall be final.



SUPREME COURT OF THE PHILIPPINES

Constitutionality of the Fourth Impeachment Complaint: Violation of the One-Year Bar Rule in Sara Z. Duterte v. House of Representatives

The case concerns two Petitions for Certiorari and Prohibition filed by Vice President Sarah Z. Duterte challenging the constitutionality of the fourth impeachment complaint filed against her. The disputed complaint—signed by 215 members of the House of Representatives—was filed and transmitted to the Senate on February 5, 2025. The Vice President argued that this action violated the one-year bar rule under Article XI, Section 3(5) of the 1987 Constitution, which prohibits more than one initiation of impeachment proceedings against the same official within one year.

Previously, three separate impeachment complaints had been filed by private individuals in December 2024, endorsed pursuant to Article XI, Section 3(2) and the House Rules on Impeachment. The Constitution mandates that verified complaints be included in the Order of Business within 10 session days and referred to the Committee on Justice within three session days. However, the House leadership took no action until February 5, 2025, when the Secretary General transmitted the complaints to the Speaker. On the same day, during an unannounced caucus, House members filed a fourth complaint—this time under Article XI, Section 3(4), which allows an impeachment complaint endorsed by at least one-third of all House members to bypass committee proceedings and automatically constitute the Articles of Impeachment.

Despite reaching the one-third threshold, the Supreme Court emphasized that impeachment is a legal and constitutional process—not merely a political act—and remains subject to constitutional limitations and the Bill of Rights, including the rights to due process and speedy disposition of cases. The Court reaffirmed that questions involving impeachment proceedings are justiciable, especially when constitutional boundaries or fundamental rights are implicated.

Central to the ruling is the interpretation of the one-year bar rule. The Constitution does not explicitly identify the reckoning point for “initiation” under Article XI, Section 3(5). To resolve this gap, the Court applied principles of constitutional construction, reading impeachment provisions alongside other constitutional mandates on public accountability, separation of powers, and protection of individual rights. The Court held that the purpose of the one-year bar is to prevent harassment of impeachable officers and ensure stability in governance.

The Court ruled that the three earlier impeachment complaints, though unacted upon, were properly endorsed and should have been processed within constitutional timelines. Because the House failed to act and later archived these complaints on February 5, 2025, they were deemed terminated or dismissed on that date. Applying a nuanced approach to protect the respondent’s rights and uphold constitutional intent, the Court held that the one-year bar must be reckoned from the date of termination of the earlier complaints when the House failed to act. Accordingly, no new impeachment complaint could be initiated against the Vice President before February 6, 2026. The fourth impeachment complaint filed on February 5, 2025 was therefore barred for violating Article XI, Section 3(5) of the Constitution.

The Supreme Court reiterated that adherence to constitutional procedure—rather than political will—governs impeachment. Any circumvention of safeguards, including the one-year bar, undermines both the integrity of the impeachment process and the system of checks and balances.

Source: sc.judiciary.gov.ph

CONSTITUTIONAL COURT OF THE REPUBLIC OF TÜRKIYE

Dismissal of a Judge Based Solely on Witness Statements

Facts

While serving as a judge, the applicant was dismissed from office on the grounds of his connection to the Fetullahist Terrorist Organisation/Parallel State Structure (FETÖ/PDY), in accordance with a decision issued by the Plenary of the Council of Judges and Prosecutors (CJP). The applicant's subsequent request for a review of the dismissal decision was also rejected by the CJP.

He then brought an action for the annulment of the CJP's decision before the Fifth Chamber of the Council of State. However, the Chamber dismissed the request. His subsequent appeal to the Plenary Session of the Chambers for Administrative Cases of the Council of State was dismissed on the grounds that the Chamber's decision had been made in accordance with procedure and law.

Applicant's Allegations Before the Constitutional Court

In his individual application to the Constitutional Court, the applicant argued that his dismissal on the basis of his alleged connection with the FETÖ/PDY, which had been deemed to pose a threat to national security, violated his right to respect for private life. He also complained that the length of the administrative proceedings breached his right to a trial within a reasonable time. Furthermore, the applicant argued that his presumption of innocence had been violated.

Constitutional Court's Assessments

In the present case, at the end of the proceedings concerning the applicant's dismissal from office, the trial court dismissed the case, relying on witness S.K.'s statement about the applicant, as well as on the fact that the applicant was appointed inspector at the CJP at a time when the FETÖ/PDY had considerable influence over the judiciary. In other words, the judicial authorities concluded that the applicant had relations and connections with the FETÖ/PDY and had therefore breached his obligation of loyalty to the democratic constitutional order based on these two factors.

It is essential that the reasoning put forward to demonstrate an individual's relationship with the organisation shows that all relevant facts, circumstances and allegations, as well as the evidence both for and against the individual, have been assessed comprehensively and coherently. This requirement stems from the fact that relations and connections can be substantiated through a personal profile based on concrete elements.

Indeed, in several of its judgments, the Council of State has ruled that witness statements based solely on personal opinions and presumptions, rather than concrete evidence, cannot establish an individual's relationship with the FETÖ/PDY. Similarly, according to the Council of State, the mere allegation that an individual was appointed to a high-ranking position during a period when the FETÖ/PDY was active for the purpose of achieving the organisation's objectives and strategies is not sufficient to establish such a relationship or connection in the absence of supporting evidence.

In the present case, two sitting judges gave statements during the applicant's criminal proceedings, clearly indicating that they did not believe he had any relation to or connection with the FETÖ/PDY. However, the judicial authorities failed to consider these statements when making their decision and did not address the applicant's allegations that they contradicted the accusations raised against him. The authorities also failed to give due consideration to the counter-arguments and defences put forward. A review of the statement of witness S.K., which was decisive in the case, revealed that he did not refer to any specific act or concrete fact demonstrating the applicant's relation to or connection with the FETÖ/PDY. His statement primarily consisted of personal impressions and subjective evaluations. Furthermore, the finding that the applicant had been appointed as an inspector at the CJP during the period when the FETÖ/PDY was active for the purpose of achieving the organisation's objectives was not supported by additional evidence. Therefore, this presumption cannot be regarded as a serious, objective reason to establish the applicant's relationship with or connection to the organisation.

For these reasons, the administrative and judicial authorities failed to provide relevant and convincing reasons to demonstrate that the applicant had a relationship with or connection to the FETÖ/PDY, or that he had ceased to be loyal to the constitutional order. Accordingly, interfering with the applicant's right to respect for private life by dismissing him from office was not a measure strictly required by the exigencies of the situation during the state of emergency. Consequently, the Constitutional Court held that the interference with the right to respect for private life, as safeguarded under Article 20 of the Constitution, did not comply with the criteria set out in Article 15, which governs the suspension and restriction of fundamental rights and freedoms during a state of emergency. Therefore, it was found that there had been a violation of the right to respect for private life. After a thorough examination, the remaining parts of the present application were deemed inadmissible.

Source: www.anayasa.gov.tr



CONSTITUTIONAL COURT OF UZBEKISTAN

Constitutional Court of the Republic of Uzbekistan – Decision on the Interpretation of Articles 8, 9, and 10 of the Law “On Public Debt”

The Constitutional Court of the Republic of Uzbekistan examined the request of the Senate of the Oliy Majlis concerning the interpretation of Articles 8, 9, and 10 of the Law “On Public Debt,” specifically regarding the legal nature, procedure, and normative status of the annual public debt ceiling approved by Parliament. The Senate noted uncertainties in practice regarding whether the established ceiling constitutes a binding legal norm or an indicative fiscal guideline.

Having reviewed the legislation, statistical data, and arguments presented by the Ministry of Finance and other competent bodies, the Constitutional Court reaffirmed that the annual parameters approved by Parliament—particularly limits on state guarantees and new external and internal borrowings—carry mandatory legal force and must be strictly observed by state authorities. These parameters are not discretionary; they form an integral part of the State Budget Law and therefore constitute normative obligations for the executive.

The Court emphasized that compliance with the debt ceiling is essential to ensure fiscal discipline, macroeconomic stability, and transparency in public financial management. Exceeding the established limits without parliamentary authorization violates constitutional principles governing the separation of powers, budgetary competence of the Oliy Majlis, and legality in public administration.

Furthermore, the Court clarified that ministries and agencies may not introduce borrowing commitments or state guarantees beyond the annual ceiling, regardless of economic context or administrative necessity. The Government must submit any need for additional borrowing to Parliament for separate approval. The Court also underscored that statistical discrepancies or later adjustments in reporting do not alter the binding nature of the established limits.

In conclusion, the Constitutional Court held that Articles 8, 9, and 10 of the Law “On Public Debt” require strict adherence to the annual debt ceilings approved by the Oliy Majlis, and that these ceilings possess the status of normative, legally binding constraints on all state bodies. Any borrowing or guarantee activity that exceeds these limitations without prior parliamentary approval is unconstitutional.

Source : www.konstsud.uz

A top-down view of several hands of different skin tones and ages, wearing business attire, holding a small, stylized globe. The globe is light blue with green continents. Overlaid on the globe is the text "NEWS FROM FELLOW ASSOCIATIONS" in a bold, white, distressed font.

**NEWS FROM
FELLOW
ASSOCIATIONS**



MADRID: SIGNING OF A COOPERATION AGREEMENT BETWEEN THE CJCA AND THE IBERO-AMERICAN CONFERENCE ON CONSTITUTIONAL JUSTICE

The Conference of African Constitutional Jurisdictions (CJCA) and the Ibero-American Conference on Constitutional Justice (CIAJC) signed a partnership agreement aimed at strengthening cooperation and exchanges in the field of constitutional justice. The signing ceremony took place in Madrid on October 28, 2025, on the sidelines of the 6th Congress of the World Conference on Constitutional Justice.



Those present were:

- Mr. Luke Malaba, Chief Justice of Zimbabwe President of the CJCA;
- Mr. Moussa Laraba, Judge and Secretary General of the CJCA;
- Mr. Enrique Arnaldo Alcubilla, Judge of the Constitutional Court of Spain and Secretary General of the Ibero-American Group of Constitutional Courts.



LIBERIA SUPREME COURT BECOMES 50TH MEMBER OF THE CJCA

In a letter addressed to the CJCA General Secretariat dated August 29, 2025, the Honorable Chief Justice Yamie Quiqui Gbeisay formally requested the Supreme Court of Liberia to join the CCJ as a Member.

With the Supreme Court of Liberia's membership in the CJCA, the total number of members will increase to fifty (50) Active Members and four (4) Observer Members. Liberia has a multi-party presidential republic system of governance, modeled on the United States, with a separation of executive, legislative, and judicial powers. The President is both head of state and head of government. The Supreme Court of Liberia is the highest judicial body in Liberia. The court consists of the Chief Justice of Liberia, who is also the highest judicial officer, and four associate justices, who are appointed by the President and confirmed by the Senate. The justices sit in the Temple of Justice on Capitol Hill in Monrovia.



Julio José Rojas Báez

The former secretary of the Constitutional Court of the Dominican Republic, elected president of the Inter-American Juridical Committee

Julio José Rojas Báez is the first Dominican to preside over this body. The election was by acclamation during the 107th session of the Committee—one of the principal organs of the Organization of American States—in Rio de Janeiro. Rojas Báez, recognized for his career in international law and for his contributions to the modernization of legal frameworks in the region, reaffirmed his commitment to "continue strengthening the Committee's role as an inter-American legal authority."

Rio de Janeiro, August 15, 2025.



Edson Fachin

Edson Fachin is elected president of Brazil's Supreme Federal Court.

Minister Alexandre de Moraes has been chosen as vice president.

The current vice president, who has been a member of the Court since 2015, will assume the Court's highest position for the next two years. He replaces Justice Luis Roberto Barroso, who emphasized Edson Fachin's "moral and intellectual caliber."

Brasilia, September 29, 2025.

The Constitutional Court of Ecuador Launches the Microsite "These Are Your Rights"

A citizen-focused web portal for constitutional rulings. This platform is designed to help the public understand how constitutional justice transforms people's lives and to showcase the Court's decisions that safeguard fundamental rights.



Go to the Site : These are your rights'



BiH Constitutional Court Welcomes Initiative for International Collaboration

His Excellency Manahan M. P. Sitompul, Ambassador of the Republic of Indonesia to Bosnia and Herzegovina (BiH), visited the Constitutional Court of BiH on Thursday (28/08/2025). Ambassador Sitompul was welcomed by Mr. Mirsad Ćeman, President of the Constitutional Court of BiH.

President Ćeman informed Ambassador Sitompul about the constitutional position, organisation and operation of the Constitutional Court of BiH, in particular the appellate and abstract jurisdiction, as well as relevant statistical data on the work of the Constitutional Court of BiH. The conversation also included the place and role of the Constitutional Court of BiH in the constitutional structure of BiH, as well as the importance of the decisions of the Constitutional Court of BiH in the legal system of BiH and their implementation.

Ambassador Sitompul presented a letter from the President of the Constitutional Court of the Republic of Indonesia to President Ćeman, containing an initiative that a delegation of the Constitutional Court of the Republic of Indonesia visits the Constitutional Court of BiH.

Ambassador Sitompul expressed gratitude for the reception as well as exchange of opinions and information received from President Ćeman during the visit, and wished the Constitutional Court of BiH success in its work.

Source: www.ustavisud.ba

Constitutional Court of the Republic of Croatia

Scientific gathering on the impact of the Human Rights Convention on the Croatian legal system

21 November 2025 - In his introductory speech at the scientific conference on the influence of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the Croatian legal order which focused on the protection of sensitive groups and vulnerable individuals, Prof Frane Staničić, President of the Court, emphasized the high sensitivity of the Constitutional Court regarding the protection of the rights of precisely this group of individuals and referred to the role of the court in developing standards of constitutional protection and their harmonisation with the standards of the European Convention for the Protection of Human Rights.

The esteemed speakers also included judges of the Croatian Constitutional Court: Judge Assoc. Prof Dr Maša Marochini Zrinski presented the case-law of both the Croatian Constitutional Court and the European Court of Human Rights in relation to preventing secondary victimisation of vulnerable individuals; Judge Dr Miroslav Šeparović, Secretary General Sanja Trgovac and former Judge Dr Snježana Bagić addressed the protection of minors in pre-trial detention while Judge Andrej Abramović spoke on the topic "The relationship between Art. 8 and Art. 10 of the Convention in media cases - a vulnerable society and a victimized individual". Introductory remarks were also made by Prof Dario Đerđa, Dean of the Law Faculty in Rijeka, Prof Davor Vašiček, Acting Rector of the University of Rijeka and Dr Sanja Grbić, Head of the Project "Existing Anthropogenic Protection of Convention Rights as a Chilling Effect" within the framework of which this scientific gathering was held.

Source: www.usud.hr





A TRIBUTE TO JUSTICE ARIEF HIDAYAT'S LEGACY IN ASIAN CONSTITUTIONAL DIPLOMACY

Background and Career

Prof. Dr. Arief Hidayat, S.H., M.S. was born on February 3, 1956, in Semarang, Central Java. A distinguished scholar of constitutional law, he was conferred the title of Professor of Constitutional Law in 2008 and subsequently served as Dean of the Faculty of Law at Diponegoro University. Known for his "juridical-romantic" approach, Justice Arief bridges the normative and sociological dimensions of constitutional law, emphasizing harmony over doctrinal rigidity.

A profound admirer of President Soekarno's teachings, Justice Arief often draws upon the founding father's vision of unity and solidarity in his diplomatic engagements. He was inaugurated as a Constitutional Justice on April 1, 2013, then unanimously elected as Chief Justice of the Constitutional Court, a position he held for two consecutive terms (2015–2017 and 2017–2018). His tenure as Constitutional Justice spans from 2013 to 2026, and in February 2026, he will reach the mandatory retirement age of 70, marking the end of a distinguished career on the bench.

President of the AACC (2015–2017)

As Chief Justice, Justice Arief assumed the presidency of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) from 2015 to 2017. His tenure was marked by a deliberate effort to embed the principles of *musyawarah mufakat* (deliberation and consensus) and *gotong royong* (mutual cooperation) as the defining characteristics of the AACC's decision-making culture, what he termed the "Asian Way."

This philosophy bore fruit in 2017, when (for the first time in the association's history) the AACC reached a consensus on leadership succession for multiple terms ahead. Member states collectively agreed that Malaysia would assume the presidency for 2017–2019, followed by Kazakhstan, Mongolia, and Thailand in successive terms. This unprecedented arrangement reflected the spirit of solidarity and long-term institutional planning that Justice Arief championed.

Under his leadership, Indonesia also hosted the landmark 3rd AACC Congress in Bali (August 2016), which resulted in the adoption of the Bali Declaration and the establishment of the tripartite AACC Permanent Secretariat, with Jakarta hosting the Secretariat for Planning and Coordination, Seoul the Secretariat for Research and Development, and Ankara the Center for Training and Human Resources Development.



BRIDGING ASIA AND AFRICA

One of Justice Arief's most enduring legacies is the forging of intercontinental cooperation between Asia and Africa in the field of constitutional justice. On August 9, 2017, in Surakarta (Solo), Indonesia, the AACC and the Conference of Constitutional Jurisdictions of Africa (CCJA) signed a Memorandum of Understanding, initiating a historic partnership between the two regional associations.



This collaboration culminated in the AACC-CCJA Joint Conference themed "Promoting Asian-African Cooperation for the Protection of People's Fundamental Rights," held on October 4, 2022, in Bali as a side event of the 5th WCCJ Congress. Justice Arief, serving as a key speaker, emphasized the shared challenges faced by Asian and African nations in upholding human rights and proposed the establishment of a joint permanent secretariat to deepen cooperation between the two continents.

CARRYING ASIA'S VOICE TO THE WORLD STAGE



Justice Arief played a pivotal role in securing Indonesia's bid to host the 5th Congress of the World Conference on Constitutional Justice (WCCJ) in October 2022. With the unanimous support of all AACC member states, Indonesia successfully brought the world congress back to Asia. This was a testament to the region's growing prominence and the trust it has earned from the global constitutional community.

Beyond regional leadership, Justice Arief has been instrumental in amplifying Asia's voice within the WCCJ Bureau. Indonesia's eleven-year presence in the Bureau, spanning roles as AACC President, Asian continental representative, next congress host, and former congress host, owes much to his diplomatic stewardship.

At the 6th WCCJ Congress in Madrid (October 2025), his intervention on judicial independence, drawing from progressive legal theory and Indonesia's constitutional experience, inspired key language in the Madrid Communiqué, reaffirming that constitutional justice can only fulfill its role when judicial autonomy is fully guaranteed.



In his closing statement at the Madrid Congress, Justice Arief quoted President Soekarno's historic 1960 UN General Assembly address, urging the global constitutional community: "We have the opportunity to build together a better world, a safer world, a more just world, and a more peaceful world. So hold on, grasp it tightly, and use that opportunity."



**PERMANENT SECRETARIAT
FOR PLANNING AND COORDINATION**

Association of Asian Constitutional Courts and Equivalent Institutions

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aacc-asia.org