

Editorial

The current special issue of *Právny obzor* is devoted to the constitutional law. Constitutional law is the basis of the legal order of every state. With a high degree of abstraction, we are traditionally used to defining it as a set of written or unwritten norms of the highest legal force, which regulate two large areas of issues in the state: the organization of public powers and the protection of the fundamental rights. As the basis of the organization of the state, the constitutional law must be founded on some ideological grounds, it cannot be neutral in this way. That is why we sometimes come across the opinion that constitutional law is more philosophy than law, that it is very theoretical and difficult to apply in everyday life. A scholar of constitutional law knows that this is not the case. Yes, it is true that the ideological basis of the state is present in each Constitution. However, this truth does not change the fact that constitutional law is essentially a very practical discipline, even when it ostensibly deals with “philosophical” questions. Constitutional law is a practical science, and a good constitutional law expert must always be a practitioner at the same time.

Therefore, the ambition of this year’s special issue of *Právny obzor* was to aim at specific constitutional law questions brought up by practical life in the present era. The authors intended to define the problems and challenges arising from these questions, based on well-founded and scientifically strong academic arguments, and at the same time in such a way that the formulated conclusions are of practical use.

The ambition of this issue was also to develop a scientific discussion with the participation of important personalities of the world’s constitutional law science. The presence of authors from Central Europe, to which Slovakia belongs, is important. But it is also essential that the voice of authors of important democratic states that are geographically more distant could be present as well. This composition made it possible to demonstrate the diversity of constitutional questions that resonate in different parts of Western Civilization, but also the diversity of views on certain issues. This is also the richness of the discussion that the current issue of *Právny obzor* offers.

The author of the first article, professor Douglas Brian McKechnie from the United States Air Force Academy, Colorado Springs, United States of America, shows us the contrasting approaches to regulating hate speech and misinformation in Europe and the United States of America, with a focus on the role of social media. Guided by interpretations of Article 10 of the European Convention on Human Rights, European nations maintain latitude to restrict speech harmful to society, including hate speech and misinformation. Conversely, in the United States, the Supreme Court’s First Amendment

jurisprudence places significant burdens on the State's ability to regulate hate speech and misinformation. The American point of view is enriching and the analysis of the author is amazing as he demonstrates that while hate speech and falsities can cause both individual and social harm, there are deleterious impacts of empowering the State to regulate these ideas. When the State can eliminate hate speech and false ideas from public discourse, society's ability to challenge those ideas is diminished, resulting in indolent public discourse, concludes Douglas McKechnie stating that the importance of ensuring that unfettered marketplace of ideas has never been more important considering the rise of social media.

The authors of the second article are Judit Tóth from University of Szeged and Nora Bán-Forgács from HUN-REN, CSS, Institute for Legal Studies, Hungary. In their article they illustrate how the Hungarian government uses the public law mandate to invoke pandemics, war in the neighbourhood or even the refugee crisis as a pretext to restrict public spaces and to block data on government operations and budgets. The example of Hungary illustrates the danger of what happens when a fundamental right that was institutionally guaranteed, namely the freedom of information, deteriorates. The erosion of freedom of information not only leads to the derogation of a fundamental right, but may also contribute to the regression of public debates, declining control of public affairs, and ultimately to the eradication of the constitutional rule of law. This enlightening article covers legal developments in the area of freedom of information in the recent decade.

In the third article Andra-Roxana Trandafir and George-Cristian Ioan from the University of Bucharest, Romania, analyze the recent case law of the Romanian Constitutional Court on the question of imposing obligations on the legislature to criminalize certain behaviours. In a first phase, such rulings were made by means of simple decisions which reinstated criminal provisions by finding that the law which repealed them was unconstitutional. However, in the past few years, the Court went further and took a more proactive approach. So-called manipulative decisions have started to play a role in criminal law matters. In a very inspiring way the authors analyze the consequences of such decisions, focusing on finding means to determine when and how proper protection of constitutional rights and principles can only be achieved by means of criminal law.

In the fourth article, professor Yves Petit from the University of Lorraine, *Director of the European University Centre of Nancy*, France, brings our attention to the European dimension of the constitutional law, which is today its inherent part. The Russian war of aggression against Ukraine created a new geopolitical situation in Europe. By opposing the invasion and uniting for a common cause, the European Union is offered challenge to assert the political power and strengthen the strategic independence. However, it will also have to engage in a reorganization of the European continent, by agreeing to reform the existing states, possibly to integrate new Member States, as well as being a stakeholder in this necessary restructuring. A renewed and newly founded European Union could then become one of the three poles of a new globalization.

Last but not least, in the fifth article Luka Tičar from the University of Ljubljana, Slovenia emphasizes the complexity of constitutional dimensions of the notion of prohibition of competition, primarily within the Slovenian labour legislation framework. The prohibition of competition encompasses significant restrictions, particularly affecting workers, in terms of freedom to choose employment, engage in independent entrepreneurial activities, and even utilise their free time and rest periods. The author first presents and analyses the legislative provisions in place before Slovenia's independence, which were annulled as unconstitutional, and then outlines the key elements of the current labour legislation governing both dimensions of the competition prohibition – statutory and contractual. Throughout, the author highlights solutions that the legislature implemented following guidance from the Constitutional Court, which played a pivotal role in shaping the now-applicable legal framework on the prohibition of competition.

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