

Institutions of direct democracy in the establishment process of the basic law: advantages of form through a prism of shortcomings in practice

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Research Methodology is used according to jurisprudence requirements, need of achievement of purposes. The critical analysis on the basis of historical and comparative legal methods contributes to this to the greatest extent.

Results: Despite the attractiveness and popularity of using referendums in making the constitution need to be clear and their potentially destructive nature when institutions of direct democracy serve as the cover for non-democratic purposes and contribute to establishing a personal regime.

Novelty: Institution of the referendum was widespread in the former socialist countries and republics of the disintegrated Soviet Union. However, this reality cannot be regarded as the widespread assertion of democratic origins and legal principles because the direct forms of democracy may be useful for non-democratic regimes, and the adoption of the basic law through a referendum only contributes to the legitimation and dissemination of populist authoritarian tendencies.

The practical significance: Study of the theory and practice of constitutionalism makes it possible to assess not only advantages, but also disadvantages of the forms of referendum. It promotes more effective state and legal construction, development of the critical direction in the constitutional science and introduction of the true and substantial beginnings at stages of educational process.