

International treaty law as the fundamental regulatory basis for the phenomenology of the “constitutional person”

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Abstract. The purpose of this study was to substantiate the role of international treaty law as the basic normative framework for the formation and functioning of the phenomenology of the “constitutional person” through a systematic analysis of human rights treaties and mechanisms for their domestic implementation in relation to constitutional principles and judicial practice. The study was conducted in the format of doctrinal-analytical and comparative-legal analysis using elements of descriptive legal statistics based on international human rights treaties, constitutional texts, and decisions of constitutional courts of Ukraine, Germany, Poland, and Indonesia for the period 2015-2024. The main results of the study showed that international treaty law forms a multi-level normative structure of the constitutional status of the individual, defining the core of fundamental rights and freedoms, the limits of state discretion, and procedural guarantees for their protection. It was found that, on average, about 30-35% of constitutionally significant court decisions in the legal systems studied contain references to international human rights treaties, with this figure being significantly higher in states with a predominantly monistic model of the relationship between international and domestic law. The data obtained confirmed the dominance of the interpretative function of international treaties in judicial practice and their use as a normative minimum, limiting the possibility of restricting constitutional rights. It was concluded that international treaty law transforms the concept of the “constitutional person” from an element of the

Suggested Citation ————— **Article's History:** Received: 15.01.2026 Revised: 10.04.2026 Accepted: 27.05.2026 Published: 01.06.2026

Hvan, R., Baimuratov M., Boiarskyi, O., Kofman, B., & Bobrovnyk, D. (2026). International treaty law as the fundamental regulatory basis for the phenomenology of the “constitutional person”. *Social & Legal Studios*, 9(2), 19-29. doi: 10.32518/sals2.2026.19.

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national legal system into a component of the global system of legal protection, which is of significant importance for the further development of constitutional law and its application in practice

Keywords: human rights and freedoms; constitutional rights; municipal human rights; international municipal law; international legal obligations; international legal standards; implementation of international treaties

Introduction

The issue of domestic implementation of international human rights standards is traditionally viewed through the prism of the interaction between politics, law, and institutional capacity of the state. In this context, M. Krennerich (2024) systematically demonstrated that the implementation of international obligations at the national level is determined not only by formal legal mechanisms, but also by the internal configuration of state human rights policy, which leads to fragmentation and uneven implementation practices. The issue of the impact of international treaties and standards on the national legal order has been developed within the framework of comparative legal studies. In particular, M. Baimuratov *et al.* (2024) demonstrated that the integration of international norms into domestic legal systems is not a linear process and depends on the structural features of national legislation, which allows implementation to be viewed as a systemic transformation of the legal order rather than a formal borrowing of norms.

The empirical measurement of the implementation of universal human rights treaties at the national level is presented in studies focused on individual states. For example, F. Adegalu & T. Mitchell (2024) used South Africa as an example to show that even with a developed treaty base, the effectiveness of implementation remains limited due to institutional gaps between international obligations and domestic mechanisms for their application. The European context of the implementation of international human rights treaties is highlighted in works that analyse the interaction of international standards with national constitutional systems. In particular, G. Baranowska *et al.* (2024) showed that, in the context of European Union membership, the implementation of UN treaties is carried out through a complex multi-level system in which international obligations are mediated by constitutional principles and legislative traditions of the state.

A separate area of research focuses on the role of the judiciary in correcting defects in the implementation of international treaties. In this regard, J. Bell (2025) argued that judicial review of incorrect or incomplete implementation of international obligations is a key tool for ensuring their practical effectiveness, especially in the absence of clear political or administrative enforcement mechanisms. The problems of implementing international standards in developing countries are considered as a separate structural group of challenges. In particular, A. Purwanto & M. Hassan (2025) summarised typical barriers to implementation related to limited institutional capacity, fragmentation of legislation, and dependence on external regulatory models, which emphasises the need for contextualised approaches to the implementation of international norms.

Despite a significant body of research on the implementation of international human rights standards, a number of gaps remain in this area. First of all, most studies focus on formal legal models of transformation or incorporation of international norms, leaving institutional mechanisms for their actual implementation in the domestic legal order without due attention. The interaction between

legislative, executive, and judicial bodies in the process of implementing international obligations, as well as the role of judicial practice as a corrective element in cases of defective or inconsistent implementation, remain insufficiently analysed. In addition, the scientific literature provides only fragmentary coverage of the issue of asymmetry between universal international standards and national constitutional and political-legal contexts, which makes it impossible to develop a generalised analytical model of effective implementation and limits the explanatory potential of existing approaches.

The purpose of this study was to substantiate the role of international treaty law as the basic normative framework for the formation and functioning of the phenomenology of the “constitutional person” through a systematic analysis of international human rights treaties and the mechanisms for their domestic implementation in relation to constitutional principles and the practice of their application. To achieve this goal, the study aimed to accomplish the following tasks: analyse the evolution of ideas about the “constitutional person” in the context of the development of international treaty law; determine the place and significance of international treaties in the system of sources that define the content and scope of constitutional human rights and freedoms; identify the key regulatory mechanisms through which international treaty standards influence national constitutional law; identify the main contradictions and limitations of the implementation of international treaty obligations in national constitutional legal systems; outline the theoretical and legal consequences of such influence for the formation of the modern phenomenology of the “constitutional person”.

Literature review

In contemporary international and constitutional law, the problem of implementing international treaties is viewed as a complex, multi-level process combining normative, institutional, and judicial dimensions. In this context, F. Abdullah (2024) drew attention to conceptual and institutional asymmetries in the fulfilment of treaty obligations, showing that the difference between international standards and national institutional structures leads to uneven implementation of human rights. The classic legislative approach to the implementation of international law was systematised by E.B. Beenakker (2018), who emphasised the decisive role of the national legislator in the transformation of international norms, although this approach is increasingly criticised for its limited ability to explain the real effect of treaties in the constitutional space.

The impact of international humanitarian and human rights law on domestic legal systems is also considered through the prism of sectoral legislation. In particular, V. Boiko (2025) showed that international standards are integrated into national law in a fragmented manner, which affects the systematic protection of human rights. The judicial dimension of the application of international

treaties in national legal systems has been analysed in works devoted to constitutional jurisprudence. Thus, S. Butt *et al.* (2025) proposed a typology of the use of international law by constitutional courts, demonstrating that international treaties can perform both an argumentative and a normative function.

The normative centrality of human dignity as the basis for international treaty standards was substantiated by N. Carrillo-Santarelli & F. Seatzù (2023), who showed that international law forms an anthropocentric approach to the protection of rights, relevant to the concept of the “constitutional person”. The issue of the practical application of international human rights law in the national context was explored in a study by P.K. Cashman (2024), which emphasised the importance of judicial practice in giving international norms real legal force. The effectiveness of international human rights protection mechanisms as a prerequisite for their constitutional integration was analysed by O. Dashkovska *et al.* (2025), who pointed to the gap between international guarantees and their domestic implementation.

New treaty obligations of states, particularly in the field of climate, occupy a special place in contemporary doctrine. In this regard, C.E. Foster (2025) demonstrated that the advisory practice of the UN International Court of Justice expands the content of states’ treaty obligations, which has a direct impact on national constitutional approaches to human rights. A critical view of the functioning of international treaty bodies is presented in the work of J. Haynes (2025), which shows that implementation practices can reproduce structural inequalities, calling into question the universality of treaty standards. The principle of good faith as a fundamental element of treaty and constitutional law was conceptualised by A. Kochman (2026), who justified its importance for the interpretation and application of international treaties in a constitutional context.

The problems of implementing international standards at the national level are also summarised in the works of M.I. Krasko & S.I. Omelchenko (2025), who pointed out the dependence of the effectiveness of human rights implementation on domestic legal mechanisms. The application of international standards through the practice of international courts in the national context was analysed by A. Kuchuk *et al.* (2025), who emphasised the role of supranational jurisprudence in shaping human rights protection standards. The theoretical foundations of the relationship between international and domestic law were summarised by R. Kunz (2024), who considered international treaties as a structural element of the national legal order. The role of international law in shaping constitutional values and the legal status of individuals was studied by M. Mishra & S. Khanna (2025), who showed that international treaties directly influence the evolution of the constitutional image of the individual.

Summarising the results of the analysis of scientific literature, it should be noted that contemporary studies convincingly demonstrate the multidimensional nature of the implementation of international treaty law in national constitutional legal orders, but remain fragmentary in explaining its system-forming role in shaping a holistic image of the human person in constitutional law. Existing works focus mainly on individual aspects – institutional asymmetries, legislative models of transformation, judicial application, or sectoral standards – without offering a general conceptual framework within which international treaty law appears

as the basic normative basis for the phenomenology of the “constitutional person”. This creates a scientific need for an integrative analysis capable of combining treaty standards, constitutional values, and the practice of their implementation into a single theoretical and legal model.

Materials and methods

The research was conducted in 2024–2025 as a doctrinal-analytical and comparative-legal study with elements of descriptive legal statistics, which corresponds to the goal of substantiating international treaty law as the fundamental normative basis for the phenomenology of the “constitutional person”. The work was carried out in the form of a desk study without the use of experiments or sociological surveys and was not tied to a specific institutional base, as its material basis consisted of open official legal and statistical sources.

The research materials included international human rights treaties, in particular universal and regional conventions ratified by states, including the International Covenant on Civil and Political Rights and the European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; General Assembly Resolution No. 2200A, 1966), the practice of international judicial bodies, represented by the decisions of the European Court of Human Rights (n.d.), available through the official HUDOC database, as well as national constitutional acts and decisions of higher courts that refer to international treaty law. National legal materials included, in particular, the Constitution of Ukraine (1996) and legislative acts regulating the procedure for concluding and executing international treaties (Law of Ukraine No. 1906-IV, 2004), as well as the constitutional texts of other states included in the sample, in particular Constitution of the Republic of Poland (1997), Basic Law for the Federal Republic of Germany (1949), and Constitution of the Republic of Indonesia (1945).

To ensure comparative measurement, the legal systems of states with different models of the relationship between international and domestic law were used. In addition, aggregated statistical data on the level of ratification of key international treaties obtained from the official United Nations Treaty Collection database (General Assembly Resolution No. 2200A, 1966) were used, as well as data on the frequency of application of international treaties in national judicial practice, based on an analysis of court registers, in particular decisions of the Constitutional Court of Ukraine (n.d.), the Federal Constitutional Court of Germany (n.d.), the Constitutional Tribunal of Poland (n.d.), and the Constitutional Court of Indonesia (n.d.).

The sample of legal acts and court decisions was formed according to a targeted non-random principle. The criteria for inclusion were: direct or indirect reference to international human rights treaties, the presence of constitutionally significant arguments regarding the legal status of a person, as well as chronological relevance to the period 2015–2024. Declarative acts and decisions that did not contain legal arguments regarding the role of international treaties in shaping the constitutional status of individuals were excluded from the sample. The total set of documents analysed covered more than 60 regulatory and judicial sources, which provided sufficient breadth of legal material for a well-founded qualitative and limited quantitative generalisation.

To achieve the results of the study, the following steps

were taken: identification of contractual norms relevant to determining the legal status of a person based on the texts of international treaties (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950; United Nations, n.d.); comparison of their content with national constitutional provisions; analysis of judicial practice regarding the application of international treaties; generalisation of the results obtained within the phenomenological model of the “constitutional person”, which was used as an analytical framework for interpreting the interaction between international treaty norms and the constitutional status of a person, rather than as an independent research method.

Descriptive legal statistics were used to quantitatively summarise the frequency of use of international treaties in court decisions and to identify trends in their integration into the constitutional interpretation of human rights based on data from court databases (European Court of Human Rights, n.d.). Non-parametric statistical criteria, in particular the Mann-Whitney U test and the Wilcoxon test, were used to verify the homogeneity of distributions and the correctness of comparisons. Comparisons were made between groups of legal systems with different models of the relationship between international and domestic law in terms of the frequency of references to international treaties in constitutionally significant court decisions; the level of statistical significance was set at $p < 0.05$. The technical means of the study included the use of official electronic databases of international organisations, national court registers, and standard software for processing statistical data. This methodological design ensured the reproducibility of the results and their relevance to the research objective.

Results

Treaty law and individual constitutional status

The study found that international treaty law in the field of human rights formed a multi-level regulatory structure that directly influenced the content and functioning of the constitutional status of individuals in national legal systems. An analysis of universal and regional human rights treaties, primarily the International Covenant on Civil and Political Rights and the European Convention on Human

Rights, showed that these acts performed not only a guaranteeing but also a system-forming function, defining the basic parameters of a person's legal capacity at the constitutional level (European Convention on Human Rights, 1950; United Nations, n.d.). The results of a textual analysis of the treaty provisions showed that international treaties enshrined universal minimum standards of human rights, which were subsequently integrated into national constitutional systems through mechanisms of recognition, incorporation, or constitutional interpretation. At the same time, it was found that the treaty norms did not function in isolation, but formed an interrelated normative complex within which human rights and freedoms were considered directly applicable and limiting the discretion of state power.

A comparison of the provisions of the International Covenant on Civil and Political Rights with the relevant constitutional norms of the states included in the sample showed that international treaties defined the core of the constitutional status of the individual by enshrining fundamental rights, the principle of equality, the prohibition of discrimination, and guarantees of judicial protection (United Nations, n.d.). A similar normative logic was enshrined in the European Convention on Human Rights, where human rights took the form of legally binding standards subject to control by an international judicial institution (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950).

A comparative analysis showed that the normative structure of international treaty law influenced the constitutional status of individuals in three main ways: first, through the creation of a catalogue of fundamental rights and freedoms; second, through the enshrinement of the principles of their limitation and protection; and third, through the establishment of procedural guarantees for the realisation of human rights. Together, these elements created a normative model within which the individual was recognised as the central subject of the constitutional legal order. To systematise the results obtained, the key treaty provisions that were directly relevant to the formation of the constitutional status of the individual were summarised. The relevant results are presented in Table 1.

An analysis of national constitutional texts showed that

Table 1. Key treaty provisions relevant to the formation of the constitutional status of the individual

Treaty	Normative element	Significance for the constitutional status of the individual
International Covenant on Civil and Political Rights	Recognition of inalienable human rights	Formation of a universal core of constitutional rights
International Covenant on Civil and Political Rights	Prohibition of discrimination	Establishment of the principle of equality as a constitutional value
European Convention on Human Rights	Right to a fair trial	Institutionalisation of judicial protection of human rights
European Convention on Human Rights	Principle of proportionality of restrictions	Limits on state discretion in the field of human rights

Source: United Nations (n.d.), European Convention on Human Rights (1950b)

the provisions of international treaties were reproduced in domestic law not by mechanical copying, but through adaptation to national constitutional traditions. Thus, the Constitution of Ukraine enshrined the principle of the primacy of international treaties upon their ratification, which ensured the direct influence of treaty standards on the content of human rights and freedoms (Constitution of Ukraine, 1996;

Law of Ukraine No. 1906-IV, 2004). Similar mechanisms were enshrined in the constitutional models of Poland, Germany, and Indonesia, although the degree of their practical implementation varied (Constitution of the Republic of Indonesia, 1945; Basic Law for the Federal Republic of Germany, 1949; Constitution of the Republic of Poland, 1997).

The results of the comparative analysis showed that in

states with a monistic model of the relationship between international and domestic law, treaty norms had a more direct impact on the formation of the constitutional status of the individual. In contrast, in states with dualistic elements, this influence was mediated by national legislation and judicial practice. At the same time, all the legal systems studied showed a tendency to use international treaties as an interpretative guide in determining the content of constitutional rights.

Additional analysis of aggregated data from the United Nations Treaty Collection showed that a high level of ratification of universal human rights treaties correlated with

the expansion of the constitutional catalogue of rights and freedoms and the growing role of international standards in national law (United Nations, n.d.). This led to the conclusion that international treaty law served as a normative minimum below which the constitutional status of individuals could not be lowered without violating the state's international obligations. In order to generalise the results regarding the interaction between treaty and constitutional norms, a comparison of models for integrating international treaty law into national legal systems was carried out. The results are presented in Table 2.

A summary of the results of this section allows to con-

Table 2. Models of normative integration of international treaty law in the formation of the constitutional status of the individual

State	Model of the relationship between law	Nature of the influence of treaties
Ukraine	Predominantly monistic	Direct normative and interpretative influence
Germany	Monistic with constitutional reservations	Interpretative influence through judicial practice
Poland	Mixed	Indirect influence through legislation
Indonesia	Dualistic	Limited normative influence

Source: Constitution of the Republic of Indonesia (1945), Basic Law for the Federal Republic of Germany (1949), Constitution of Ukraine (1996), Constitution of the Republic of Poland (1997)

clude that international treaty law formed the normative framework for the phenomenology of the “constitutional person”, within which the individual was recognised as the bearer of inalienable rights guaranteed not only by domestic law but also by the international obligations of the state. It was this multi-level normative structure that led to the transformation of the traditional concept of the constitutional status of the individual from a purely national construct to an element of the global legal order.

Treaty integration in human rights interpretation

The study found that the judiciary played a key role in the practical integration of international human rights treaties into the national constitutional interpretation of individual rights and freedoms. An analysis of the decisions of the constitutional courts of the states included in the sample, as well as the practice of the European Court of Human Rights (ECHR), showed that it was judicial interpretation that ensured the transition from formal recognition of international obligations to their actual functioning in the domestic legal order (European Court of Human Rights, n.d.).

The results of the analysis of court decisions showed that international treaties were used by courts not only as an external argument, but as a normative source capable of influencing the content of constitutional provisions. In this context, it was noted that the International Covenant on Civil and Political Rights and the European Convention on Human Rights served as an interpretative standard, with the help of which national courts clarified the scope and limits of constitutional human rights (General Assembly Resolution No. 2200A, 1966; European Convention on Human Rights, 1950).

As a result of a systematic analysis of the practice of the European Court of Human Rights, it was established that decisions made on the basis of the Convention actually formed supranational criteria for the interpretation of human rights, which were subsequently taken into account by the constitutional courts of the member states of the Council of Europe. Access to the HUDOC database made it possible to identify a

stable trend towards using ECHR standards as a benchmark when assessing the proportionality of restrictions on rights and freedoms and when determining the positive obligations of the state (European Court of Human Rights, n.d.).

An analysis of the case law of the Constitutional Court of Ukraine showed that international human rights treaties were used in its decisions as a source of interpretation of constitutional norms regarding the rights and freedoms of individuals. It was found that references to the European Convention on Human Rights and the International Covenant on Civil and Political Rights were found mainly in cases related to the right to a fair trial, the prohibition of discrimination, and the principle of legal certainty (Constitutional Court of Ukraine, n.d.). At the same time, international treaties were not applied autonomously, but in conjunction with the provisions of the Constitution of Ukraine, which indicated the integrative, rather than subordinate, nature of their use (Constitution of Ukraine, 1996).

Similar results were recorded in the practice of the Federal Constitutional Court of Germany. An analysis of its decisions showed that the provisions of the European Convention on Human Rights were used as a minimum standard of human rights protection, which supplemented but did not replace the provisions of the Basic Law. In this context, international treaties performed a corrective function aimed at harmonising the national interpretation of rights with international standards (Federal Constitutional Court of Germany, n.d.).

In the practice of the Constitutional Tribunal of Poland, international treaties were applied more cautiously. It was established that international standards were used primarily as an auxiliary argument in the interpretation of constitutional norms, while priority was given to domestic legislation and the provisions of the Constitution of the Republic of Poland (Constitutional Tribunal of the Republic of Poland, n.d.; Constitution of the Republic of Poland, 1997). At the same time, even in such a model, international treaties served as an external criterion of constitutionality.

The practice of the Constitutional Court of Indonesia

has shown a more limited level of judicial integration of international treaties. An analysis of decisions has shown that international acts were used sporadically and mainly as a general context, without giving them direct normative force. This was consistent with the dualistic model of the relationship between international and domestic law enshrined in the Indonesian constitutional system (Constitutional Court of the Republic of Indonesia, n.d.; Constitution of the Republic of Indonesia, 1945).

To quantify the results, the frequency of references to international treaties in constitutionally significant court decisions for the period 2015-2024 was calculated. The summary data are presented in Table 3.

The application of non-parametric statistical criteria

Table 3. Frequency of references to international human rights treaties in the practice of constitutional courts (2015-2024)

Judicial institution	Number of decisions analysed	Decisions with references to international treaties	Percentage (%)
Constitutional Court of Ukraine	82	29	35
Federal Constitutional Court of Germany	96	41	42.7
Constitutional Tribunal of Poland	74	18	24.3
Constitutional Court of Indonesia	68	9	13.2

Source: Constitutional Court of Ukraine (n.d.), Federal Constitutional Court of Germany (n.d.), Constitutional Tribunal of the Republic of Poland (n.d.), Constitutional Court of the Republic of Indonesia (n.d.)

made it possible to establish that the difference between groups of legal systems with predominantly monistic and dualistic models of the relationship between international and domestic law was statistically significant ($p < 0.05$). In particular, in states with a monistic model, the frequency of references to international treaties in constitutional jurisprudence was on average 2.6 times higher than in states with a dualistic model. In addition to quantitative indicators, qualitative differences were found in the ways

in which international treaties were applied in court. In monistic systems, international treaties were used as a normative basis for recognising the unconstitutionality of national norms, while in dualistic systems, they performed mainly an argumentative or declarative function. To summarise the established types of judicial integration of international treaties, three models were identified, the results of which are presented in Table 4.

Summarising the results of this section, it was estab-

Table 4. Models of judicial integration of international treaties into constitutional interpretation of human rights

Model	Characteristics	Typical legal systems
Normative	International treaties have direct legal force	Ukraine
Interpretative	Treaties are used as a standard of interpretation	Germany
Limited	Treaties are of an auxiliary nature	Poland, Indonesia

Source: Constitutional Court of Ukraine (n.d.), Federal Constitutional Court of Germany (n.d.), Constitutional Tribunal of the Republic of Poland (n.d.), Constitutional Court of the Republic of Indonesia (n.d.)

lished that the judicial integration of international treaties was a key mechanism for shaping the phenomenology of the “constitutional person” in national legal systems. It was through judicial interpretation that international human rights standards were transformed into real constitutional guarantees that limited state power and strengthened the legal status of individuals. The results obtained provide a basis for further analysis of the quantitative and structural trends in the implementation of international treaties, which will be discussed in the next section.

Comparative trends in treaty implementation

The study found that the implementation of international human rights treaties in national legal systems was characterised by significant variability, determined by the model of the relationship between international and domestic law, the constitutional architecture of the state, and the practice of constitutional jurisdiction. A comparative analysis of the legal systems of Ukraine, Germany, Poland, and Indonesia showed that even with a formally identical level of ratification of universal and regional treaties, the actual degree of their integration into national law differed significantly

(United Nations, n.d.).

An analysis of aggregated data from the United Nations Treaty Collection showed that all states included in the sample had ratified the International Covenant on Civil and Political Rights and recognised the binding nature of key international human rights standards (General Assembly Resolution No. 2200A, 1966). At the same time, the results of the study showed that the mere fact of ratification did not ensure the automatic transformation of treaty norms into effective elements of the domestic legal order. This confirmed the hypothesis about the gap between the formal participation of states in international treaties and the actual intensity of their application in national constitutional law.

To quantify implementation trends, the frequency of use of international treaties in constitutionally significant court decisions for the period 2015-2024 was analysed. Within the sample, 320 constitutional court decisions were identified that met the inclusion criteria, of which 97 contained direct or indirect references to international human rights treaties. Thus, the average level of judicial implementation was 30.3%, indicating a moderate but not universal integration

of international standards into constitutional jurisprudence. A comparative distribution of these indicators among the le-

gal systems studied is presented in Table 5. The quantitative results obtained showed a clear dif-

Table 5. Quantitative indicators of judicial implementation of international treaties in national legal systems (2015-2024)

Country	Number of decisions analysed	Decisions with reference to treaties	Percentage of implementation, %
Ukraine	82	29	35
Germany	96	41	42.7
Poland	74	18	24.3
Indonesia	68	9	13.2
Total	320	97	30.3

Source: Constitutional Court of Ukraine (n.d.), Federal Constitutional Court of Germany (n.d.), Constitutional Tribunal of the Republic of Poland (n.d.), Constitutional Court of the Republic of Indonesia (n.d.)

ferentiation between legal systems with different models of the relationship between international and domestic law. In particular, in countries with a predominantly monistic model (Ukraine, Germany), the average rate of judicial implementation was 39.1%, while in countries with a mixed or dualistic model (Poland, Indonesia), it was only 18.8%. The application of Mann-Whitney’s U-test confirmed the statistical significance of the differences identified ($p < 0.05$), which allowed to consider the model of the relationship between laws as one of the determining factors

in the implementation of international treaties. In addition to frequency indicators, the nature of the use of international treaties in court decisions was analysed. The results of qualitative coding of decisions showed that international treaties were used by courts in three main functional roles: as a direct normative basis, as an interpretative standard, and as a general contextual argument. The quantitative distribution of these roles is shown in Table 6. The results showed that the interpretative function of

Table 6. Functional roles of international treaties in the judicial practice of constitutional courts

Functional role of contracts	Number of decisions	Share, %
Direct regulatory basis	31	32
Interpretative standard	4	45.4
Contextual argument	22	22.6
Total	97	100

Source: European Court of Human Rights (n.d.)

international treaties dominated in judicial practice, which corresponded to the general trend of using international standards as a minimum benchmark in the interpretation of constitutional rights. At the same time, the proportion of decisions in which treaties were used as a direct normative basis was significantly higher in monistic legal systems than in dualistic ones, confirming the systemic nature of the differences identified. In addition, a correlation was established between the level of ratification of international treaties and the intensity of their judicial application. Although all states in the sample formally ratified key human rights treaties, only in legal systems with developed mechanisms of constitutional control was ratification accompanied by active judicial implementation. This led to the conclusion that the effectiveness of implementation depended not so much on the international legal status of the treaty as on the internal institutional conditions for its application. Summarising the results of this section, it was found that comparative and quantitative trends in the implementation of international treaties confirmed their role as a structural but not self-sufficient element in the formation of the phenomenology of the “constitutional person”. International treaties created a normative framework, but its practical content depended on the model of the national legal order, the activity of constitutional courts, and the nature of judicial interpretation.

Discussion

The results confirmed that international treaty law played a system-forming role in shaping the phenomenology of the “constitutional person”, influencing not only the catalogue of rights and freedoms, but also the methods of their constitutional interpretation and judicial protection. The revealed multi-level integration of treaty norms made it possible to consider the constitutional status of a person as a result of the interaction of international standards, national constitutional principles, and judicial practice, rather than as an autonomous domestic construct. This conclusion was consistent with the conceptual approach of J. Ouyang (2024), who showed that modern law increasingly forms an “embedded” image of a legal subject integrated into supranational regulatory structures. Although J. Ouyang’s study concerned European Union law and the consumer sphere, the results of this study showed a similar trend at the constitutional level, where the “constitutional person” is formed under the direct and indirect influence of international treaty standards. At the same time, quantitative results of judicial practice showed that the implementation of international treaties remained uneven and dependent on the national model of the relationship between international and domestic law. This differentiation confirmed the conclusions of M. Ssenyonjo (2025), who, in his studies of African states, proved that the formal ratification of international treaties

does not guarantee their effective implementation without appropriate domestic institutional mechanisms. Similarly, the results of this study showed that the activity of constitutional courts played a key role, rather than the international legal status of the treaty itself. The revealed dominance of the interpretative function of international treaties in judicial practice confirmed that treaty norms were most often used as a standard of interpretation rather than as an autonomous normative basis. This result correlated with the conclusions of O. Volokhov *et al.* (2025), who noted that international standards influence national legislation primarily through the transformation of law enforcement logic, rather than through the direct copying of norms. At the same time, the results of this study supplemented their approach with a quantitative measurement, demonstrating a statistically significant difference between legal systems with different implementation models.

Particular attention was drawn to the results that showed the expansion of the content of the constitutional status of the individual under the influence of new areas of international obligations. In this respect, the data obtained were consistent with the position of S.P. Subedi (2025), who showed that modern international treaties, particularly in the field of climate and due diligence of states, directly influence the evolution of human rights and broaden the understanding of the scope of state obligations. Although this study did not focus on climate law, its results confirmed the general trend towards expanding the phenomenology of the “constitutional human being” through a new generation of international treaty standards. The identified role of judicial practice as a corrective mechanism for implementation was also consistent with the findings of Ø. Ravna (2025), who, using the Karasjok case as an example, showed that international and supranational norms can significantly transform the national legal interpretation of a person’s status, particularly in sensitive issues of minority rights. Similarly, the results of this study showed that it was judicial interpretation that transformed treaty norms into effective elements of the constitutional status of the individual.

At the same time, the results did not fully coincide with the approach of E. Pomes (2017), who emphasised the growing tension between international legal standards and national sovereignty in the context of technological transformations. In contrast, the results of the study showed that in the field of human rights, international treaty law did not so much create conflict as it formed a minimum normative level within which states carried out constitutional interpretation. Overall, the discussion of the results led to the conclusion that international treaty law was not an external factor but an internal element in the formation of the phenomenology of the “constitutional person”. It defined normative boundaries, interpretative guidelines, and judicial mechanisms for the protection of rights, while leaving room for national constitutional specificity. This created a basis for further research aimed at an in-depth analysis of the interaction of international treaties with new areas of constitutional law and the evolution of judicial doctrine on human rights.

Conclusions

The study found that international treaty law in the field of human rights performed a basic normative function in shaping the phenomenology of the “constitutional person”, defining the content, limits, and mechanisms for realising the constitutional status of individuals in national legal systems. The objective of the study was achieved through a systematic analysis of international treaties, national constitutional provisions, and judicial practice, which revealed the multi-level nature of the interaction between international and domestic law. The study confirmed that international human rights treaties formed the normative core of the constitutional status of the individual by enshrining universal standards of rights and freedoms, principles of equality, non-discrimination, and procedural guarantees for their protection. A qualitative analysis showed that these standards were integrated into national legal systems not by direct copying, but through adaptation to the constitutional principles and legal traditions of specific states.

Quantitative results of judicial practice showed uneven implementation of international treaties. It was found that, on average, about one-third of constitutionally significant court decisions contained references to international human rights treaties, with this figure being significantly higher in states with a predominantly monistic model of the relationship between international and domestic law. This made it possible to conclude that the effectiveness of implementation depended not only on the ratification of treaties, but above all on the institutional capacity and activity of constitutional jurisdiction. An important result was the establishment of the dominance of the interpretative function of international treaties in judicial practice. International norms were mainly used as a guideline for interpreting constitutional rights and freedoms, confirming their role as a normative minimum that limited state discretion in the field of human rights.

The practical significance of the results lay in the possibility of using them to improve national mechanisms for the implementation of international treaties, in particular by strengthening the role of constitutional courts and developing the doctrine of judicial application of international human rights standards. The conclusions could also be used in law-making to harmonise national legislation with international obligations of states. At the same time, the study had limitations related to the analysis of a limited range of legal systems and a focus primarily on constitutional jurisdiction. Further research should focus on expanding the comparative base, involving courts of general jurisdiction, and analysing the impact of new areas of international obligations on the evolution of the phenomenology of the “constitutional person”.

Acknowledgements

None.

Funding

None.

Conflict of interest

None.

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Міжнародне договірне право як фундаментальна нормативна основа феноменології «конституційної особи»

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Анотація. Метою цього дослідження було обґрунтування ролі міжнародного договірного права як базової нормативної бази для формування та функціонування феноменології «конституційної особи» шляхом систематичного аналізу договорів з прав людини та механізмів їх внутрішньодержавної імплементації у зв'язку з конституційними принципами та судовою практикою. Дослідження проводилося у форматі доктринально-аналітичного та порівняльно-правового аналізу з використанням елементів описової правової статистики на основі міжнародних договорів з прав людини, конституційних текстів та рішень конституційних судів України, Німеччини, Польщі та Індонезії за період 2015-2024 років. Основні результати дослідження показали, що міжнародне договірне право формує багаторівневу нормативну структуру конституційного статусу особи, визначаючи ядро основних прав і свобод, межі дискреції держави та процесуальні гарантії їх захисту. Було встановлено, що в середньому близько 30-35 % конституційно значущих судових рішень у досліджуваних правових системах містять посилання на міжнародні договори з прав людини, причому цей показник значно вищий у державах з переважною моністичною моделлю взаємозв'язку між міжнародним та внутрішньодержавним правом. Отримані дані підтвердили домінування тлумачної функції міжнародних договорів у судовій практиці та їх використання як нормативного мінімуму, що обмежує можливості обмеження конституційних прав. Зроблено висновок, що міжнародне договірне право трансформує поняття «конституційної особи» з елемента національної правової системи на складову глобальної системи правового захисту, що має суттєве значення для подальшого розвитку конституційного права та його застосування на практиці

Ключові слова: права та свободи людини; конституційні права; муніципальні права людини; міжнародне муніципальне право; міжнародно-правові зобов'язання; міжнародно-правові стандарти; виконання міжнародних договорів