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| Autore | Popova Maria <1975-> |
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| ISBN | 1-107-23000-4 1-139-23449-8 1-280-48569-8 1-139-23301-7 9786613580672 1-139-23079-4 1-139-22933-8 1-139-05534-8 1-139-23224-X 1-139-23378-5 |
| Descrizione fisica | 1 online resource (xii, 197 pages) : digital, PDF file(s) |
| Collana | Comparative constitutional law and policy |
| Disciplina | 347.47/012 |
| Soggetti | Judicial independence - Ukraine Judicial independence - Russia (Federation) |
| Lingua di pubblicazione | Inglese |
| Formato | Materiale a stampa |
| Livello bibliografico | Monografia |
| Note generali | Title from publisher's bibliographic system (viewed on 05 Oct 2015). |
| Nota di bibliografia | Includes bibliographical references and index. |
| Nota di contenuto | What is judicial independence? -- Judges and politicians : theories about the origins of judicial independence -- What can a focused comparison of Russia and Ukraine tell us about the origins of independent courts -- The role of Ukrainian and Russian courts in the provision of free and fair elections : judicial independence from politicians during the 2002 RADA and the 2003 Duma campaign -- The role of Ukrainian and Russian courts in the provision of press freedom : judicial independence in defamation lawsuits, 1998-2003 -- Politicians' capacity to pressure the courts -- Politicians' willingness to pressure the courts, 1998-2004 and beyond. |
| Sommario/riassunto | Why are independent courts rarely found in emerging democracies? This book moves beyond familiar obstacles, such as an inhospitable |

legal legacy and formal institutions that expose judges to political pressure. It proposes a strategic pressure theory, which claims that in emerging democracies, political competition eggs on rather than restrains power-hungry politicians. Incumbents who are losing their grip on power try to use the courts to hang on, which leads to the politicization of justice. The analysis uses four original datasets, containing 1,000 decisions by Russian and Ukrainian lower courts from 1998 to 2004. The main finding is that justice is politicized in both countries, but in the more competitive regime (Ukraine) incumbents leaned more forcefully on the courts and obtained more favorable rulings.
