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European Dimension of the Constitution of Finland

Primary remarks

In times of more and more existent discussion about the rule of law in Europe and its role in shaping the legal order and sustaining a long and rich legal culture on the continent, it's worth to reminding to ourselves, that despite the variety of European states, their political interests, and their legal habits, still can lead on strong and consistent roots of their statehood. However, what must be noted, European legal and cultural roots, common to almost all European countries, distinguish it from other parts of the world. The culture that the nations of different European states have created is very diverse, but looking closely at it, one can notice a lot of similarities with special regard to law. Europeans, regardless of their nationality, whether their country is located on the southern part of the continent or in the northern one, have a common and similar legal heritage. Adequate solutions should be found to meet the demands of both: finding the legal ground for implementation of the common features not only in law (but also in culture, art, politics) and respecting the different identities of the EU member states with the whole baggage of their history, ethnic experiences, their different approaches to the legal-political system of the state. Here, the special considerations supposed to be dedicated to the Nordic legal tradition and its typical solutions.

Facing this demanding challenge that Professor Andrzej Bisztyga¹ put me through, I will examine the sings of European-ness in the constitution of Finland – a strongly Nordic, highly developed and human rights – oriented state with the knowledge-based cyber society. This modern “Nordic corner” of Europe always raises some wonders and in the meantime, some doubts according to its

¹ Director of the Institute of Legal Studies University of Zielona Góra, Ph. D., professor at the University of Zielona Góra (Poland), dr h.c. multi, originator of this publication.

real connection with old, quite conservative Europe with her complex, complicated history².

With the EU drafting one of its most controversial (and, on the other hand, one of the most desired) Regulations³ connecting the financial interests of the EU and protection of its budget with the fulfilment of requirement of rule of law, there must be no doubt at all, that having European dimension in mind we have to recall, what is fundamental for democracy, equality, freedom and for the rule of law. Those features, strictly understood in a legal sense, should be the concrete frame of the present considerations, not just some smooth narration, on which one could try to draw political capital.

The European dimension of the constitution is kind of a legal and sociological concept (including also historical, philosophical and theoretical – in other words: axiological approach), in which many of sub-concepts exist. The meaning of the constitution understood in the broadest sense as the basic act of law of the state settling the structure of its legal organs, their competences, and other fundamental principles of the state's functioning varies, so does the importance and the context of the values protected by the constitutional acts. The membership of the EU makes the understanding of the “European dimension” more complicated, more multisided and, in consequence, more intuitional than ever.

There is no doubt that the EU has a complicated and specific legal and political nature as the one and only international governmental organization, institutionally complicated and culturally sophisticated with a supranational frame of cooperation, however without the state-to-be federal status. The unique nature of the European Union comes *inter alia* from moral background: strong values that rule the community, the “common European values” that hold (at least should do) European countries and citizens together, that justify public action and ensure the sustainability of European governance. The more common European values determine the shape of the sole EU, the better understanding of this notion is based on the constitutional law of EU members. There is a special link between that, what's common and European on the supranational level and what fulfil the requirements of “European-ness” and “common-ness” in the member's constitutions. It seems, that the notion of “common European values” is the starting point for understanding “the European dimension” of the Finnish constitution and should

² See more: Ch. Ingebritsen, *The Nordic States and European Unity*, Ithaca, London: Cornell University Press 1998.

³ Regulation of the European Parliament and of the Council on general regime of conditionality for the protection of the Union budget (the text is accessible at the following address: https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/BUDG/DV/2020/11-12/RuleofLaw-Draftconsolidatedtext_rev_EN.pdf [Accessed on: 11.12.2020].

be carefully examined with the special regard of the perspective of the most *sui generis* international governmental organization in Europe.

As rightfully noticed the Venice Commission “the wording of the constitutional provisions must be taken into account as well as the constitutional traditions and constitutional “culture” of the state, especially if they show a long and consistent pattern”⁴.

This first aspect of the following considerations should not exclude the necessity of the analysis, what are the role and the meaning of the transfer of powers to the EU in the Finnish law – what, to some extent, is the formal feature of the “European dimension”.

From the other perspective, still connected with the EU, however wider and more classic, every constitution supposed to be analysed in the context of placing the international law in it and of the way it treats international obligations of the state. This approach determines in most part the meaning of what is “European” (and so, what is “common” in the regional sense) in the constitution.

Where the modern constitutionalism in Finland begins...

Nordic states have historically resisted the idea of European unity, therefore quite correct seems to be to make the question about the reasons of the change of heart of all five Nordic countries, including (not so typically Scandinavian) Finland. The EU’s membership is an expression of the Finland’s new political direction, distancing itself from its Cold War legacy including that, what some of European politics wanted to see as the pro-Russian sympathies. Either way, Scandinavian countries are seen as the world’s most advanced democracies with the high priority of community participation, operating in a consensual manner, based on the value of compromise.

Let’s start from the hint of Finnish constitutional history, according to the present shape of the Basic Law of Finland. Still quite new Constitution held in 2000 and amended in 2012 has replaced the previous Constitution Act from 1919. There are a few important factors, that have determined in last decades the direction of Finnish constitutional law’s development, among of which the most imperative one seems to be the right-based approach. From the traditional and political point of view, the constitution as the state’s institutional legal fundament has always been highly esteemed in Finland. Historical experiences at the end of

⁴ Opinion on the Constitution of Finland, adopted by the Venice Commission at its 74th plenary session, Venice 14–14 March 2008 (the text is available at the following address: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)010-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)010-e) [Accessed on: 7.12.2020].

19th and beginning of 20th century the shaped tradition of legalism with strong respect for the rule of law including human rights protection.

Despite the fact, that the adoption of the Constitution in 2000 included some new elements, the basic act of Finnish law acquires the principles and solutions, already predicted in previous constitutional documents. It seems to be meaningful to note, that the present Finnish Constitution enjoins the strong legitimacy in society and in Parliament, what has been proven by the results of voting – the adoption of the Constitution has been decided almost unanimously. T. Tiilikainen writes also, that the decision to follow Sweden and submit an application for EU membership was based upon an overwhelming political consensus: all the major political elites, including parties and interest organisations, the leadership, key actors in the private sector and the media were in favour of the Finnish membership. The general political opinion in Finland was and still is positive towards the deepening of European integration even despite the fact, that the Finnish adjustment to the EU membership has demanded a lot of sacrifices, including some painful changes and reductions in welfare national system and limitations given to Finnish farmers⁵.

One of the most fundamental solutions, that has been redesigned in the present Constitution, is *ex ante* review by the Constitutional Law Committee of Parliament of legislative proposals or any other matters as to their relation to the Constitution.

1. What Public international law's location in the Constitution of Finland has to do with "European dimension"?

It has to be noted, that international law, as the body of law applied mostly among of states (and between states and international organizations) represents the level of common rules and standards, as well as values widely acknowledged all around the world, significant for the mankind. However, international law is mostly binding, based traditionally on international customs and currently on treaties (and those two forms of international can overlap), part of international principles and standards are not formally binding and appear in a form of so-called "soft law". International law presents its specific mostly by international custom, that in principle is binding for the states without even their active acceptance. The juncture of widespread state practice and a state's belief that the practice is legally binding makes international custom a unique source of international law and, what is even more specific, creates in some cases a special category of rules known as *ius cogens*, that are also often enshrined in treaties. According to the Article 53 of the Vienna

⁵ T. Tiilikainen, *Finland: Smooth Adaptation to European Values and Institutions*, [in:] W. Wessels, A. Maurer, J. Mittag (eds.), *Fifteen into One: The European Union and Its Member States*, Manchester: Manchester University Press 2003.

Convention on the Law of Treaties, done at Vienna on 23 May 1969⁶ *ius cogens* is the peremptory norm of general international, accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

The uniqueness of public international law with its specific sources and its *iuris cogentis* construct and the meaning of the norms common for most of the states of the world and securing the universal peace and safety makes the position of international law in the constitution kind of legal test of democracy. There is just a step from it to connect the universal valuable legal norms and the European dimension of the domestic law of EU states. The importance of the proper placement of international law in the constitution cannot be overestimated.

At least, the position of treaties supposed to be (and in most cases is) settled on the constitutional level. According to the fact, that constitutions are on the top of the hierarchy of sources of national law, all sub-constitutional state laws have to be consistent with the constitution. However, the constitution is not only “technically” the highest source of national law, but also its role is way deeper – it identifies and symbolizes shared values as the cause of social unity. In the times of increasingly significant role of international relations, the way constitutions specify the status of international law shapes in most part the position of the state in the international (and consequently – regional) community. A state’s obligations under international law are often considered in the process of deciding on the constitutional matters, and, on the other way, most modern constitutions shape procedures for treaty-making on behalf of the country as a whole. The scope of human rights protection in the constitution and the widely understood rule of law principle are in most part determined by international obligations of the state. There is no doubt, that one of the universal mankind’s goals is a more comprehensive and effective protection of human rights. The status of the human rights protection in constitutions is shaped not just by a plain clause but rather by a complex pattern of legal theories, social approaches and policies not necessarily straightforward expressed in the constitutional provisions. The important basis for shaping human rights status in the state’s law is international law – not just in its binding embodiment, but also in the forms, that aren’t formally binding, however no less important (with the high-profile example of the Universal Declaration of Human Rights⁷ and its

⁶ United Nations, Treaty Series, vol. 1155, p. 331.

⁷ Universal declaration for Human Rights has been adopted on 10 of December 1948 as the UN General Assembly Resolution. See the text: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed on: 12.04.2021].

powerful tools in applying moral pressure to those states that violate human rights including its great impact to most national constitutions since 1948).

The proper level of human rights protection originated from the inherent human dignity constitutes (along with the rules of law principle) forms the axiological foundation of the European Union legal system, however it has to be noted, that the values in the EU and the EU law are a result of axiological compromise, so they are not axiologically consistent⁸. This kind of belief is quite often represented in the legal doctrine; however, it's fair to admit that the opposite opinions are just as frequent⁹. The supporters of the thesis about the axiological unity and cohesion of Europe stress often, that it allows all its inhabitants, regardless of the language they speak and the culture they have been raised in, to comprehend one another, interpret their actions and behaviours correctly and also set common or similar goals¹⁰.

Finland with its recent Constitution seems to fully accept the fact, that in modern Europe, the national judiciary is increasingly called upon to review national legislation on behalf of international instruments by which the state is bound. There is a widespread belief, that domestic legislation is drafted with due diligence for conformity with international obligations¹¹.

Chapter 1 of the Constitution of Finland named significantly: "Fundamental Provisions" declares the two important features: firstly, that Finland participates in international co-operation for the protection of peace and human rights and for the development of society, and secondly, that Finland is a Member State of the European Union (Section 1)¹². Placing those two provisions at the very beginning of the Basic Law Act is a strong and meaningful statement of the most fundamental values, on which the Finnish legal order is based. Human-rights orientation is an even stronger and undeniable declaration of affiliation with Europe. Consequently,

⁸ See more: D. Bunikowski, *Przestrzeń wolności, bezpieczeństwa i sprawiedliwości w aksjologii Konstytucji dla Europy według projektu Valéry'ego Giscarda d'Estaing'a (Area of freedom, security and justice in axiology of the Constitution for Europe, according to Valéry Giscard d'Estaing's project)* [in:] M. Jagiełło, R. Musiałkiewicz (eds.), *50 lat Unii Europejskiej. Wartości i perspektywy (Fifty years of the European Union. Values and perspectives)*, Toruń 2007; D. Bunikowski, *Podstawy aksjologiczne Konstytucji dla Europy (Axiological foundations of the Constitution for Europe)*, *Roczniki Naukowe Wyższej Szkoły Bankowej w Toruniu (Annual Journal of Toruń School of Banking)*, no. 7(7) 2008, ed. in 2009; E. Herlin-Karnell, T. Konstandinides, *The Rose and Expressions of Consistency in EU Law: Legal and Strategic Implications for European Intergration*, "CYELS" 2013, vol. 15, pp. 139-167.

⁹ See more: S. Drelich reflections, that writes about "one uniting European axiology and in the highly varying national conditions" and "strength to this unified axiology by the multitude of ways in which it is expressed": S. Drelich, *European Axiological Community: a Unity Impossible to Deny*, <http://4liberty.eu/european-axiological-community-a-unity-impossible-to-deny/> [Accessed on: 12.04.2021].

¹⁰ *Ibidem*.

¹¹ See more: H. Krunke, B. Thorarensen, *The Nordic Constitutions: A Comparative and Contextual Study*, Hart Publishing 2018.

¹² The text of the Constitution of Finland is accessible on the following site: <https://finlex.fi/en/laki/kaannokset/1999/en19990731.pdf> [Accessed on: 7.12.2020].

following this path, Finland states its attachment to democracy (defining it as the three features: the right of the individual to participate in and influence the development of society and his or her living conditions) and to the rule of law (understood mostly as the exercising of public powers based on an Act and strict observation of law in all public activity, Section 2).

The general rule as to the place and role of international role in the domestic constitutional order of Finland is described in the internationalization clause, that has been recalled above: “Finland participates in international cooperation for the protection of peace and human rights and for the development of society”. Apart from this provision, the Finnish Constitution does have also some other rules on the matter, including EU affairs. The whole Chapter 8 of the Constitution is dedicated to the international relations of Finland. The state’s powers in this sphere are divided into three organs: the President of the Republic, the Government, and the Parliament. Beyond this kind of regulations, it should be noted that the chapter 8 contains provisions especially dedicated to the EU and Finland’s membership in it.

2. Transfer of powers to UE

Profound constitutional transformation has taken place in Finland in the field of transferring powers to international organization. Before the 2012 amendments, the Constitution of Finland assumed quite a minimalist approach to the international organization’s membership, including the EU. There was no direct EU membership recognition, no constitutional provision permitting limitations of sovereignty for international organization or the transfer of sovereign powers to international institutions either. Consequently, there was no provision for dealing with the relationship between EU law and domestic law. The only regulation in this field was the one in Chapter 8 that concern regulating the domestic distribution of powers in EU affairs (Sec. 93/2) and provides the forms of the participation of Parliament in EU affairs (Sec. 96-97)¹³.

The 2012 amendments expressed a constitutional commitment to the EU membership and so provided the transfer of powers to the EU, but as a general rule, the Constitution of Finland assumed a minimalistic approach to integration with the EU and to internationalization in a wider sense. This flexible approach sets a frame, in which Finland can adopt as much of European values, as much it wants to without compromising its own legal habits and understandings according to that, what is valuable in the domestic meaning.

¹³ T. Ojanen, *EU Law and the Response of Constitutional Committee of the Finnish Parliament* (available at the following address: <https://www.scandinavianlaw.se/pdf/52-12.pdf>) [Accessed on: 10.12.2021].

Characteristic of Finnish law, the institution of exceptive enactments assumed the key role in constitutional adjustments for the EU membership because thanks to it there was no need to change the Constitution due to join the EU. However, the Accession Treaty has been recognized to be incompatible with the Constitution as to the sovereignty of Finland, it was incorporated into Finnish law just through an exceptive enactment No. 1540/1999, adopted by the Parliament. Despite that, as a next step some changes in the Constitution have been made in the field of domestic distribution of powers on the line: Government – the President and as to the role of the Parliament if the EU matters. Despite the majority of the eight new chapters of the Constitution being related to the EU issues (under the title of ‘International Relations’), there is a specific section governing the transfer of sovereignty, which is not included. The general articles of the new Constitution, however, reflect the change that has taken place in Finland’s international commitments by mentioning international co-operation and giving peace, human rights and the development of society as its objectives. According to the provisions of the Section 94(2) and 95(2) of the Finnish Constitution of Finland, “significant” transfer of powers to the EU or any other international organization requires a two-third majority in the Parliament (while the transfer of powers recognized as “insignificant” requires simple majority). Such requirements prove the importance that Finns attach to the democratic legitimacy of parliament’s and government’s actions. The concept of transferring, not limiting the state’s power, allows avoiding the controversies or complaints as to the possible risk of violations of the state’s sovereignty.

After the 2012 constitutional amendments, the Basic Act of Law in Finland reflects international cooperation friendly orientation as much as its commitment to the EU membership. So, the formal constitutional way to adopt not only EU *acquis* but also to implement the European values in the domestic way, is open henceforth¹⁴.

3. Human rights protection as the general direction in Finnish constitutional law

As it was mentioned above, Finland should be perceived as strongly human rights – oriented state, however the history of this great image is not so long as it seems (it starts in the late 80s). Finland’s signing the European Convention on Human

¹⁴ See also: The analysis of T. Tiilikainen, *Finland: Smooth Adaptation... op. cit.*; T. Tiilikainen, *Finland and the European Union*, [in]: L. Miles (ed.), *The European Union and the Nordic Countries*, London: Routledge 1996; T. Tiilikainen, *Europe and Finland, Defining the Political Identity of Finland in Western Europe*, London: Ashgate 1998.

Rights (ECHR) in 1989 has been a turning point in the history of the Finnish constitutionalism, not just because of substantial rights provided by the ECHR because they were already included into constitutional provisions. The fundamental change was the introduction of an effective international controlling mechanism that allowed individuals to bring their cases to an international tribunal if they seem themselves as the victims of violation of the rights protected by ECHR and if they had not succeeded on the domestic level. The sole institution of individual application in connection with the existing of an international human rights-oriented tribunal with the power to make binding decisions has been the main force for the success of the ECHR. But there was also the other feature of the European human rights system's diffusion into Finnish law – the rich and extensive case law that convinced the reluctant national courts to regard human rights as legally binding and enforceable rights. The next important step was to convince national courts and to make it necessary for them to routinely refer to ECHR judgments – what's the current practice of the domestic courts. Furthermore, the national Finnish standard for protection of fundamental human rights is intended to rise to a higher level with the presumption, that the international human rights obligations binding for Finland present only a minimum standard of protection¹⁵.

In August 1995 has been made the complete reform of the human rights protection system, in the consequence of which the catalogue of human rights in the Finnish Constitution is far-reaching and includes rights of the first, second and the third generation. One can find in this catalogue quite unexpected rights, like: the right to a fair trial before the independent court or tribunal within a reasonable time (when in the other constitutions one can find the right to a fair trial without undue delay) or the right to a good administration (that makes a direct link between Finnish constitutional law and the EU law, in which this right has been declared on the first place in the European Charter of Fundamental Rights¹⁶), what reflect the modern direction of thinking about the rights of the human. The above-mentioned reform has had its impact not only on the written law, but it has also been reflected in the increasing role of the domestic judiciary and strengthening judicial guarantees for human rights protection.

As rightfully note J. Lavapuro, T. Ojanen and M. Sheinin, "In a society whose members and officials are committed to the idea of legally protected individual

¹⁵ J. Lavapuro, T. Ojanen, M. Sheinin, *Rights-based constitutionalism in Finland and the development of pluralist constitutional review*, "ICON" 2011, vol. 9 no. 2, p. 513.

¹⁶ Art. 41 of the Charter. The text of the Charter is accessible at following address: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN> [Accessed on: 12.12.2020]. It's significant, that the right to a good administration appears in Finland in the same period, when the EU Charter of Fundamental Rights declares it.

and minority rights, rights-based argumentation typically receives considerable weight as compared with societies that are either missing such a commitment or where rights are perceived as more or less subordinated to concerns regarding national sovereignty, representative conceptions of democracy, national or public security, or to other sorts of state-centered ideas about the common good”¹⁷. Surely to the first group of societies, Finns can be counted. The European dimension of the constitution manifest itself not just in written law, but most of all in the spirit of society.

4. The rule of law in the Finnish constitutional law

Before the 2000 Constitution of Finland, there was no rule of law principle itself in constitutional provisions. However, in the doctrine and in practice were recognized some important components of the rule of law principle (like the guarantees of the access to the court or the requirement, that any kind of limitation of human constitutional rights, were provided by the law.

After 2012 amendments, the Constitution of Finland directly stipulates the commitment to the rule of law (in Section 2(3)) by the following formulation, explicitly expressing the rule of legality: “The exercise of public powers shall be based on an act. In all public activity, the law shall be strictly observed”. The sole location of this provision in the Chapter 1 Constitution. The name “Fundamental provisions” speaks for itself.

It’s then followed by such important provisions: on the parliamentarism and democratic separation of powers (Section 3), the general duties and responsibility of judges, that are contained in the Constitution (Sections: 3, 102, 103), the status as well as functions of the Supreme Court (Sections: 3, 77, 98, 99, 100, 101) and of the Supreme Administrative Court¹⁸ (Sections: 3, 27, 77, 98, 99), on the constitutional role of Parliamentary ombudsman as one of the democracy-monitoring state’s institutions (Sections: 38, 48, 101, 109, 110, 111, 112, 113), on the Chancellor of Justice of the Government as the organ monitoring the legality and rule of law in the Parliament, the Government and the courts (Sections: 27, 48, 69, 101, 108, 110, 111, 112, 113, 115, 117, 131), on independence and autonomy of prosecution service (Sections: 104, 114, 116), on protection under the law and the fair trial concept (Section 21), on the quality of justice (Sections 21), on the human rights and their protection (Sections: 1, 9, 22, 23, 74 and the whole Chapter 2).

¹⁷ J. Lavapuro, T. Ojanen, M. Sheinin, *Rights-based constitutionalism in Finland... op. cit.*, pp. 505-531.

¹⁸ The Finnish judicial system lacks constitutional court. The constitutional control over legal acts is exercised by the Constitutional Committee of the Parliament of Finland.

5. Some final remarks

It appears for the first sight, that Finland's support for that, what is called the "European values" and the EU in general is strong and positive, however that's true on the level of national legislation and among the political elites mostly. The situation differs in society, where Finns are not so friendly with the image of the EU, especially taking into the consideration quite common belief, that the Finland's membership in the EU is not so profitable, like is expensive. For the Finns, the voice of their state is not sufficiently heard in the EU decision-making process, and one can hear also, that the EU sometimes interferes too much in such affairs, that should and could be dealt with at the local level. There is also the problem of the democratic deficit, willingly criticized by Finns, who are by the nature strongly attached to the democracy and its benefits.

So, however the Constitution of Finland shows its modern and friendly approach to internationalization in general and the "Europeization" in particular¹⁹, and however it respects the fundamental European values with special regard to human rights, it seems that Finland wants to go into this direction slowly and consciously, paying close attention to its own legal identity and not permitting to be counted just as a silent part of common Europe. For instance, in all Nordic countries, economic sectors are not uniformly affected by European policy coordination²⁰. The famous slogan "united in diversity" seems to have in the case of Finland setting its own path according to the European dimension of integration, what goes any way along with the widespread belief, that unity does not reflect uniformity. The European identity is and supposed to be an important, inherent element of the national identities, but does never replace them. Cohesion of that, what we call the European system of values, does not exclude the diversity of nations and cultures, traditions and interests, different means of realization of common values²¹. On the contrary, the respect for diversity and enabling to EU members their autonomous implementation of the common values – that's what proves the uniqueness and the real power of the European Union.

¹⁹ See more: T. Ojanen, *The Impact of EU Membership on Finnish Constitutional Law*, "European Public Law" 2004, vol. 10, pp. 531-564.

²⁰ See more in the comprehensive analysis: Ch. Ingebritsen, *The Nordic States and European Unity*, Cornell: Cornell University Press 1998.

²¹ As S. Drelich rightfully concludes: "Europe's strength stems from the fact that the same roots and soil produced different cultures with their own archetypes and topoi, their own heroes and leaders, their own religious, moral and political leaders, and finally led to different means of realisation of common values", <http://4liberty.eu/european-axiological-community-a-unity-impossible-to-deny/> [Accessed on: 12.04.2021].

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European Dimension of the Constitution of Finland

Summary: Facing the wonderful challenge that Professor Andrzej Bisztyga put me through, I will examine the sings of European-ness in the constitution of Finland – strongly Nordic, highly developed and human rights – oriented state with the knowledge-based cyber society. The main aims of this article are twofold. First, the aim is to examine the provisions of the Constitution of Finland from the perspective called widely "European", that can be understood as just "regional", but seen from the point, where it means "common" and "built on long and rich legal tradition". The way of this kind of examination goes through the provisions dedicated to the place of public international law in the Basic Law, the regulation of the transfer of powers to international organizations, with special regard of the EU and, finally, through the human rights constitutional provisions, that are not only the illustration of the level of democracy of the state, but make also the genuine link to the "European-ness" in its best possible meaning. The article explores, on the Finnish example, how to ensure axiological continuity between the principles and values that govern the life of a state's society within its boundaries and those, that characterize regional community. Aside from exploring the meaning of "European values" and their application to the Finnish Constitutional Law, the focus of the author will also be on the connections between "European values" and EU law and practice as the great features of widely understood "European dimension". Finland is one more example of the legitimacy of the thesis, that to achieve the "European dimension" states can go through different roads and anyone of them can be efficient.

Keywords: constitution, Constitution of Finland, EU values, Europeization, European axiology, European dimension, European spirit, European values, human rights

Europejski wymiar Konstytucji Finlandii

Streszczenie: Stojąc przed wspaniałym wyzwaniem, jakie postawił przede mną profesor Andrzej Bisztyga, autorka zbadala przejawy europejskości w konstytucji Finlandii – państwa silnie nordyckiego, wysoko rozwiniętego i zorientowanego na prawa człowieka, ze społeczeństwem cybernetycznym opartym na wiedzy. Główne cele tego artykułu są dwojakie. Pierwszym celem jest zbadanie postanowień Konstytucji Finlandii z szeroko rozumianej perspektywy „europejskiej”, którą można rozumieć jako „regionalną”, ale postrzeganą jako „wspólną” i „zbudowaną na długich i bogatych tradycjach prawnych”. Tego rodzaju badanie uwzględnia analizę przepisów poświęconych miejscu prawa międzynarodowego publicznego w Ustawie Zasadniczej, przekazaniu kompetencji organizacjom międzynarodowym, ze szczególnym uwzględnieniem UE, i wreszcie przepisów konstytucyjnych dotyczących praw człowieka, które nie tylko ilustrują poziom demokracji państwa, ale także realnie nawiązują do „europejskości” w jej najlepszym możliwym znaczeniu. W artykule na przykładzie Finlandii zbadano, jak zapewnić ciągłość aksjologiczną pomiędzy zasadami i wartościami rządzącymi życiem społeczeństwa państwa w jego granicach a tymi, które charakteryzują wspólnotę regionalną. Oprócz zbadania znaczenia „wartości europejskich” i ich zastosowania w fińskim prawie konstytucyjnym, autorka skupiła się także na powiązaniach między „wartościami europejskimi” a prawem i praktyką UE jako płaszczyzny szeroko rozumianego „wymiaru europejskiego”. Finlandia jest kolejnym przykładem słuszności tezy, że aby osiągnąć „wymiar europejski”, państwa mogą iść różnymi drogami i każda z nich może prowadzić do celu.

Słowa kluczowe: wartości europejskie, aksjologia europejska, konstytucja, wymiar europejski, prawa człowieka, wartości UE, Konstytucja Finlandii, europeizacja