

Citation

CHICAGO: W. Kowalski, *Engagement of the Judiciary in the Political Activity of the Ruling Camp. A Case Study of the Venezuelan Supreme Tribunal of Justice*, „Przegląd Prawa Konstytucyjnego” 2023, no. 6, pp. 375–388, <https://doi.org/10.15804/ppk.2023.06.27>

APA: Kowalski, W. (2023), *Engagement of the Judiciary in the Political Activity of the Ruling Camp. A Case Study of the Venezuelan Supreme Tribunal of Justice*, „Przegląd Prawa Konstytucyjnego” no. 6, pp. 375–388, <https://doi.org/10.15804/ppk.2023.06.27>

Wawrzyniec Kowalski

ORCID ID: 0000-0002-7426-9593

Wojskowa Akademia Techniczna

E-mail: wawrzyniec.kowalski@wat.edu.pl

Engagement of the Judiciary in the Political Activity of the Ruling Camp. A Case Study of the Venezuelan Supreme Tribunal of Justice

Keywords: Latin America, authoritarianism, Venezuela, Nicolas Maduro, Supreme Tribunal of Justice

Słowa kluczowe: Latin America, authoritarianism, Venezuela, Nicolas Maduro, Supreme Tribunal of Justice

Abstract

The aim of this article is to define the role played by the Supreme Tribunal of Justice in the political system of contemporary Venezuela and determine the extent of the executive branch's actual influence on the judiciary. The research problem formulated by the author concerns the determination of the actual importance of the Tribunal in keeping the Chavistas in power. The paper compares the substantive legal competences of the Supreme Tribunal of Justice with the political realities of the recent years and shows the main reasons why the Tribunal's activities undertaken in recent years have raised so much controversy. It has been pointed out that the Chavistas' control of the Supreme Tri-

bunal of Justice is a meaningful factor enabling the supporters of Nicolas Maduro to exercise judicial and extrajudicial control over the institutions of the judiciary and influence the legislature.

Streszczenie

Zaangażowanie wymiaru sprawiedliwości w działalność polityczną obozu władzy. Studium przypadku Najwyższego Trybunału Sprawiedliwości Wenezueli

Celem artykułu jest określenie roli odgrywanej przez Najwyższy Trybunał Sprawiedliwości w systemie politycznym współczesnej Wenezueli oraz zakresu rzeczywistego wpływu władzy wykonawczej na sądownictwo. Sformułowany problem badawczy dotyczy ustalenia faktycznego znaczenia Trybunału w utrzymaniu chawistów u władzy. Artykuł porównuje kompetencje materialnoprawne Najwyższego Trybunału Sprawiedliwości z realiami politycznymi ostatnich lat oraz wskazuje główne powody, dla których działania Trybunału podejmowane w ostatnich latach budzą tak wiele kontrowersji. Wskazano, że kontrola chawistów nad Najwyższym Trybunałem Sprawiedliwości jest istotnym czynnikiem umożliwiającym zwolennikom Nicolasa Maduro sprawowanie sądowej i pozasądowej kontroli nad instytucjami sądownictwa oraz wpływanie na władzę ustawodawczą.

✱

I. Introduction

The study aims to identify the role that the Supreme Tribunal of Justice¹ plays in the political system of contemporary Venezuela and determine the influence of the executive branch on the judiciary. The research problem formulated by the author concerns the determination of the actual importance of the Tribunal in keeping the Chavistas in power. It should be noted that no work has yet been described in the literature focusing on the influence of those supporting President Nicolas Maduro and the United Socialist Party of Venezuela (PSUV)² on the Bolivarian justice system. Particularly, there is a lack

¹ Original title: *Tribunal Supremo de Justicia*.

² Full name: *Partido Socialista Unido de Venezuela*.

of studies on the controversial role of the Supreme Tribunal of Justice. In the literature, the issue in question is partly addressed by Daroszewski³. The impact that the ruling camp in Venezuela exerts on the independence of the judiciary has been partly disclosed in reports drawn up by NGOs, such as the International Commission of Jurists⁴.

The author also intends to juxtapose the substantive legal competences of the Supreme Tribunal of Justice with the experience of constitutional practice and identify why the Tribunal's activities have raised so much controversy. This article does not aim to present a casuistic analysis of the various legal norms governing the Tribunal. Simultaneously, the work continues the author's research of authoritarian regimes, filling a gap in the research on the functioning of contemporary non-liberal states. The literature related to political and legal doctrines has been analysed, and the positions of representatives of academic communities and the public are referred to as well. The legal basis for the Supreme Tribunal of Justice functioning and its substantive legal competences are presented. The forms of the Tribunal's impact on the current political situation in Venezuela are identified, selected judgments are analyzed, and conclusions concerning the research problem are presented. The considerations were carried out with the analysis of the content of legal acts, especially the provisions of the Bolivarian Republic of Venezuela, and the literature on the subject. The author also refers to the qualitative analysis. For the complementarity of the considerations, the work also refers to selected judgments of the Tribunal and its jurisprudence, thus the dogmatic method is important. The research methods are necessary for the systematization of the Bolivarian judiciary's impact on the stability of illiberal government.

The majority of studies on contemporary Venezuela focuses on the charismatic rule of Hugo Chavez and, to a much lesser extent, Nicolas Maduro. This trend is prevalent among Polish authors including, e.g., Krzywicka⁵,

³ P. Daroszewski, *Pięcioelementowy model podziału władzy w Boliwariańskiej Republice Wenezueli*, "Przegląd Prawniczy TBSP UJ" 2021, vol. 1, pp. 95–110.

⁴ International Commission of Jurists, *The Supreme Court of Justice of Venezuela: an Instrument of the Executive Branch*, 2017.

⁵ K. Krzywicka, *Pozycja i rola sił zbrojnych w procesie przekształcania państwa – casus Wenezueli*, "Ameryka Łacińska" 2012, vol. 1, no. 75, pp. 3–25; K. Krzywicka, *Demokracja bezpośrednia w Wenezueli. Determinanty prawne*, "Studia Polityczne" 2013, no. 31, pp. 39–68.

Barcik⁶, and foreign authors: Andrews-Lee⁷, Gomez⁸, and Suano⁹. An increasing number of studies focuses on systemic issues, particularly the spillover between political populism and various forms of direct democracy¹⁰.

II. Venezuela under the Authoritarian Regimes of Hugo Chavez and Nicolas Maduro

The general public associates Latin American countries with authoritarian forms of government embodied by military juntas. The horrifying memories of the national stadium in Santiago, Chile, turned into a concentration camp by the military junta loyal to General Augusto Pinochet, are well preserved. The grim legacy of the military junta in power in Argentina between 1976 and 1983 and the so-called 'death flights' are still remembered as well. The memory of the victims of Alfredo Stroessner's rule in Paraguay that lasted nearly 35 years has not faded. Neither has that of the Archbishop of San Salvador, Oscar Romero, murdered in 1980. Even now, memories of the victims of the Bolivian dictator Hugo Banzer are still alive. The unexplained crimes of forced disappearances¹¹ that were part of the Condor Operation conducted

⁶ K. Barcik, *Myśl społeczna Hugo Chaveza*, "Annales Universitatis Mariae Curie-Skłodowska Lublin – Polonia Sectio I" 2014, no. 2 (39), pp. 71–80; K. Barcik, *Polityczne, społeczne i ekonomiczne konteksty przywództwa i myśli politycznej Hugo Cháveza*, Doctoral dissertation, 2017.

⁷ C. Andrews-Lee, *The Emergence and Revival of Charismatic Movements: Argentine Peronism and Venezuelan Chavismo*, Cambridge 2021.

⁸ F. Gomez, *The Venezuela of Nicolás Maduro: the successor of Hugo Chávez, he arrived, and he has remained in the power*, 2019.

⁹ M. Suano, *Como Destruir um País: Uma aventura socialista na Venezuela*, Citadel 2021.

¹⁰ N. Nowakowski, *The Impact of Populism on the Social Policy in Latin America: A Case Study of Venezuela*, "Ameryka Łacińska" 2015, no. 3–4 (89–90), pp. 33–52; D. Słupik, *The fundamental laws of Venezuela, Bolivia and Ecuador as an element of the Bolivarian Revolution in Latin America*, "Studia Politicae Universitatis Silesiensis" 2017, vol. 19, pp. 149–176; M. Pilińska, *The concept of Latin American 21st century socialism. The genesis, assumptions and practice on the example of Venezuela under H. Chávez*, "Economics of the 21st Century" 2018, vol. 4, no. 20, pp. 22–35; A. Serbin, A. Serbin Pont, *The Foreign Policy of the Bolivarian Republic of Venezuela: The Role and Legacy of Hugo Chávez*, "Latin American Policy" 2017, vol. 2, no. 8, pp. 232–248.

¹¹ Original name of the phenomenon: *desaparacidos*.

in the 1970s remain a tragic symbol shamefully linking the majority of Latin American countries to this day¹².

Before Chavez became president on February 2, 1999, Venezuela was perceived, as Catalina Botero argues, as a democratic state¹³. Chavez's victory in the elections of 1998¹⁴ and his subsequent succession of power within the United Socialist Party of Venezuela to Nicolas Maduro, the incumbent Vice-President and Foreign Affairs Minister, have led to the creation of legal, political, and economic realities warranting the recognition of Venezuela's current regime as authoritarian. Such a view is expressed by Carlos de la Torre, indicating that replacing neoliberalism with wealth redistribution and statism was part of Chavez's strategy, which "involved concentrating power and strangling democracy from within. Consequently, his missionary-like zeal has led to the spread of model authoritarian rule"¹⁵.

The events in Venezuela imply threats to international security. It should be reminded how important it is for the stability of the global oil sector. Furthermore, the authoritarian government of Nicolas Maduro, not recognised by the United States, the European Union, and many Latin American countries, encourages the intensification of military and economic cooperation between Venezuela and Russia, China and Iran.

Modern Venezuela is where the Chavistas' rule is safeguarded by the armed forces' loyalty. Ubiquitous populism is mixed with an inefficient economy, and

¹² J. Dinges, *Czas Kondora*, Wołowiec 2015.

¹³ C. Botero, *The Rule of Law in Latin America: From Constitutionalism to Political Uncertainty* [in:] *Unfulfilled promises. Latin America Today*, eds. M. Shifter, B. Binetti, Washington 2019, pp. 11–26.

¹⁴ Clear traits of the authoritarian aspirations of the former Peruvian President, Alberto Fujimori, who came to power in the early 1990s through democratic elections and later dissolved parliament and suspended the constitution, are visible here as well. Steven Levitsky claims that Alberto Fujimori, an authoritarian ruler, secured his re-election in an election he won by a significant margin. After all, the fact of relying on a democratic electoral procedure did not turn him into a democrat. "While the restoration of formal constitutional rule and elections was an important step away from full-fledged authoritarianism, it was accompanied by a systematic attack on a range of democratic institutions that has left contemporary Peru with a regime that can best be described as 'semi-democratic'". S. Levitsky, *Fujimori and Post-Party Politics in Peru*, "Journal of Democracy" 1999, vol. 10, no. 3, pp. 78–92.

¹⁵ C. de la Torre, *Hugo Chávez and the diffusion of Bolivarianism*, "Democratization" 2017, vol. 24, no. 7, p. 1271.

the country's permanent crisis is perpetuated by the political scene's polarisation, with the extent of this phenomenon not matched in any other Latin American country. The famous marches of both supporters and opponents of the ruling camp of the United Socialist Party of Venezuela, widely reported in the media, prove the significant polarisation. Finally, the authoritarian rule has led to the erosion of judicial independence and the weakening of the judges's independence, and the Supreme Tribunal of Justice has become an entity that is identified with the implementation of the ruling camp's policies.

III. Constitutional Position of the Supreme Tribunal of Justice

To discuss the influence of the Supreme Tribunal of Justice, reference should be made to Art. 266 of the Constitution which sets forth the Tribunal's competences. The most important is the exercise of constitutional jurisdiction under Title VIII of the Constitution¹⁶. To understand the determinants of the current legal and political crisis related to the activities of the Supreme Tribunal of Justice, one must refer to the key Title VIII of the Constitution – Protection of the Constitution. In Chapter I “Guarantee of the Constitution”, Art. 334 indicates that: “All of the judges of the Republic, within their respective spheres of competence and under the provisions of this Constitution and law, are obligated to ensure the integrity of the Constitution. In the event of incompatibility between the Constitution and a law or other juridical provision, the provisions of the Constitution shall prevail, being the responsibility of the courts to rule accordingly in any case, even *ex officio*. The Constitutional Division of the Supreme Tribunal of Justice, as court of constitutional competence, shall have the exclusive power to declare the nullity of laws and other acts of organs exercising Public Power issued by direct and immediate implementation of the Constitution or have the status of law”¹⁷. The Constitutional Division plays a special role, as it is capable of declaring a normative act inconsistent with the letter of the Constitution. Therefore, it constitutes a very important element of the checks and

¹⁶ Art. 266, par. 1 of Constitution of the Bolivarian Republic of Venezuela, https://www.constituteproject.org/constitution/Venezuela_2009.pdf (20.08.2023).

¹⁷ Art. 334 of Constitution of the Bolivarian...

balances system which derives directly from the concept of Montesquieu's tripartite separation of powers.

The unique constitutional position of the Tribunal is determined by Art. 335 indicating that this body guarantees the supremacy and effectiveness of constitutional rules, is the supreme interpreter of the Constitution, and ensures its uniform interpretation and application. The regulation is a consequence of the requirement of constitutionality of the hierarchically structured legal system.

The fact that the competences of the Constitutional Division of the Tribunal are listed in an enumerative manner is a novelty in the wording of the Constitution. Thus, the ability to declare various forms of activity of the legislative branch unconstitutional has become one of the sources of the current constitutional crisis in the state.

IV. The Supreme Tribunal of Justice as a Guarantor of the Chavistas Staying in Power

Addressing the research problem outlined in the introduction, it is important to remind that after the PSUV party lost its parliamentary majority to the opposition (Democratic Unity Roundtable – MUD)¹⁸ following the 2015 elections, Supreme Court judges issued, in March 2017, controversial sentences number 155 and 156. In sentence number 155, the judges pointed out *expressis verbis* that the National Assembly had shown “contempt and continued legislative omission” while empowering the President to revise the substantive and procedural provisions of the organic laws, including the Penal Code and the Code of Criminal Procedure¹⁹. The Supreme Court, on the other hand, indicated, in its sentence number 156, that it temporarily takes over the powers of parliament in the legislative sphere. Such an unprecedentedly active political support for the incumbent President, displayed by the most important organ of the judiciary, which even the President himself considered

¹⁸ MUD, in original: *Mesa de la Unidad Democrática*.

¹⁹ Sentences 155 & 156, *Con sentencias 155 y 156, TSJ habilita al presidente Maduro a legislar y bloquea a la AN*, 2017, <https://web.archive.org/web/20170402000653/http://efectococuyo.com/politica/con-sentencias-155-y-156-tsj-habilita-al-presidente-maduro-a-legislar-y-bloquea-la-an> (20.08.2023).

exaggerated when he appealed to the judges to overturn the ruling – which they soon did on April 1 – contributed to the radicalisation of social and political divisions²⁰. Although Nicolas Maduro decided to do this despite massive protests and international condemnation, the situation shows the political reality. The Tribunal has evolved from an entity passively legitimising the government's actions to an active body characterised by its methodical blocking of laws passed by the National Assembly – an organ that was in opposition to Maduro – or by depriving the legislative branch of the ability to exercise control over the President's emergency powers²¹.

One could think that the pathologies in the functioning of the Supreme Tribunal of Justice are limited to its political involvement and the issuing of rulings in line with the expectations of politicians. However, it is not the case. As mentioned, the Supreme Tribunal of Justice is also responsible for an issue that is of fundamental importance for ensuring the uniformity of jurisprudence, i.e., for supervising the courts' jurisprudence. Voices calling the fact that military courts are frequently tasked with trying civilians should be noted. "The military's wilful activity is judging civilians in front of military tribunals, which goes directly against the right to independent and unbiased trial"²². Thus, the Tribunal's deliberate omissions contribute to the erosion of the rule of law.

The functioning of a fundamentally important institution of the Venezuelan judiciary has therefore been distorted. The Supreme Tribunal of Justice which, according to the Constitution, is supposed to counteract the process of excessive concentration of power in the organs of the executive branch, has *de facto* become the expression and guarantor of the political ambitions of the group in power. Furthermore, it has taken on a role that goes far beyond what we are used to calling judicial activism. Thus, there is a trend consisting in the Supreme Tribunal of Justice acting

²⁰ Guardian, *Venezuela reverses ruling that stripped congress of legislative powers*, 2017, <https://www.theguardian.com/world/2017/apr/01/venezuela-nicolas-maduro-supreme-court-protests> (20.08.2023).

²¹ D. Landau, R. Dixon, *Abusive Judicial Review: Courts Against Democracy*, "UC Davis Law Review" 2020, no. 53, pp. 1313–1387.

²² J. Bilek, B. Vališková, *Venezuela under Maduro: A Different Kind of Hybrid Regime*, "Czech Journal of Political Science" 2020, vol. 1, no. 27, p. 12.

as a specific guarantor for the Chavistas to remain in power. One may legitimately describe the Tribunal as playing an active role in the progressive petrification of power and a specific protective factor for the PSUV against a future loss of power.

It seems reasonable to try to identify the factors that have led to the current situation. It should be noted that the origins of the current state of the judiciary, as well as of the Supreme Court, can be traced back to Chavez's first period in power. In December 1999, the then Constituent Assembly issued a decree removing many judges, including from the Supreme Court, and replacing them with allies of Hugo Chavez. The Assembly also set up a special commission to remove judges²³. They then replaced many members of the Supreme Court with allies of the regime and set up a commission to remove judges across the country.

The 1999 Constitution defines the procedures for the selection of judges and the functioning of the Tribunal itself and contains regulations to ensure that judges are selected transparently and in a manner that is free from any political influence. Failure to respect this principle is a consequence of the fact that the Tribunal's adjudicating panel is made up of judges associated with the ruling camp. The Independent International Fact-Finding Mission's report on the Bolivarian Republic of Venezuela, drawn up by the United Nations Human Rights Council in September 2021, indicated that of the 32 judges appointed by the outgoing parliamentary majority in December 2015, 29 were associated with the ruling party²⁴.

Looking at the functioning of the Bolivarian justice system, it must be recognised that the Tribunal's functioning has a direct impact on the lower instance courts, contributing to an increase in corruption, drastic reduction in human rights guarantees, deterioration of the fair trial principle and disappearance of independent courts. Moreover, it is difficult to perceive lower instance court judges as independent when 85% of judges are not permanently employed, while in some states approximate-

²³ J. Braver, *Hannah Arendt in Venezuela: The Supreme Court battles Hugo Chávez over the creation of the 1999 Constitution*, "International Journal of Constitutional Law" 2016, vol. 3, no. 14, pp. 555–583.

²⁴ HRC, *Human Rights Council Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela*, 2021.

ly 80% of judges are members of the ruling party²⁵. To this day, the fate of Maria Lourdes Afiuni, sentenced to five years' imprisonment for issuing an order for the release from custody of a businessman, Eligio Cadeno remains a shameful symbol of the pacification of judicial independence²⁶. The previous president was personally involved in fuelling the negative sentiment against the judge.

Exercising control over the Supreme Tribunal of Justice has been important for Nicolas Maduro and his political circle, especially since control over the National Assembly was exercised by opposition groups until December 6, 2020. As is well known, the elections to the unicameral parliament, which took place on December 6, 2020 amid intimidation and an eventual boycott of the elections by the opposition, were won by the Simón Bolívar Great Patriotic Pole, serving as Maduro's political base and formed by Chavez in 2012. Its make-up comprises also Partido Socialista Unido de Venezuela (PSUV), forming the core of the Chavista camp. The Simón Bolívar Great Patriotic Pole currently has 253 seats in the 277-seat National Assembly. However, it does not mean that having a key judicial institution at the disposal of Maduro has become an issue of lesser importance. It seems that the leaders of the ruling camp remember the lesson from December 2015, when a coalition of opposition parties gained a decisive advantage in the legislative branch. At that time, Maduro and his camp decided to create a Constituent Assembly under their control – which took over the prerogatives of the National Assembly – to neutralise the victorious opposition.

To provide a comprehensive picture of the infamous role of the Supreme Tribunal of Justice in the legal and political system of modern Venezuela, one should mention that the decision of the opposition groups to boycott the 2020 National Assembly elections was justified by irregularities concerning the establishment of the National Electoral Council. After all, the Supreme Tribunal of Justice appointed the members of the National Electoral Council

²⁵ P. Marcano, J. Poliszuk, G. Henriquez, *La ley del Poder Judicial: mientras más pobre la provincia, más chavistas son los jueces*, 2019, <https://armando.info/la-ley-del-poder-judicial-mientras-mas-pobre-la-provincia-mas-chavistas-son-los-jueces> (20.08.2023).

²⁶ Rechstersvoorrechters, *Ten years ago today: detention of Venezuelan judge Maria Afiuni*, 2019, <https://www.rechstersvoorrechters.nl/ten-years-ago-today-detention-of-venezuelan-judge-maria-afiuni> (20.08.2023).

in June 2020²⁷. Hence, the consolidation of power takes place in the electoral process as well. Researchers analysing the problems previously have indicated that since law is the main tool of social and political power, control over the law is susceptible to being taken over under authoritarian realities²⁸. It was not without reason that Brewer-Carías explicitly wrote about the apparent “great contempt for the Constitution”²⁹.

V. Conclusions

Irregularities in the functioning of the Venezuelan judiciary system are not limited to its highest instance. The entire judiciary branch in this non-liberal state is characterised by a total disregard for the principles of judicial independence and the independence of judges. Regarding the research problem, it is reasonable to conclude that control over the Supreme Tribunal of Justice exercised by the Chavistas is an important factor for the Nicolas Maduro’s camp to exercise judicial and extrajudicial control over the judiciary institutions and influence the legislature. Given that the current composition of the Tribunal will be ruling until 2027, it is expected that as long as the current political system is not transformed, this key judicial body will continue to legitimise Chavistas’ interference in with judicial and legislative branches. The mentioned factors show that the Bolivarian Tribunal has contributed to the dismantling of the remnants of Venezuelan constitutional democracy. With the will of the people and the primacy of direct democracy serving as a smoke screen, the check and balance system has been done away with. These statements’ truthfulness and the essence of the distorted role of the Supreme Court of Justice is evidenced by the fact that despite the victory of the Chav-

²⁷ REUTERS, *Venezuela top court names new electoral council, opposition defiant*, 2020, July 13, <https://www.reuters.com/article/us-venezuela-politics-idUSKBN23J39T> (20.08.2023).

²⁸ L. Henderson, *Authoritarianism and the Rule of Law*, “Indiana Law Journal” 1991, no. 66 (379), pp. 379–456.

²⁹ R.A. Brewer-Carías, *La Inconstitucional Convocatoria De Una Asamblea Nacional Constituyente En 2017 Como Una Muestra Mas De Desprecio a La Constitución* [in:] *Estudios sobre la Asamblea Nacional Constituyente y su inconstitucional convocatoria en 2017*, Colección Estudios Jurídicos No. 119, eds. A.R. Brewer-Carías, C.G. Soto, Editorial Jurídica Venezolana 2017, p. 13.

istas in the parliamentary elections in 2020, the Tribunal continues to play the informal role of an authority influencing the results of the elections. It could be seen during the elections held in November 2021. The ruling PSUV has won 20 out of 23 states. Despite this, the Tribunal ordered a re-election in the state of Barinas, perceived as the cradle of the Bolivarian revolution. The court's decision was because the opposition candidate threatened the victory of the PSUV representative during the vote count.

There is no independence of the Supreme Tribunal of Justice – an entity described as a puppet court³⁰. The Tribunal's activity was defined in an uncompromising manner in the report of the International Commission of Jurists, which identified cases of the lack of impartiality in the Tribunal's jurisprudence. More broadly, the "judiciary has played a contributing role in the widespread and systematic human rights violations that have occurred in Venezuela in recent years"³¹. A measure of the scale of the controversy surrounding the Supreme Tribunal of Justice is that, with the Chavistas filling all the seats on the Tribunal in 2015, the opposition dominating the National Assembly created in 2016 a separate Supreme Tribunal of Justice of Venezuela in exile, recognised by the Organisation of American States. The functioning of a twin judicial structure abroad is unprecedented.

The Supreme Tribunal of Justice highlights the inadequacies of the authoritarian system of power relying on the predefined mechanisms based on legal nihilism. Perhaps one should not be surprised by the pathologies found in the Bolivarian justice system, bearing in mind that democratic traditions in most Latin American countries are not sustainable³². According to 2020 data, a satisfactory level of political stability in South America, described by the authors of the list as "stable", has been achieved in only three countries, i.e., Argentina, Chile, and Uruguay. However, Venezuela remains the infamous regional leader in the ranking.

³⁰ B. Znojek, *Konsolidacja władzy Nicolása Maduro po wyborach parlamentarnych w Wenezueli*, Warszawa 2020.

³¹ ICJ Report, *Judges on the Tightrope*, 2021, p. 43.

³² Fragile States Index, *Global data 2020, 2021*, <https://fragilestatesindex.org/data> (20.08.2023).

Literature

- Andrews-Lee C., *The Emergence and Revival of Charismatic Movements: Argentine Peronism and Venezuelan Chavismo*, Cambridge 2021.
- Barcik K., *Myśl społeczna Hugo Chaveza*, "Annales Universitatis Mariae Curie-Skłodowska Lublin – Polonia Sectio I" 2014, no. 2 (39).
- Barcik K., *Polityczne, społeczne i ekonomiczne konteksty przywództwa i myśli politycznej Hugo Cháveza*, Doctoral dissertation, 2017.
- Bilek J., Vališková B., *Venezuela under Maduro: A Different Kind of Hybrid Regime*, "Czech Journal of Political Science" 2020, no. 1 (27).
- Botero C., *The Rule of Law in Latin America: From Constitutionalism to Political Uncertainty* [in:] *Unfulfilled promises. Latin America Today*, eds. M. Shifter, B. Binetti, Washington 2019.
- Braver J., *Hannah Arendt in Venezuela: The Supreme Court battles Hugo Chávez over the creation of the 1999 Constitution*, "International Journal of Constitutional Law" 2016, no. 3 (14).
- Brewer-Carías R.A., *La Inconstitucional Convocatoria De Una Asamblea Nacional Constituyente En 2017 Como Una Muestra Mas De Desprecio a La Constitución* [in:] *Estudios sobre la Asamblea Nacional Constituyente y su inconstitucional convocatoria en 2017*, Colección Estudios Jurídicos No. 119, eds. A.R. Brewer-Carías, C.G. Soto, Editorial Jurídica Venezolana 2017.
- Daroszewski P., *Pięcioelementowy model podziału władzy w Boliwariańskiej Republice Wenezueli*, "Przegląd Prawniczy TBSP UJ" 2021, no. 1.
- Dinges J., *Czas Kondora*, Wołowiec 2015.
- Gomez F., *The Venezuela of Nicolás Maduro: the successor of Hugo Chávez, he arrived, and he has remained in the power*, 2019.
- Henderson L., *Authoritarianism and the Rule of Law*, "Indiana Law Journal" 1991, no. 66 (379).
- Krzywicka K., *Pozycja i rola sił zbrojnych w procesie przekształcania państwa – casus Wenezueli*, "Ameryka Łacińska" 2012, no. 1 (75).
- Krzywicka K., *Demokracja bezpośrednia w Wenezueli. Determinanty prawne*, "Studia Polityczne" 2013, no. 31.
- Landau D., Dixon R., *Abusive Judicial Review: Courts Against Democracy*, "UC Davis Law Review" 2020, no. 53.
- Levitsky S., *Fujimori and Post-Party Politics in Peru*. "Journal of Democracy" 1999, vol. 10, no. 3.
- Marcano P., Poliszuk J., Henriquez G., *La ley del Poder Judicial: mientras más pobre la provincia, más chavistas son los jueces*, 2019, <https://armando.info/la-ley-del-poder-judicial-mientras-mas-pobre-la-provincia-mas-chavistas-son-los-jueces>.

- Nowakowski N., *The Impact of Populism on the Social Policy in Latin America: A Case Study of Venezuela*, "Ameryka Łacińska" 2015, no. 3–4 (89–90).
- Pilińska M., *The concept of Latin American 21st century socialism. The genesis, assumptions and practice on the example of Venezuela under H. Chávez*, "Economics of the 21st Century" 2018, no. 4 (20).
- Serbin A., Serbin Pont A., *The Foreign Policy of the Bolivarian Republic of Venezuela: The Role and Legacy of Hugo Chávez*, "Latin American Policy" 2017, vol. 2, no. 8.
- Składowska J., *Stan ochrony praw człowieka w wybranych państwach Ameryki Środkowej na przykładzie prawa do rzetelnego procesu* "Ameryka Łacińska" 2017, vol. 96, no. 2.
- Słupik D., *The fundamental laws of Venezuela, Bolivia and Ecuador as an element of the Bolivarian Revolution in Latin America*, "Studia Politicae Universitatis Silesiensis" 2017, no. 19.
- Suano M., *Como Destruir um País: Uma aventura socialista na Venezuela*, Citadel 2021.
- de la Torre C., *Hugo Chávez and the diffusion of Bolivarianism*, "Democratization" 2017, vol. 24, no. 7.
- Znojek B., *Konsolidacja władzy Nicolása Maduro po wyborach parlamentarnych w Wenezueli* Warszawa 2020.