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Document from the year 2013 in the subject Law - Philosophy, History and Sociology of Law, grade: 10, , language: Croatian, abstract: U slu?aju Bosne i Hercegovine, Evropska konvencija nije samo jedan u nizu me?unarodnih ugovora iz kojeg proizilaze izvjesne obaveze za države-potpisnice, ve? jedan od najvažnijih Ustavom zagarantovanim i zašti?enim dokumentima. Iz te ?injenice proizilazi i pristup ovoj temi. Kada se analiziraju uslovi u kojima je Evropska konvencija, kao op?i demokratski princip u Evropi, nastala, sadržaj prava koja štiti i teorije koje su joj prethodile, ?ini se da ona ima povlašten položaj u odnosu na druge me?unarodne obaveze koje, njenom primjenom, postaju ne samo obaveza države u me?unarodnim okvirima, ve? prvenstveno obaveza koja najsnažnije djeluje na unutrašnje pravo bez obzira da li je njena primjena obavezna prema ustavu neke države. Ovdje nam se name?e pitanje odnosa jednog takvog dokumenta sa ustavom konkretne države, u ovom slu?aju Bosne i Hercegovine i eventualne supremacije Evropske konvencije odnosno Ustava BiH. Da bi se došlo do odgovora na ovo pitanje, potrebno je analizirati niz elemenata koji mogu predstavljati afirmativne argumente za potvrdu da Evropska konvencija, kao ustavni princip jeste hijerarhijski iznad samog Ustava BiH. U tu svrhu je neophodno analizirati op?e ?injenice u kojima je nastao Ustav BiH, kao i metode njegovog tuma?enja, odnosno utvrditi ko je nadležan davati kona?na i obavezuju?a tuma?enja njegovog teksta, odnosno kakav uticaj takva tuma?enja imaju na ukupni ustavni sistem Bosne i Hercegovine. Tako?er je vrlo bitno analizirati problem na osnovu principa me?unarodnog prava i na?ina na koji su države ?lanice EU tretirale problem odnosa unutrašnjeg i me?unarodnog prava, a u okviru tog odnosa na?ina na koji pojedine države ispunjavaju preuzete obaveze.

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