

CONSEIL CONSTITUTIONNEL



Le Conseil Constitutionnel

Dominique Rousseau



Le Conseil Constitutionnel:

Le Conseil constitutionnel Louis Favoreu,Loïc Philip,1980 *Les grandes décisions du Conseil constitutionnel* Louis Favoreu,Loïc Philip,France. Conseil constitutionnel,1975 Textbook of commentaries on constitutional law decisions and jurisprudence of the constitutional court in France examines 30 decisions from a total of about 700 taken by the council during the period from December 1958 to feb 1975 Bibliography pp 432 to 439 and references **Le conseil constitutionnel en questions** Dominique Rousseau,2004-09-01 Le conseil constitutionnel est l'organisme gardien des droits fondamentaux Mais sa composition et son fonctionnement sont contestés Comment expliquer que des juges non élus signent par des détenteurs du pouvoir politique puissent s'opposer au pouvoir législatif incarnant la nation souveraine Le Conseil constitutionnel n'est en outre pas une troisième chambre il ne doit donc jamais guider la main du législateur Il est pourtant souvent critiqué pour la tentation voire l'imprialisme de certaines de ses décisions **Le Conseil constitutionnel. 9e éd.** Pierre Esplugas-Labatut,2021-01-25 L'ouvrage a pour but de présenter le Conseil constitutionnel et ses fonctions essentielles Dans un style direct et imagé l'auteur retrace le Conseil constitutionnel et sa jurisprudence dans son environnement politique et s'interroge Existe-t-il un bloc de constitutionnalité et quelle est la place des traités internationaux dans la pyramide de normes Qu'est devenue la distinction entre la loi et le règlement Quelles sont les évolutions induites par la QPC La politisation du Conseil est-elle un leurre Sommes-nous menacés par un gouvernement des juges **Le Conseil constitutionnel**,1986 *Le Conseil Constitutionnel* Jean-Louis Debré,2014-07-21 Le Conseil constitutionnel une institution clé pourtant moins connue des Français Pourquoi le Conseil constitutionnel a-t-il été créé Quelle est son origine et sa place au sein de nos institutions Comment sont sélectionnés ses membres et en quoi consiste réellement leur mission travers ce livre **Les grandes décisions du Conseil constitutionnel. 20e éd.** Patrick Gaïa,Laurent Domingo,André Roux,Marc Guerrini,Ferdinand Mélin-Soucramanien,Éric Oliva,Louis Favoreu,Loïc Philip,2022-12-08 Mieux connaître l'ensemble des droits et libertés que la Constitution garantit et dont on peut désormais se prévaloir grâce à la QPC Depuis l'entrée en vigueur de la procédure de la question prioritaire de constitutionnalité la jurisprudence constitutionnelle a pris une très grande importance puisque désormais le justiciable a la possibilité de faire valoir devant toute juridiction une méconnaissance de ses droits et libertés que la Constitution garantit Et cela concerne non seulement les particuliers mais aussi les associations les syndicats ou les collectivités territoriales Cette nouvelle dimension qui intervient alors que la QPC vient de fêter ses dix ans d'existence et que de nouveaux membres du Conseil constitutionnel viennent d'être nommés est le fruit de évolutions jurisprudentielles intervenues au cours des trois dernières années s'agissant notamment des droits et libertés Elle intègre par ailleurs de nouvelles grandes décisions comme celles relatives à l'état d'urgence sanitaire ou encore celle qui pour la première fois consacre la valeur constitutionnelle du principe de fraternité Cet ouvrage permettra aux justiciables de mieux connaître l'ensemble des droits et libertés que la Constitution garantit et dont ils peuvent désormais se prévaloir **Les grandes**

décisions du Conseil constitutionnel Louis Favoreu, Loïc Philip, 1984 **DÉCISIONS ESSENTIELLES DU CONSEIL CONSTITUTIONNEL DES ORIGINES A NOS JOURS** Antoine Pantelis, Sonia Dubourg-Lavroff, 2000-11-01 Cet ouvrage est un recueil des décisions essentielles du Conseil constitutionnel depuis sa création Il possède cent soixante décisions recouvrant tous les domaines de compétence du juge constitutionnel Le choix des décisions a été opéré à partir de deux critères leur fréquence de citation dans les manuels de droit et de contentieux constitutionnel et leur caractère central

grandes décisions du Conseil constitutionnel (Les). 19e éd. Patrick Gaïa, Richard Ghevontian, Ferdinand Mélin-Soucramanien, Éric Oliva, André Roux, 2018-09-26 Depuis l'entrée en vigueur de la procédure de la question prioritaire de constitutionnalité la jurisprudence constitutionnelle a pris une très grande importance puisque désormais le justiciable a la possibilité de faire valoir devant toute juridiction une méconnaissance de ses droits et libertés que la Constitution garantit Et cela concerne non seulement les particuliers mais aussi les associations les syndicats ou les collectivités territoriales Cette 19e édition des Grandes décisions du Conseil constitutionnel intègre plusieurs nouvelles affaires et revoit et augmente celles déjà présentes dans la précédente édition Cet ouvrage permettra aux justiciables de mieux connaître l'ensemble des droits et libertés que la Constitution garantit et dont ils peuvent désormais se prévaloir

Le conseil constitutionnel et la constitution de la science du droit Olivier Cayla, 1999 *L'exécution des décisions du Conseil constitutionnel* Guillaume Drago, 1991

Le Président de la République et le Conseil constitutionnel Isabelle Richir, 1998-01-01 T00:00:00+01:00 Ce sont les deux pouvoirs les moins parlementaires de la Ve République qui assurent la protection de ce régime parlementaire Le Président de la République et le Conseil constitutionnel marquent ainsi l'originalité de la Constitution du 4 octobre 1958 Mais si le chef de l'État est sur un piedestal les Sages privés de légitimité démocratique et limités dans une compétence d'attribution ne sont pas au même niveau Pourtant loin d'un rapport de domination la force de leur relation réside justement dans leur différence Leurs compétences se rencontrent sans jamais se confondre Si les nominations et l'élection présidentielle montrent la nécessité d'une coopération entre les deux le réaffirmation des pleins pouvoirs et la saisine 54 et 61-2 prouvent la contribution réciproque En somme chacun a besoin de l'autre pour exister La Ve République dispose donc de deux gardiens et ainsi réussit-elle à se rejoindre les thèses pourtant si opposées de Hans Kelsen et de Carl Schmitt Le chef de l'État arbitre politique et le Conseil constitutionnel organe juridictionnel forment un duo complémentaire qui contribue à préserver l'équilibre institutionnel Et cette solidarité est d'autant plus percutante qu'ils vivent une solitude constitutionnelle qu'ils sont les seuls à partager La collection Les grandes thèses du droit français rapporte un constat nos facultés de droit sont l'origine de nombreuses thèses d'un grand intérêt scientifique mais malheureusement trop peu sont publiées Nous voulons permettre aux meilleures thèses soutenues dans les disciplines juridiques d'être connues non seulement des universitaires mais aussi des praticiens et ce en France comme l'étranger Nous savons que la science juridique française mérite cet effort de promotion Sans donner un caractère d'exclusivité cette dimension nous avons le souci d'inscrire cette collection dans le champ des transformations du droit l'époque contemporaine dont le

droit communautaire constitue une donnée particulièrement importante

Les fonctions juridictionnelles du Conseil constitutionnel et du Conseil d'État dans l'ordre constitutionnel Claude Franck, 1974 *Recueil des décisions du Conseil constitutionnel* France. Conseil constitutionnel, 1993 Le Conseil Constitutionnel François Luchaire, 2002 Le Conseil constitutionnel et les libertés Jean Rivero, 1987 **La jurisprudence du Conseil constitutionnel** Bruno Genevois, 1988 Le président de la République et le Conseil constitutionnel Isabelle Richir, 1998

Le régime de la Ve république se est doté de deux gardiens qui ont la particularité de partager la même mission mais qui ne sont pas identiques parce qu'ils interviennent des moments différents. Au chef de l'état la charge de décider en tant que premier responsable et au conseil constitutionnel de contrôler que le régime dans ses principes est respecté. Si les nominations et l'élection présidentielle montrent la nécessité d'une coopération entre les deux, les articles 11, 16, 54 et 61-2 prouvent la contribution réciproque et rejettent l'idée d'un rapport de dominant à dominé. En somme, chacun a besoin de l'autre pour exister et s'exprimer. La 5ème république réussit à faire se rejoindre les thèses pourtant si opposées de Hans Kelsen et de Carl Schmitt. La protection de la constitution est donc assurée par le chef de l'état, arbitre politique, et par la haute instance, organe juridictionnel. L'équilibre du régime se est aussi construit sur cette complémentarité qui joue la fois sur le terrain constitutionnel et dans l'arène politique. Si le président de la république s'aventure dans un dialogue politique, le conseil constitutionnel, bien que saisi par des autorités politiques, n'a qu'un objectif : dire le droit.

Le Conseil constitutionnel 10e éd Pierre Esplugas-Labatut, 2023-10-19. L'ouvrage a pour but de présenter le Conseil constitutionnel et ses fonctions essentielles. Dans un style direct et imagé, l'auteur situe le Conseil constitutionnel et sa jurisprudence dans son environnement politique et s'interroge : Existe-t-il un bloc de constitutionnalité et quelle est la place des traités internationaux dans la pyramide de normes ? Qu'est devenue la distinction entre la loi et le règlement ? Quelles sont les évolutions induites par la QPC ? La politisation du Conseil est-elle un leurre ? Sommes-nous menacés par un gouvernement des juges ?

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