

Les éléments constitutifs de l'État



Un territoire

Il n'existe pas d'Etat sans territoire.

Le territoire est l'espace géographique sur lequel l'autorité politique va exercer son pouvoir. Cet espace est délimité par des frontières.

Le territoire comprend :

- L'espace terrestre : (surface, sol et sous sol)
- L'espace maritime : (mer territoriale, zone économique exclusive)
- L'espace aérien : (l'espace qui surplombe l'espace terrestre et l'espace maritime. En est exclu l'espace extra-atmosphérique qui reste libre.)

Le territoire est fragilisé par l'effacement progressif des frontières. (Exemple : espace Schengen en Europe)



Une population

Il n'existe pas d'Etat sans population.

La population correspond à l'ensemble des habitants vivant sur un territoire donné délimité par des frontières.

La population ne doit pas être confondue avec la nation.

La nation, selon Michel Verpeau, désigne un groupement humain au sein duquel les personnes perçoivent un sentiment d'union des uns aux autres par des liens à la fois matériels et spirituels : et qui se conçoivent comme distinct des personnes qui composent les autres États.

Le peuple est fragilisé par l'ouverture des frontières qui permet la libre circulation des personnes.



Un pouvoir politique souverain

Il n'existe pas d'Etat sans pouvoir politique organisé.

On distingue les sociétés étatiques des sociétés non étatiques :

- Les sociétés non étatiques obéissent à un chef et suivent l'évolution de celui-ci :
- Les sociétés étatiques se caractérisent par le caractère impersonnel du pouvoir.

Les institutions de l'Etat sont fragilisées aujourd'hui :

- Soit par des institutions supra-étatiques (Exemple : l'Union européenne).
- Soit par des institutions infra-étatiques (Exemple : la région de Catalogne qui réclame son indépendance).



Diversité des territoires

- Certains territoires étatiques peuvent être constitués de plusieurs espaces sans continuité géographique. (ex : France et ses territoires d'outre-mer)
- D'autres territoires étatiques sont enclavés en totalité ou en partie dans un Etat étranger (ex : Vatican en Italie)

Les Fondamentaux Droit Constitutionnel

Tao Wei

A decorative red circular graphic with a gradient, partially obscured by the light blue bar, located to the right of the author's name.

Les Fondamentaux Droit Constitutionnel:

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