



# **Le Juge constitutionnel et le Législateur: L'expérience italienne (French Edition)**

*Paolo Passaglia*

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La Constitution républicaine, entrée en vigueur en 1948, marque un tournant dans l'histoire constitutionnelle italienne. Parachevant le retour à la démocratie, le Constituant a fait des principes inspirateurs du constitutionnalisme les fondements du nouvel ordre juridique. Dans ce cadre, il a prévu l'institution de la Cour constitutionnelle, dont la mission consiste à garantir la Constitution contre les atteintes de tout organe institutionnel, et notamment du législateur. Ce dernier a donc perdu la primauté qui lui revenait en raison de la position qui était propre à la loi dans le système précédent. Eu égard aux changements imposés par l'établissement d'un système de justice constitutionnelle, les rapports entre la Cour et le législateur constituent l'un des aspects les plus importants permettant de mesurer l'empreinte des principes constitutionnels au sein de l'ordre juridique.

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