

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

Philippe Blachère



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PLAN DE L'OUVRAGE

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Les principes politiques européens des démocraties parlementaires
La justice constitutionnelle
Deux principes singuliers : l'Angleterre et les États-Unis
Les évolutions du droit constitutionnel français
La naissance de la Ve République
Le président de la République
Le gouvernement
Le Parlement
La forme constitutionnelle

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Droit constitutionnel 2021 - 23e éd. Louis Favoreu, Patrick Gaïa, Richard Ghevontian, Jean-Louis Mestre, Otto Pfersmann, André Roux, Guy Scoffoni, 2020-09-16 Le manuel le plus approfondi pour les L1. Jour des dernières QPC. Ce précis met particulièrement l'accent sur les différents éléments constitutifs de l'état de droit et notamment sur les sources du droit et sur la justice constitutionnelle dans une perspective de droit comparé. Il traite de manière originale de l'ancrage constitutionnel des institutions politiques mais aussi administratives et juridictionnelles. Cet ouvrage

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Réussir mes TD de Droit constitutionnel Nana-Fatouma Askofaré, Matthieu Gaye-Palettes, Marie-Céline Pallas, David Périé-Fernandez, 2020-01-21 Une méthodologie pas pas des principaux exercices de première année la dissertation le commentaire de texte le cas pratique et le commentaire de décision. Une méthodologie appliquée travers des exercices précis couvrant l'intégralité du programme de première année et permettant de saisir les attentes des professeurs. Des fiches de travail permettant d'aborder les TD dans leur ensemble. Gestion du temps en partiel. Utilisation des références bibliographiques. Erreurs à éviter

Le droit constitutionnel de la Ve République Gilles Toulemonde, Lascombe Michel, 2015-12-01 Cet ouvrage s'adresse aux étudiants en droit aux élèves des instituts d'études politiques et aux candidats aux concours administratifs. Il couvre l'essentiel du programme de droit constitutionnel c'est-à-dire aussi bien les constitutions françaises depuis 1789 que l'actuel texte constitutionnel. Cette nouvelle édition tient compte des derniers développements induits par les changements politiques des dernières formes des règlements des assemblées et de la jurisprudence la plus récente

Law in Greater Europe Bruno Haller, Hans-Christian Krüger, Herbert Petzold, 2021-10-11 This collection of studies intends to honour Heinrich Klebes who both as a distinguished international civil servant and as a scholar and analyst has made and continues to make an important contribution to the development of European cooperation in general and within the Council of Europe in particular. At the same time it offers a unique and stimulating analysis of the development of a common body of law in the wider Europe. The twenty nine articles contained in this volume are grouped together under five headings: commitment to democratic standards; protection of human rights and fundamental freedoms; the Council of Europe in context; the common legal space; common problems of democracy and transatlantic relations

The Role of Fraternity in Law Adriana Cosseddu, 2021-12-05 This collection discusses the concept of fraternity and examines the issue of its role in law. Since the end of World War II, fraternity has been cited in several national constitutional charters in addition to the United Nations Universal Declaration of Human Rights. But is there space for fraternity in law? The contributions to this book form an ideal bridge between the past and present to trace the different pathways taken to address the meaning of fraternity and to identify its possible legal relevance. The book lays out paths that have placed fraternity in varied and challenging legal contexts in an age of globalization and conflict where the multiplicity of national and supranational sources of law seems to show its inadequacy to govern complexity and coexistence between diversities that appear irreconcilable. The purpose is not to recover fraternity as a forgotten principle but to

reimagine it today to address the aim and force of law within a plurality of cultures The analysis considers a possible universal dimension that models unity within diversity and aspires to serve as a prologue to a transition from research to dialogue between different legal systems and traditions The book will be of interest to academics and researchers working in the areas of Comparative Law Legal History and Legal Philosophy *Etudes de droit constitutionnel hongrois* Attila RÁCZ,1987

Land, Law and Politics in Africa Jan Abbink,Jon Abbink,Mirjam de Bruijn,2011-11-11 This book offers a series of new studies on the dynamics of political and legal culture as well as of conflict management in contemporary Africa taking inspiration from and honoring the scholarly contributions and impact of Prof Gerti Hesseling 1946 2009 in African Studies

Démocratie(s), Parlementarismes(s) et légitimité(s) / Democracy(ies),Parliamentarism(s) and legitimacy(ies) Nadim Fahrati,Philippe Poirier,2019-07-03 Cet ouvrage réunit des chercheurs issus des principaux centres de recherche en études législatives d'Amérique du Nord d'Europe et du Maghreb Leurs contributions en anglais et en français visent comprendre les différentes transformations de la démocratie représentative dans un système concurrentiel des formes démocratiques participative libérale etc et de nouvelles hiérarchisations législatives l'européanisation le fédéralisme et le parlementarisme rationalisé Il s'agit en premier lieu d'analyser les députés et la fabrication contemporaine de la loi c'est-à-dire comment ils travaillent dans les commissions usent de leurs pouvoirs d'interpellation et quels sont leurs rapports aux groupes d'intérêts Il s'agit en second lieu d'évaluer la nature et les modalités du contrôle parlementaire notamment en s'intéressant aux ressources administratives mises à leur disposition et leurs pouvoirs dans le domaine budgétaire Il s'agit enfin de comprendre en quoi la composition du corps électoral et la construction de l'opinion politique le fonctionnement des partis politiques et des groupes parlementaires le contexte institutionnel fédéral et ou post autoritaire déterminent ou non le degré d'autonomie et d'efficacité parlementaire

Access to Information in Africa Fatima Diallo,Richard Calland,2013-06-15 For a long time Africa has lagged behind global advances in transparency but there are now significant developments on the continent In a ground breaking book Access to Information in Africa brings together for the first time a collection of African academics and practitioners to contribute to the fast growing body of scholarship that is now accumulating internationally This is therefore an African account of progress made and setbacks suffered but also an account of challenges and obstacles that confront both policy makers and practitioners These challenges must be overcome if greater public access to information is to make a distinctive positive contribution to the continent's democratic and socio economic future This book offers a necessarily multi dimensional perspective on the state of ATI in African jurisdictions and the emerging new praxis a praxis that will entail a genuine domestication of the right of access to information on the continent Memory and Punishment Emanuela Fronza,2018-02-27 This book examines the criminalisation of denials of genocide and of other mass atrocities in Europe and discusses the implications of protecting institutional historical memory through criminal law The analysis highlights the tensions with free speech investigating the relationship between criminal law and historical memory

The book paves the way for a broader discussion about fake news post truth scenarios and free expression in a digital world. The author underscores the need to protect well founded factual records from the dangers of misinformation. Historical denialism and the related jurisprudence represent a key step in exploring this complex field. The book combines an interdisciplinary approach with criminal law methodology. It is primarily aimed at academics practitioners and others who wish to deepen their understanding of historical denialism remembrance laws speech crimes and freedom of expression.

Emanuela Fronza is Senior Research Fellow in Criminal Law and Lecturer in International and European Criminal Law at the School of Law University of Bologna. She is a Principal Investigator within the EU research consortium Memory Laws in European and Comparative Perspectives funded by HERA Humanities in the European Research Area.

Le droit constitutionnel de la Ve République Éric Sales, 2022-01-04. Le droit constitutionnel de la Ve R publique est un ouvrage relatif au droit constitutionnel français contemporain. Il aborde les différentes institutions de la R publique en essayant de les présenter simplement partir d'une structure trouvant son fondement dans l'article 16 de la Déclaration des droits de l'homme et du citoyen de 1789. Ainsi il s'articule nécessairement autour d'un volet consacré l'organisation et la séparation des pouvoirs et d'un autre relatif à l'étude des différentes garanties constitutionnelles des droits fondamentaux. Principalement destinés aux étudiants des Facultés de droit et des Instituts d'études politiques, il a vocation les accompagner dans la compréhension du système constitutionnel français actuel dans la préparation de leurs travaux dirigés et des différents examens universitaires et concours administratifs. Il est ainsi composé d'extraits de textes ou de décisions de justice de tableaux et de schémas afin de permettre une rapide visualisation des institutions dans leur composition ou encore dans leur fonctionnement.

Traité élémentaire de droit constitutionnel Joseph Barthélemy, Paul Duez, 1926. *Le droit constitutionnel de la Belgique* Oscar Orban, 1906.

The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law - La Cour de Justice et la Construction de l'Europe: Analyses et Perspectives de Soixante Ans de Jurisprudence Court of Justice of the European Union, A. Rosas, E. Levits, Y. Bot, 2012-12-05. This book is a contributed volume published by the Court of Justice of the European Union on the occasion of its 60th anniversary. It provides an insight to the 60 years of case law of the Court of Justice and its role in the progress of European Integration. The book includes contributions from eminent jurists from almost all the EU Member States. All the main areas of European Union are covered in a systematic way. The contributions are regrouped in four chapters dedicated respectively to the role of the Court of Justice and the Judicial Architecture of the European Union, the Constitutional Order of the European Union, the Area of EU Citizens and the European Union in the World. The topics covered remain of interest for several years to come. This unique book a must have reference work for Judges and Courts of all EU Members States and candidate countries and academics and legal professionals who are active in the field of EU law is also valuable for Law Libraries and Law Schools in Europe, the United States of America, Latin America, Asia and Africa and law students who focus their research and studies in EU law.

Précis

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