

DROIT CONSTITUTIONNEL

Chapitre n°3 : Révision de la Constitution

Section n°1 : Procédure et modalité de révision.

I- Les raisons de révision constitutionnelle :

A) Institutionnelles et internes :

Notam au motif de moderniser la C. En 2008, 88 art modif pr 89 art de la C ; il s'agissait d'une gd réforme qui cherche à moderniser. Apparition de la OPC. A pr but de porter une modif d'un texte constitut.

B) Européennes et internationales :

A chq fois que la fce a ratifier un traité fondateur de l'UE elle a été appeler à modif la C car la ratification de ce dernier ne peut avoir lieu s'il comporte des clauses contraire à la C. Le CC examine c traités pr permettre les modif et ainsi pvr les ratifiés.

II- Les procédures de révision :

A) L'initiative de révision :

Elle appartient « concurremment au Président de la République sur proposition du Premier ministre et aux membres du Parlement ».

Initiative partagée donc entre les parlementaires et l'exécutif, mais surtout au sein même de l'exécutif : ni le Président ni le Premier ministre ne peuvent engager seul une procédure de révision ; le Président doit attendre — ou solliciter — la proposition du Premier ministre, et, en retour, le Premier ministre doit attendre — ou provoquer — la réponse du Président à sa proposition.

Quand l'initiative de la révision vient de l'exécutif, l'accord du Président et du Premier ministre est ainsi nécessaire ; exigence relativement facile à satisfaire si l'un et l'autre appartiennent à la même famille politique.

B) L'adoption du projet ou de la proposition :

Qu'il vienne de l'exécutif — projet — ou des parlementaires — proposition — le texte doit être voté par chacune des deux assemblées « en termes identiques ». La précision est importante.

A la différence de la procédure législative ordinaire où le Premier ministre peut, en cas de désaccord persistant entre les deux chambres, provoquer la réunion d'une commission mixte paritaire pour tenter d'aboutir à un texte commun — et même demander à l'Assemblée nationale de statuer définitivement — la procédure de révision ne prévoit aucun moyen de forcer l'accord entre députés et sénateurs.

Ici, les deux assemblées ont un égal pouvoir ; en maintenant sa rédaction, en refusant de prendre en compte les modifications de l'autre, chacune peut faire durer les débats indéfiniment et, de fait, bloquer la révision.

C) La ratification :

Deux situations doivent être distinguées :

- les parlementaires sont à l'origine de la révision : la ratification se fait obligatoirement par référendum

Cours Droit Constitutionnel Institutions R Publique

Adhémar Esmein

Cours Droit Constitutionnel Institutions R Publique:

Principles of French Constitutional Law Marie-Luce Paris,2024-12-11 Principles of French Constitutional Law offers a concise and accessible account of the key principles and rules of constitutional law in the French legal system presenting a muchneeded up to date overview of this rapidly changing subject The textbook explores the five essential pillars that underpin the teaching of constitutional law namely the institutions legal history case law comparative law and current affairs and developments It is split into two core sections Part I examines the basis of French constitutional law the theoretical developments about key notions of constitutional law such as the state and the constitution as well as the historical background to French constitutional law Part II provides students with an understanding of the current Fifth Republic and how constitutional rules are adopted and applied and how they affect other areas of law and politics It offers a critical account of the 1958 Constitution s past present and future by placing it in its political and socio historical contexts and critically assessing contemporary developments and constitutional reforms Given the growing expansion of this branch of law in the French legal system this book will be essential reading for anyone studying French Law Law with French Comparative Constitutional Law and European Legal Studies

Le droit constitutionnel de la République française Adhémar Esmein,1921 *Internationales und Ausländisches Recht* Internationale Vereinigung für Vergleichende Rechtswissenschaft und Volkswirtschaftslehre zu Berlin,1914

Le Rôle du député et ses attaches institutionnelles sous la Ve République Jean-Claude Masclet,1978-12-31T23:00:00+01:00 Cet ouvrage est une r dition num rique d un livre paru au XXe si cle d sormais indisponible dans son format d origine , The Birth of Judicial Politics in France Alec Stone Sweet,1992 The French Constitutional Council a quasi judicial body created at the dawn of the Fifth Republic functioned in relative obscurity for almost two decades until its emergence in the 1980s as a pivotal actor in the French policymaking process Alec Stone focuses on how this once docile institution through its practice of constitutional review has become a meaningfully autonomous actor in the French political system After examining the formal prohibition against judicial review in France Stone illustrates how politicians and the Council have collaborated over the course of the last decade often unintentionally and in the service of contradictory agendas to significantly enhance Council s power While the Council came to function as a third house of Parliament the legislative work of the government and Parliament was meaningfully juridicized Through a discussion of broad theoretical issues Stone then expands the scope of his analysis to the politics of constitutional review in Germany Spain and Austria Éléments de droit constitutionnel français et comparé: Le droit constitutionnel de la République Française Adhémar Esmein,1928 The Americana ,1923 The Encyclopedia Americana ,1927

Bibliographie générale et complète des livres de droit et de jurisprudence publiés jusqu'au 9 novembre 1906... ,1907 Bibliographie générale des sciences juridiques, politiques, économiques et sociales de 1800 à 1925-1926 A. Grandin,1926 **Répertoire général alphabétique du droit français** Adrien Carpentier,Georges-Marie-René Frerejouan

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