

PRINCIPI FONDAMENTALI DELLA COSTITUZIONE ITALIANA

La nostra Costituzione si fonda su idee di personalismo, di pluralismo, di democrazia, di libertà, di giustizia sociale, di organizzazione diffusa del potere proprio per garantire equilibrio e controllo reciproco con un sistema di garanzie.

È formata da 139 articoli, è una struttura semplice di diritti e doveri

- 12 articoli con i principi fondamentali
- Parte prima (art 13-54): diritti e doveri dei cittadini
- Parte seconda (art 55-139): ordinamento della Repubblica

Caratteristiche formali: non c'è un triangolo, ma ci sono i principi fondamentali che sono parte integrante della Costituzione. **I principi fondamentali non sono una dichiarazione di intenti e hanno una valenza che impregna la Costituzione intera.** Sono le norme che orientano l'attività del legislatore. La nostra Cost dal punto di vista formale rigida, programmatica, lunga ed elastica.

- Lunga perché ci sono norme la cui rilevanza costituzionale non è immediatamente evidente. Per esempio il paesaggio, la salute, tutela del risparmio, previdenza sociale.
- Rigida perché il procedimento legislativo per modificarla è complesso

Art 71: "L'iniziativa delle leggi appartiene al Governo, a ciascun membro delle Camere ed agli organi ed enti ai quali sia conferita da legge costituzionale"

Elasticità è un valore aggiunto

12 articoli

- Democratico è il cerchio più ampio.
- Personalista
- Laborista
- Pluralista

Questi principi permettono al nostro stato di essere democratico sociale.

Principio personalista: sta nell'articolo 2, riduzione rispetto allo Statuto Albertino. **Lo stato deve riconoscere e garantire i diritti inviolabili.** Uno stato del soc è uno stato che riconosce e garantisce i diritti.

Non la persona in funzione dello stato ma lo stato in funzione della persona. Stato ha una funzione generale

Diritti dei singoli non sono illimitati ma nell'interesse generale possono trovare limiti. In questo bilanciamento esiste un limite invalicabile all'intervento dei poteri pubblici nella sfera dell'individuo.

06/10/2022

Capitolo VIII:

LE FONTI DEL DIRITTO: NOZIONI GENERALI

Con "Fonte del diritto" intendiamo i fatti e gli atti abilitati dall'ordinamento giuridico a produrre norme giuridiche, cioè a innovare l'ordinamento giuridico stesso.

Diritto Costituzionale Riassunto Bin Pitruzzella

J Rink



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