

THE CONSTITUTIONAL COURT – AN INNOVATION IN THE ROMANIAN CONSTITUTIONAL SYSTEM

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ABSTRACT: *The control of constitutionality has an extremely important role in the functioning of the state of law. The premise for the birth of the control of constitutionality and the outlining of a control of constitutionality system is the necessity to guarantee ‘the supremacy of the law’, or ‘the supremacy of the Constitution’. In the constitutional systems in which the judge’s role of ‘constitutional judge’ was not recognized or assumed, the control of constitutionality was entrusted to a specialized body, deliberately created for this purpose (usually named constitutional court, tribunal or council). Austria and the Czech Republic were the first states to adopt a control of constitutionality system in the center of which lies this kind of a specialized body, initiative followed by an increased proliferation of these jurisdictional constitutional authorities, including in Romania.*

This paper represents a review of the Romanian Constitutional Court’s creation, considering both the procedural aspects and the reasons for which the Constituent Assembly has opted for a brand new institution in the Romanian constitutional system.

KEYWORDS: *control of constitutionality, the Constitutional Court, draft Constitution, political and jurisdictional control.*

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