

CONSTITUTIONAL JUSTICE – BETWEEN THE ROLE OF GUARANTOR OF THE SUPREMACY OF THE CONSTITUTION AND THE ROLE OF PROTECTOR OF THE FUNDAMENTAL RIGHTS AND FREEDOMS. CASE STUDY: ROMANIA

Daniela Cristina VALEA*

ABSTRACT: *Among the variety of legal means of protection of fundamental rights and freedoms, constitutional justice deserves another position and recognition - because that was proved. The constitutionality control is a means of protecting and promoting fundamental rights and freedoms. The supremacy of the Constitution is the result of several factors: the Constitution gives the power and authority to those who rule; it determines the responsibilities of public authorities; it governs the relations between the state and citizens determining their fundamental rights, freedoms and obligations; it shapes the political, ideological values which are the base of the organization and functioning of the political system; it underlies and guarantees the law and represents the crucial mark for assessing the validity of all legal actions and deeds¹. Thus, ensuring the supremacy of the Constitution, by consequence, these rights and freedoms are also guaranteed and protected. The main means to guarantee the supremacy of the Constitution and, therefore, the human fundamental rights and freedoms, is the exercise of constitutional control.*

KEYWORDS: *control of constitutionality, unconstitutionality exception, protection of fundamental rights and freedoms.*

JEL CODE: K 10

* Assistant professor PhD., „Petru Maior” University of Tîrgu-Mureş, ROMANIA.

¹ Ion Deleanu, *Instituții și proceduri constituționale – în dreptul comparat și în dreptul român - tratat*, Servo-Sat Publishing House, Arad, p. 221.