

THE CONSTITUTIONAL FRAMEWORK FOR THE RESTRICTION OF THE EXERCISE OF FUNDAMENTAL RIGHTS AND FREEDOMS IN THE VIEW OF THE CONSTITUTIONAL COURT OF ROMANIA

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ABSTRACT: *The issue of exercising and restricting the exercise of fundamental rights and freedoms is, nowadays, more than ever, a topical, exciting, and challenging aspect. Therefore, in this paper, I suggest a review of the issue regarding the restriction of the exercise of fundamental rights and freedoms starting from the constitutional premises in Romania and then passing it through the filter of the jurisprudence of the Romanian constitutional court.*

The republished Constitution of Romania allows the restriction of the exercise of fundamental rights or freedoms, only as an exceptional measure, only by law, conditionally (only if it is necessary in a democratic society, to be in proportion to the situation that determined it, applied non-discriminatory and without bringing violation to the existence of the rights or freedom), temporarily and only in consideration and achievement of certain objectives expressly provided by the fundamental law. Moreover, the Romanian constitutional text requires that even in the situation of restricting the exercise of certain rights and freedoms, the fundamental principle of equality should be respected by applying the measure of restriction in a non-discriminatory manner.

The constitutional regulation is supplemented by normative texts that punctually regulate different aspects of specific application, such as those regarding national security, public order and peace, the state of necessity, calamity and disasters.

KEYWORDS: *fundamental rights and freedoms; restricting the exercise of certain rights and freedoms; republished Constitution of Romania; equality; non-discrimination.*

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