

CONSTITUTION

(Projet présenté par le Gouvernement de la République)

PREAMBULE

Le peuple français proclame solennellement son attachement aux Droits de l'homme et aux principes de la souveraineté nationale tels qu'ils ont été définis par la Déclaration de 1789, confirmée et complétée par le préambule de la Constitution de 1946.

En vertu de ces principes et de celui de la libre détermination des peuples, la République offre aux territoires d'outre-mer qui manifestent la volonté d'y adhérer des institutions nouvelles fondées sur l'idéal commun de liberté, d'égalité et de fraternité et conçues en vue de leur évolution démocratique.

Article premier. — La République et les peuples des territoires d'outre-mer qui, par un acte de libre détermination, adoptent la présente Constitution instituent une Communauté.

La Communauté est fondée sur l'égalité et la solidarité des peuples qui la composent.

TITRE PREMIER DE LA SOUVERAINETE

Art. 2. — La France est une République indivisible, laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances.

L'emblème national est le drapeau tricolore, bleu, blanc, rouge. L'hymne national est la Marseillaise.

La devise de la République est : « Liberté, Égalité, Fraternité ». Son principe est : gouvernement du peuple, par le peuple et pour le peuple.

Art. 3. — La souveraineté nationale appartient au peuple qui l'exerce par ses représentants et par la voie du référendum.

Aucune section du peuple ni aucun individu ne peut s'en attribuer l'exercice.

Le suffrage peut être direct ou indirect dans les conditions prévues par la Constitution. Il est toujours universel, égal et secret.

Sont électeurs, dans les conditions déterminées par la loi, tous les nationaux français majeurs des deux sexes, jouissant de leurs droits civils et politiques.

Art. 4. — Les partis et groupements politiques concourent à l'expression du suffrage. Ils se forment et exercent leur activité librement. Ils doivent respecter les principes de la souveraineté nationale et de la démocratie.

TITRE II LE PRÉSIDENT DE LA RÉPUBLIQUE

Art. 5. — Le Président de la République veille au respect de la Constitution. Il assure, par son arbitrage, le fonctionnement régulier des pouvoirs publics ainsi que la continuité de l'État.

Il est le garant de l'indépendance nationale, de l'intégrité du territoire, du respect des accords de Communauté et des traités.

Art. 6. — Le Président de la République est élu pour sept ans

par un collège électoral comprenant les membres du Parlement, des conseils généraux et des assemblées des territoires d'outre-mer, ainsi que les représentants élus des conseils municipaux.

Ces représentants sont :

— le maire pour les communes de moins de 1.000 habitants ;
— le maire et le premier adjoint pour les communes de 1.000 à 2.000 habitants ;

— le maire, le premier adjoint et un conseiller municipal pris dans l'ordre du tableau pour les communes de 2.001 à 2.500 habitants ;

— le maire et les deux premiers adjoints pour les communes de 2.501 à 3.000 habitants ;

— le maire, les deux premiers adjoints et trois conseillers municipaux pris dans l'ordre du tableau pour les communes de 3.001 à 6.000 habitants ;

— le maire, les deux premiers adjoints et six conseillers municipaux pris dans l'ordre du tableau pour les communes de 6.001 à 9.000 habitants ;

— tous les conseillers municipaux pour les communes de plus de 9.000 habitants ;

— en outre, pour les communes de plus de 30.000 habitants, des délégués désignés par le conseil municipal à raison de un pour 1.000 habitants en sus de 30.000.

Dans les territoires d'outre-mer de la République, sont aussi partie du collège électoral les représentants élus des conseils des collectivités administratives dans les conditions déterminées par une loi organique.

La participation des États membres de la Communauté au collège électoral du Président de la République est fixée par accord entre la République et les États membres de la Communauté.

Les modalités d'application du présent article sont fixées par une loi organique.

Art. 7. — L'élection du Président de la République a lieu à la majorité absolue au premier tour. Si celle-ci n'est pas obtenue, le Président de la République est élu au second tour à la majorité relative.

Le scrutin est ouvert sur convocation du Gouvernement.

L'élection du nouveau président a lieu vingt jours au moins et cinquante jours au plus avant l'expiration des pouvoirs du président en exercice.

En cas de vacance de la présidence de la République, pour quelque cause que ce soit, ou d'empêchement constaté par le Conseil constitutionnel saisi par le Gouvernement et statuant à la majorité absolue de ses membres, les fonctions du Président de la République, à l'exception de celles prévues aux articles 11 et 12 ci-dessous, sont provisoirement exercées par le président du Sénat. En cas de vacance ou lorsque l'empêchement est déclaré définitif par le Conseil constitutionnel, le scrutin pour l'élection du nouveau président a lieu, sauf cas de force majeure constaté par le Conseil constitutionnel, vingt jours au moins et cinquante jours au plus après l'ouverture de la vacance ou la déclaration du caractère définitif de l'empêchement.

Art. 8. — Le Président de la République nomme le Premier Ministre. Il met fin à ses fonctions sur la présentation par celui-ci de la dissolution du Gouvernement.

Sur la proposition du Premier Ministre, il nomme les autres membres du Gouvernement et met fin à leurs fonctions.

Art. 9. — Le Président de la République préside le Conseil des ministres.

Art. 10. — Le Président de la République promulgue les lois dans les quinze jours qui suivent la transmission au Gouvernement de la loi définitivement adoptée.

Constitution De La Republique Francaise

JS Bruner



Constitution De La Republique Francaise:

Constitution de la République Française, et lois y relatives.., 1794 Constitution de la republique francaise [27 octobre 1946], 1957 **Constitution de la République française** Francia (Republique Francaise), 1799 Constitution de la Republique francaise Francia (Republique Francaise), 1799 Constitution de la république française (5 Fructidor, an III), 1796 **Constitution de la République française. 19e éd.** Ferdinand Mélin-Soucramanien, 2021-09-01 La nouvelle dition de ce best seller Ce recueil tente de faire uvre citoyenne en donnant voir ce qu est aujourd hui la Constitution de la R publique fran aise alors qu elle a t profond ment r form e par la loi constitutionnelle du 23 juillet 2008 Cette r vision sans conteste la plus importante depuis 1958 est de si grande ampleur qu vrai dire on peut se demander si l on n a pas affaire une nouvelle Constitution L une des innovations majeures de celle ci r side dans la cr ation d une question prioritaire de constitutionnalit l article 61 1 de la Constitution Cette proc dure entr e en vigueur le 1er mars 2010 fait p n trer la Constitution dans les pr toires et tend ainsi faire du droit constitutionnel un v ritable droit vivant Constitution de la République française (du 22 frimaire, an 8). France constitutions, 1799 Constitution de la République française, 1860

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from twenty nine European countries to revisit the role of national constitutions at a time when decision making has increasingly shifted to the European and transnational level It offers important insights into three areas First it explores how constitutions reflect the transfer of powers from domestic to European and global institutions Secondly it revisits substantive constitutional values such as the protection of constitutional rights the rule of law democratic participation and constitutional review along with constitutional court judgments that tackle the protection of these rights and values in the transnational context e g with regard to the Data Retention Directive the European Arrest Warrant the ESM Treaty and EU and IMF austerity measures The responsiveness of the ECJ regarding the above rights and values along with the standard of protection is also assessed Thirdly challenges in the context of global governance in relation to judicial review democratic control and accountability are examined On a broader level the contributors were also invited to reflect on what has increasingly been described as the erosion or twilight of constitutionalism or a shift to a thin version of the rule of law democracy and judicial review in the context of Europeanisation and globalisation processes The national reports are complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion The research for this publication and the comparative study were carried out within the framework of the ERC funded project The Role and Future of National Constitutions in European and Global Governance The book is aimed at scholars researchers judges and legal advisors working on the interface between national constitutional law and EU and transnational law The extradition cases are also of interest to scholars and practitioners in the field of criminal law Anneli Albi is Professor of European Law at the University of Kent United Kingdom Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana Slovenia

Constitution de la République Française France,1950

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Table of Contents Constitution De La Republique Francaise

1. Understanding the eBook Constitution De La Republique Francaise
 - The Rise of Digital Reading Constitution De La Republique Francaise
 - Advantages of eBooks Over Traditional Books
2. Identifying Constitution De La Republique Francaise
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Constitution De La Republique Francaise
 - User-Friendly Interface
4. Exploring eBook Recommendations from Constitution De La Republique Francaise
 - Personalized Recommendations
 - Constitution De La Republique Francaise User Reviews and Ratings
 - Constitution De La Republique Francaise and Bestseller Lists
5. Accessing Constitution De La Republique Francaise Free and Paid eBooks
 - Constitution De La Republique Francaise Public Domain eBooks
 - Constitution De La Republique Francaise eBook Subscription Services
 - Constitution De La Republique Francaise Budget-Friendly Options

6. Navigating Constitution De La Republique Francaise eBook Formats
 - ePub, PDF, MOBI, and More
 - Constitution De La Republique Francaise Compatibility with Devices
 - Constitution De La Republique Francaise Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Constitution De La Republique Francaise
 - Highlighting and Note-Taking Constitution De La Republique Francaise
 - Interactive Elements Constitution De La Republique Francaise
8. Staying Engaged with Constitution De La Republique Francaise
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Constitution De La Republique Francaise
9. Balancing eBooks and Physical Books Constitution De La Republique Francaise
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Constitution De La Republique Francaise
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Constitution De La Republique Francaise
 - Setting Reading Goals Constitution De La Republique Francaise
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Constitution De La Republique Francaise
 - Fact-Checking eBook Content of Constitution De La Republique Francaise
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

Constitution De La Republique Francaise Introduction

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