



THE CONSTITUTION AND THE RELATIONSHIP BETWEEN LEGAL ORDERS FROM THE VIEWPOINT OF THE CONSTITUTIONAL COURT BETWEEN LIMITS AND COUNTER-LIMITS

The present paper starts from the premise that the limitation of sovereignty of the national legal order towards international and supranational rules necessarily entails limits also for the remaining fundamental principles, by the mere fact that they are part of a system with common implications. The limitations at stake, nevertheless, may only be justified because they end up with a more intense protection for the fundamental rights involved as compared to that guaranteed by national rules (even at constitutional level): a criterion, this one, that therefore aims not at the sources but at the norms, putting them in the system according to the cases and in the light of the values.

It is possible to identify the aporias of theoretical construction and the practical drawbacks, for the rights, deriving from the Constitutional Court's willingness aimed at a marked recentralisation of the constitutional control in relation to questions concerning rights. Finally, the attention is also focused on the imbalances deriving from an equally excessive decentralisation of the questions not concerned with rights, especially when common judges make a forced use of interpretative techniques.