

Abstract

The aim of this work is to present the French Constitution through the prism of the separation of powers. The first chapter is divided into two parts, the first part is focusing mainly on the historical context that led to the establishment of the fifth republic. The second part of this chapter is dedicated to the Constitution of the fifth republic itself and the principles the Constitution was built on. I have dedicated a few words to each principle.

The second chapter is focused on the executive power, which is represented by the President, who holds the most important position in the entire system, and on the other hand by the government led by the Prime minister. The Prime Minister lives in the shadow of the President and the only way out has been reduced in favour of the President. That instrument lied in the institution of cohabitation, which I am focusing on in the final section of this chapter. I explain its benefits and pitfalls, as well as the way it came to its practical disappearance from political life. This is not to say that cohabitation could never happen again, particularly from a political point of view, but from a legal point of view everything had been done to prevent it.

The next chapter is dedicated to the legislative power, which is divided between the National Assembly and the Senate. I have already mentioned the powers of the National Assembly in the previous chapter about the executive power. The Parliament has turned away from its legislative function and moved into a mode of its controlling function, although it still has an interesting power regarding the adoption of acts of an experimental nature.

I conclude this work with a chapter on the judicial power, which I start by introducing all the judicial body and then move on to the Constitutional Council, which performs the function of a constitutional court. Although it has had a long road to recognition, it has finally gained a very strong position as the body that guards constitutional rights and freedoms. In addition to a priori control, the amendment from 2008 added a posteriori control of constitutionality, whereby it acquired the power to repeal an act that had already been in effect due to its discrepancies with the Constitution.

Key words

the Constitution of the French fifth republic, the Separation of powers, the Constitutional Council