



"Nuevos derechos" y principio de autodeterminación entre el Tribunal Europeo de Derechos Humanos, la Corte Constitucional italiana y el Legislador nacional. Algunas reflexiones [

Universidad de Deusto = Deustuko Unibertsitatea,
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text (article)

Analítica

The article 8 of the ECHR establishes the right to respect for private and family life that has suffered an expansive rereading by means of an enriching jurisprudence of the different judicial instances, and especially of the resolutions adopted by the relevant European Court of Humans Rights that impact directly and indubitably in the domestic levels. Thus, it is undeniable how the feel of the European jurisprudence is imposed, and uses as impeller of the redefinition of the systems, and as the own law, which provokes the reluctances of certain national courts that feel limited by the direction marked by the ECHR. At the same time, it will be necessary to restate the role of the legislator who, probably, seems to be too much inspired, for not saying determined, for the jurisprudential reasoning

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