

LE DROIT ADMINISTRATIF ET LES DROITS FONDAMENTAUX

Sous l'égide de l'Association française
pour la recherche en droit administratif

Contributeurs

Ludovic Beneprech
Véronique
Champell-Desplats
Lucie Chazel-Métayer
Meryem Deffairi
Xavier Dupré de Boulois
Pascale Idoux
Olga Mamoudy
Julien Mouchette
Étienne Muller
Diane Roman
Bertrand Seiller
Ulrich Stelkens
Patrick Wachsmann

Le XV^e colloque annuel de l'AFDA, qui s'est tenu en juin 2022 à la faculté de droit de l'Université de Strasbourg, a été consacré à l'étude des transformations et influences réciproques du droit administratif et des droits fondamentaux, plus de vingt ans après la publication de travaux de référence sur le sujet et après la création du référé liberté devant les juridictions administratives.

La première partie de l'ouvrage porte sur les évolutions et interrogations affectant la catégorie juridique des droits fondamentaux en droit administratif, appréhendées à partir d'un échantillon de questions stimulantes relatives à la signification de la présence, avérée ou envisagée, des droits fondamentaux là où ils ne s'imposent pas d'évidence (nouveaux titulaires, nouveaux objets), ainsi qu'à l'évolution de leurs instruments de protection en droit administratif : office renouvelé du juge administratif, rôle des autorités indépendantes et même recours aux personnes privées, dans une démarche de compliance.

La deuxième partie de l'ouvrage est consacrée à la dynamique d'évolution suscitée, pour la discipline du droit administratif considérée dans sa globalité, par la montée en puissance du « logiciel » des droits fondamentaux. Elle est appréhendée dans une triple perspective historique (l'évolution du rapport entre droit administratif et libertés), de réseau normatif et jurisprudentiel (des interrogations renouvelées sur la place du droit et du juge administratif) et de droit comparé (dans quelle mesure les droits fondamentaux constituent-ils un facteur de convergence des droits administratifs, notamment européens ?).

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