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# THE ITALIAN SYSTEM AND THE PRIORITIES OF THE EUROPEAN UNION

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ITALY, EUROPE,  
AND THE RULE OF LAW

prepared by



The rule of law acts as the fundamental connector between the will of the people and the legitimacy of institutions, transforming democracy from mere majority rule to a system governed by superordinate and certain norms.

In a global landscape marked by deteriorating checks and balances, democratic resilience depends on the Rule of Law's ability to limit the arbitrariness of power and ensure that every decision remains disputable. This link is evident in the governance of the digital space, where both the European Union and the nation-states try to bring freedom of expression back within the bounds of legal responsibility. On the level of political rights, the rule of law establishes malleable boundaries that touch on highly topical issues such as freedom of speech and the right of association. In an era marked by polarisation and foreign interference, different European legal systems interpret these boundaries differently, as the cases of Romania, Germany, and Italy show.

The protection of human rights is also an insurmountable legal constraint for government action, especially in the crucial challenges of migration and security.

The interventions of the EU Court of Justice and national courts on outsourcing protocols, such as Italy-Albania, reaffirm a delicate balance between the rule of law and national sovereignty. Similarly, the evolution of protections for specific communities subject to discrimination reflects an ongoing debate on what standards of protection should be guaranteed by law. Within this framework, European integration thus operates as a system of communicating vessels between constitutional identities and supranational jurisprudence, aimed at standardising the quality of democratic protection.

The challenge for Italy and Europe is to renew the pact between politics and the guarantee bodies, preventing polarisation from undermining confidence in third-party procedures. In this view, the rule of law is not a limitation of democracy, but its essential condition of existence.