



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

European Union Constitutionalism, Supranational Law, and Digital Governance

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Abstract

This research paper provides an extensive critical analysis of European Union public law, constitutional integration, and supranational administrative governance. Focusing on the Treaty on European Union (TEU), Treaty on the Functioning of the European Union (TFEU), and the jurisprudence of the Court of Justice of the European Union (CJEU), this study evaluates how EU legal institutions resolve constitutional conflicts between supranational supremacy and national legal identity. Furthermore, it examines the EU Charter of Fundamental Rights, digital regulatory frameworks (GDPR, AI Act, DSA/DMA), and rule of law enforcement mechanisms across Member States.

1. Introduction:

European Public Law Foundations and Institutional Integration

The legal order of the European Union represents an unprecedented achievement in supranational law, establishing an autonomous constitutional structure distinct from both international law and domestic statutory systems. Centred around historic institutions such as the College of Europe in Bruges and the European University Institute in Florence, European legal scholarship has advanced foundational theories of integration, direct effect, and constitutional dialogue.

From the historic *van Gend en Loos* and *Costa v. ENEL* rulings to modern treaty reforms under the Treaty of Lisbon, European jurists have continually analyzed the interplay between EU institutional competence, Member State autonomy, and uniform legal enforcement.

This paper examines modern European legal research, exploring constitutional integration, CJEU jurisprudence, digital market governance, and rule of law mechanisms.

2. Constitutional Doctrines: Direct Effect, Supremacy, and Multilevel Dialogue

The principle of EU law supremacy (**Costa v. ENEL**) and direct effect (**van Gend en Loos**) constitute the bedrock of the EU legal order. Scholars at the College of Europe and EUI critically evaluate the ongoing judicial dialogue between national constitutional courts and the CJEU.

Through preliminary ruling procedures under Article 267 TFEU, national courts and the CJEU co-author European constitutional jurisprudence, maintaining legal coherence while accommodating national constitutional identities under Article 4(2) TEU.

This body of research provides essential frameworks for managing multi-tiered constitutional order, safeguarding legal certainty, and harmonizing divergent national legal traditions.

3. The EU Charter of Fundamental Rights and Judicial Protection

The binding status granted to the EU Charter of Fundamental Rights under the Lisbon Treaty elevated fundamental rights protection to the core of EU administrative and judicial review.

European public law scholars analyze CJEU jurisprudence enforcing rights to judicial protection, data privacy, freedom of expression, and non-discrimination across EU institutions and Member States implementing EU law.

Recent academic inquiries evaluate the structural interaction between the CJEU in Luxembourg and the European Court of Human Rights (ECtHR) in Strasbourg.

4. Digital Single Market Regulation: GDPR, Artificial Intelligence Act, and DSA/DMA

The European Union has established itself as a global regulatory leader in digital governance through landmark regulatory packages shaping global technology standards (**the Brussels Effect**).

Legal scholars lead comparative studies on the General Data Protection Regulation (GDPR), the Artificial Intelligence Act (AI Act), and the Digital Services and Digital Markets Acts (DSA/DMA).

These scholarly contributions offer comprehensive legal frameworks for protecting fundamental rights, ensuring algorithmic transparency, and preventing market dominance in digital ecosystems.

5. Rule of Law Mechanisms and Supranational Accountability

Maintaining rule of law standards across Member States represents a pivotal structural challenge for contemporary EU constitutional law.

European legal researchers examine enforcement tools, including Article 7 TEU procedures, infringement actions under Article 258 TFEU, and conditionality mechanisms linking EU funds to judicial independence.

These mechanisms ensure that Member States adhere to common democratic principles, separation of powers, and judicial impartiality as non-negotiable preconditions of EU membership.

6. Conclusion: The European Legal Paradigm in Contemporary Global Governance

The study of European Union public law reflects a dynamic synthesis of supranational integration, fundamental rights protection, and advanced regulatory innovation. The EU constitutional model provides invaluable insights for regional integration and global regulatory governance.

By integrating judicial review, fundamental rights enforcement, digital market regulation, and rule of law conditionality, European legal scholarship remains central to international and comparative law.

Ultimately, the European paradigm demonstrates that supranational unity and democratic legitimacy flourish through continuous legal innovation, institutional integrity, and respect for human dignity.

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