Abstract

The norms and duties that, as steps in a stair, structure the examination of proportionality of fundamental rights restrictive measures, allow making correct legal decisions since they maximize the enjoyment of such rights within the possibilities granted by the justifications underlying such measures. Likewise, this analysis allows us to be aware that the proportionality test is a relatively simple, clear decision-making procedure, controllable from an intersubjectively stand point.

Keywords

Restriction of fundamental rights, Principle of proportionality, Rule of adequacy, Rule of necessity, Rule of balance