

Summary of the thesis Entitled

“The role of the Supreme Constitutional Court in the balance between personal freedom and public interest”

If personal liberty is the most precious thing in the presence of the most precious rights are a natural right is forbidden to approach him or untouchable, then, on the other side, there is the public interest as it represents the right to represent the community fence protects individuals in the total.

On the above, there are two basic ideas of personal freedom for individuals next to the public interest, which is the bulwark against the rights and freedoms of individuals in general.

If political power as the laws may be issued to reduce for one and giving priority to one or the other, the question in this regard is about the role played by the Supreme Constitutional Court about these rights, in other words, how does the Supreme Constitutional Court lead to the understanding between these two rights? Particularly, since the constitutional protection of the rights and personal freedoms are far from the most important issues on both internal and external and that contemplates an overview of the beginning of human existence on Earth turns out to him that the human being is an organism that suffered more than other objects to harsh trials in the history of existence on earth since the emergence of ancient civilizations and

beyond until the present era , and the consequences of this adversity in a waste of personal rights and freedoms.

Through standpoint former, we investigated in judicial decisions to indicate the position of the Supreme Constitutional Court is not in Egypt , but in several countries, compared to the statement of the nature of the control exercised about these rights Our presence that such control is the proportionality based on the constitutional judiciary is not just a judgment is applied immediately lowers the rule of the Constitution automatically to or just a well-maintained before it , but requires him without trying to reconcile and balance between the constitutional legitimacy and upholding the rule of the Constitution and preserve the other hand, the stability within the community and to achieve it is if this devise solutions that achieve considerations together, and take interpretations to get to his goal , even if some of them violate the apparent meaning of the constitutional text.

This new role of the Supreme Constitutional Court opens her door to the role of a construction and innovative large in the eradication of constitutional judge constitutional is invoking all the components of the subject and that is in the text of censorship and the provisions of the Constitution and any other provisions related to the subject and any rules affecting the same subject and then the phases of mind following first text analysis itself and how it relates to accomplish the intended purpose behind it . Secondly, so that the compatibility of the text with the purpose and the ability of the text to achieve the goal that was issued for

him Thirdly discuss the relationship of this goal and the means to achieve the texts of constitutional and their compatibility with the provisions of the Constitution and the safeguards which included them, especially if they relate to the rights and freedoms of individuals.

The idea of proportionality, which we adopt and advocate for their ideas in the public and the central science of law in general and constitutional law in particular.

After that we talked about how does the Supreme Constitutional Court make the balance from the beginning to the end of the current situation with the statement of deficiencies which may be encountered and whether to use a decent used or been infringed and to whichever money and whether it continues at all times or at certain times.

To access all of the above we divided our search to the introductory chapter in which we dealt with the judiciary and constitutional control of proportionality, then we talked about two title, the first, the nature of proportionality and how to control their work, secondly, control of proportionality in the Egyptian judiciary and its fields.

We finished our research and many of the results we have made several recommendations in this regard.