

*ABSTRACT - PH.D. THESIS IN PUBLIC LAW– XXI° CYCLE*

TITLE: *“PUBLIC ORDER AND SECURITY IN THE CONSTITUTIONAL STATE”*

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This work analyzes the functions assumed by the public security in constitutional law. The Thesis starts – in the introduction - with an illustration, albeit short, of the concepts of public order and public security. The latter has always been the basis of every form of social coexistence; for this reason the first chapter describes the role it played in various forms of State which have developed over the course of the centuries. It reconstructs, therefore, the notion *de qua* prior to the entry into force of the Italian Constitution, and focuses both on Italy in the 19th century (both first, and after unification) and on Institute of the preventing measures *ante delictum*. The Second chapter analyses instead the provisions of the Constitution where the word security is quoted and gives account of the importance of it: it is one of the functions which the State must guarantee for its conservation and the maintenance of internal order; the Institute *de quo* means, moreover, administrative function precisely aimed at the achievement of public security; finally, it comprises a limit (but also a guarantee) to the *agere* of the citizens. The Third chapter attempts to provide a response to one of the questions that, more and more frequently, are fulfilled in the today's debates: i.e. if new and further detailed understandings of the concept of security (also, and above all, in the light of recent events) than those which were the intentions of the Constituent Assembly stand out. According to the A. the concept of security *tout court* took features partially new and is characterised today by a connotation not only (or not very) static, but (especially) inherently dynamic. However, this may not involve a different rebuilding of the concept of security, namely as "right" (fundamental or social) or as "interest" (popular or even collective), since, according to. A. it must be necessarily brought back in the category of "values".