



COMPARATIVE CONSTITUTIONAL LAW

Higher education degree – bachelor
Field of Knowledge - 29 International relations
Specialty – 293 International law
Educational program and Professional Program – International law

Year of study: I, semester: II

Number of credits: 4, English

Course Instructor:

Doctor of the Science of Law, Associate Professor, Professor at the Department of Theory and History of State and Law, WUNU, Tetiana Drakokhrust

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Discipline Description

The purposes of the discipline are to study and confront the plurality of constitutional rules and to highlight similarities and differences in order to create models or ideal-types; able to explain the ultimate values that underpin the constitutional agreements. Comparative Constitutional law involves the powers of the branches of government and gives distinct powers and responsibilities to each one.

By the end of the course, students should be able to:

- (1) determine the necessary legal literature, legislative framework for practical solution of specific legal situations;
- (2) have special legal and international legal terminology, general scientific and legal methodology;
- (3) interpret international and national legal acts regulating constitutional relations;
- (4) apply the norms established by the Constitutions of different countries, interpret a constitutional legal issue and explore their own legal opinions.

Course Structure

Number of hours (lec. pr.)	Theme	Learning outcomes	Tasks
4 / 4	1. Comparative constitutional law: uses, purposes, challenges.	To be acquainted with: the place of constitutional law in the legal system in foreign countries; system of comparative constitutional Law, features of the norm of constitutional law, institutions of comparative constitutional law, constitutional-legal relations and subjects of these relations in foreign countries, sources of comparative constitutional law.	Questions

4 / 4	2. Constitution: the main provisions. Types of constitutions.	To determine the concept and meaning of the constitution, the structure of the constitution, the meaning of the constitution. To be acquainted with the essence of the constitution and its content, properties of the Constitution. To know Constitution as a political document, as an ideological document, social and legal (legal) content of the constitution, types of constitutions.	Questions
2 / 2	3. Constitutional status of a person and a citizen.	To be acquainted with Human rights and citizen rights: notions, common features and differences. To know Responsibilities of a person and duties of a citizen, Basic provisions of international law on the legal status of a person, classification of human rights and freedoms.	Questions, cases
4 / 4	4. Democracy.	To be acquainted with the concept and principles of forms of democracy, electoral law, concept and the date of the election. To know Principles of Electoral Law, active and passive suffrage, equal suffrage, direct and indirect elections.	Questions, cases
4 / 4	5. Legislative power.	To analyze concept, types and structure of parliament, classification of parliaments by their structure, the upper and lower chambers of parliament, formation of the Houses of Parliament. To know termination of the powers of the parliament, dissolution of the Parliament: legal grounds, order and legal consequences.	Questions, cases
2 / 2	6. Executive power.	To be acquainted with concept of executive power, executive and regulatory activities, features of implementation of executive power in individual states. To know concepts and types of head of state. Monarch: concepts and views. Legal status of the monarch. To analyze the Government formation, types of Governments, Government authority, responsibility of the Government and its members.	Questions, cases
2 / 2	7. Judicial power.	To determine the concept of the judiciary, appointment of the judiciary, problems in the work of the judiciary. To analyze judicial systems, the composition of the judiciary, formation of courts, status of judges. To know types of judicial bodies, Courts of General Jurisdiction, special Courts Muslim Courts, the courts of customary law, Constitutional Courts, models of judicial systems.	Questions, cases
2 / 2	8. Fundamentals of US Constitutional Law.	To be acquainted with US Constitution, adoption and structure of the Constitution, the main features of the US Constitution. To analyze changing the Constitution, amendments to the US Constitution, constitutional control.	Questions, cases
2 / 2	9. Fundamentals of Constitutional Law of Great Britain.	To determine the structure of the sources of the British constitution: statutes, court precedents, constitutional customs, doctrinal sources. To know Legislature - Parliament: concept and structure, House of Commons, The House of Lords. Legislative process. Parliamentary authority. To analyze Executive branch of power - Monarch: legal status, Government of Great Britain, Prime Minister, cabinet, "internal cabinet", UK Judicial System	Questions, cases
2 / 2	10. . Fundamentals of constitutional law of France.	To be acquainted with the constitution of France, structure of the Constitution and General characteristics of the 1958 Constitution of France. To analyze the main features of the Constitution, changing the Constitution and Constitutional control.	Questions, cases

2 / 2	11. Fundamentals of Constitutional Law of the Federal Republic of Germany.	To know Constitution of Germany: preparation and adoption, the main features of the constitution of Germany, changes and additions to the constitution. To analyze fundamentals of the legal status of a person, political rights and freedoms, socio-economic and socio-cultural rights, duties of citizens of Germany. To determine Constitutional control. Federal constitutional court Constitutional courts of land.	Questions, cases
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Recommended Literature List:

1. The Oxford Handbook of Comparative Constitutional Law by Michel Rosenfeld, András Sajó, 2012, URL: https://www.ebooks.com/en-ua/991948/the-oxford-handbook-of-comparative-constitutional-law/rosenfeld-michel-saj%C3%B3-andr%C3%A1s/?src=feed&gclid=Cj0KCQjwzozsBRCNARIsAEM9kBOYn78EWI4qyrm_4rZQbf-JCLW1nfrIzbYHeGR3Y3g1VoyBqInkSBEaAvS8EALw_wcB
2. Fontana, David „The Rise and Fall of Comparative Constitutional Law in the Postwar Era“, Yale Journal of International Law, 2011, 36: 1–53.
3. Law, David „Constitutions“, in Peter Cane and Herbert M. Kritzer (eds), The Oxford Handbook of Empirical. Legal Research, New York: Oxford University Press, 2010, pp. 376–98.
5. Judiciary: Functions, Importance and an Essential Quality of Judiciary URL: <https://www.yourarticlelibrary.com/essay/law-essay/judiciary-functions-importance-and-an-essential-quality-of-judiciary/40352>
6. Ran Hirschl, Comparative Matters: The Renaissance of Comparative Constitutional Law (OUP, 2014)
9. Kari Palonen, A comparison between three ideal types of parliamentary politics: representation, legislation and deliberation URL: <https://www.tandfonline.com/doi/full/10.1080/02606755.2018.1427325>
10. Mark Tushnet, Thomas Fleiner, and Cheryl Saunders (eds.), Routledge Handbook of Constitutional Law (Routledge, 2013)
11. Vicky Jackson, Constitutional Engagement in a Transnational Era (OUP, 2013)
12. The Constitution of the United States URL: <https://constitutionus.com/>
13. France's Constitution of 1958 with Amendments through 2008 URL: https://www.constituteproject.org/constitution/France_2008.pdf?lang=en
14. Basic law for the Federal Republic of Germany. URL: <https://www.btg-bestellservice.de/pdf/80201000.pdf>
15. Soh C. Time for a Fourth Generation of Human Rights? The United Nations Research Institute for Social Development. 2018, URL: <http://www.unrisd.org/TechAndHumanRights-Soh-et-al>.
16. Francesca Biganmi/David Zaring (eds.), Comparative Law and Regulation, Understanding the Global Regulatory Process, Cheltenham: Edward Elgar 2016.

Grading Policy

- Deadline and Relocation Policy: off-the-shelf works with valid reasons are rated lower (-20 points). Modules are reassigned with the permission of the Dean, if there are valid reasons.
- Academic Integrity Policy: Write-offs during tests and modules are prohibited (including the mobile devices“ use).
- Attendance Policy: attendance is a mandatory component of the grade for which points are earned. For objective reasons (such as illness, international internship), training may be provided on-line, with the instructor“s consent.

Grading scale

Credit module 1	Credit module 2	Credit module 3	Exam	Total
20	20	20	40	100%
Oral survey during classes (1-7 topics) - 5 points per topic - max. 35 points Modular control work - max. 65 points	Oral survey during classes (7-11 topics) - 5 points per topic - max. 25 points Modular control work - max. 75 points	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	Theoretical questions (2 questions) - 30 points each, max. 60 points Case (1 case) - max. 40 points	

The final score (on a 100-point scale) in the discipline "Comparative Constitutional Law" is defined as the weighted average, depending on the proportion of each component of the discipline:

Grading scale:

On the scale university	On the national scale	On the ECTS scale
90-100	excellent	A (excellent)
85-89	Good	B (very good)
75-84		C (good)
65-74	satisfactory	D (satisfactory)
60-64		E (enough)
35-59	non-satisfactory	FX (non-satisfactory with possibility of repeated passing)
1-34		F (non-satisfactory with repeated course of lectures)