

COURSE DESCRIPTION

Academic year: 2023/2024	
University: Comenius University Bratislava	
Faculty: Faculty of Law	
Course ID: PraF.KUP/ENm17-3214/17	Course title: Comparative Constitutional Law
Educational activities: Type of activities: seminar Number of hours: per week: 2 per level/semester: 28 Form of the course: on-site learning	
Number of credits: 3	
Recommended semester:	
Educational level: II.	
Prerequisites:	
Course requirements: Continuous assessment: 100% (on-going assessment consists of seminar activity, solving case studies, legal analysis according to the assignment and final assignment) Final assessment: Classification scale: A/1 = 91 – 100%; B/1.5 = 81-90%; C/2 = 73-80%; D/2.5 = 66-72%; E/3 = 60-65%; FX = 0-59%. During the examination, the student can use all available sources of legal information, especially uncommented legal regulations, commentaries, jurisprudence, legal literature and legal information systems. Scale of assessment (preliminary/final): 100/0	
Learning outcomes: The aim of the course is to provide students with a basic overview of constitutional law models in the Anglo-American and continental legal systems. The subject requires knowledge in the field of legal theory, history of the state and law, and constitutional law. The teaching of the subject will be focused on the basic differences in the Anglo-American and continental constitutional systems, the theory of the constitution, different understandings of the democratic and application of the constitutional order, the approach to the protection of fundamental rights and freedoms, electoral systems, forms of government and the activity of parliaments, the status and competences of heads of state, models of control constitutionality and vertical division of power.	
Class syllabus: 1. Introduction to comparative constitutional law - definition - typology of systems - development and the Anglo-American and continental system of law 2. Theory of the constitution - classification typology - position - development of constitutionalism - changes to the constitution	

3. Democratic constitutional order
 - use of direct and indirect democracy in individual constitutional systems
 - basic democratic principles and their application
4. Human rights in constitutional systems
 - meaning historical significance
 - national and international standards
 - comparison of the approach to protection in the Anglo-American and continental systems
5. Elections, electoral systems and political parties
 - historical development
 - electoral systems
 - election rules
 - history, typology and current position of political parties
6. Constitutional monarchy - parliamentary democracy
 - the constitutional system of the UK, Italy and Germany
 - comparison of the composition and status of representative bodies
 - legislative process
 - internal bodies of parliaments
 - republican form of government basic models
7. Presidential democracy and semi-presidential system
 - the theory of separation of powers and its application in individual constitutional systems
 - the roles of legislative, executive and judicial power
 - "check and balance" mechanism in practice
 - two-chamber system in the USA, France
 - cohabitation in the V. French Republic
8. Monarchy and republic
 - types of monarchies
 - the constitutional position of the monarch
 - republican establishment
 - the institution of the president, as head of state
 - selection of the head of state
9. Tasks and structure of the judiciary
 - competences and method of creation
 - the position of judges
 - constitutional guarantees for the independence of the judiciary
 - general and special judiciary
 - legal proceedings
10. Review of constitutionality - US experience
 - general characteristics, starting points
 - creation of NS USA
 - original and appellate scope of NS USA
 - NS USA as an interpreter of the federal legal order
 - the most important decisions
11. Constitutional review - European model
 - tasks of the constitutional judiciary
 - development of the European model
 - competences in concentrated models of constitutional justice
 - experience with the functioning of the constitutional judiciary
12. Vertical division of power I.
 - federalism vs. unitarism

- forms of composite states
- American federalism
- 13. Vertical division of power II.
- federalism vs. unitarism
- forms of composite states
- American federalism
- German federalism
- centralized and decentralized state
- local government and self-government
- 14. Repetition and preparation for the final assessment

Recommended literature:

ROSENFELD, M., SAJÓ, A. – The Oxford Handbook of Comparative Constitutional Law, OUP Oxford: 2012.

- JACKSON, V. C., TUSHNET, M. – Comparative Constitutional law, 2nd edition, Foundation Press: 2006.

- HERINGA, A., W., KIIVER, P. – Constitutions Compared: An Introduction to Comparative Constitutional Law (Third Edition), Intersentia: 2012.

- Comparative Constitutionalism: cases and materials, edited by Norman Dorsen, 2nd ed. - St. Paul, Minn.: West, cop. 2010.

- Constitutional Justice under old Constitutions, Evind Smith, Kluwer Company, 1995

GINSBURG, T., DIXON, R. – Comparative Constitutional Law (Research Handbooks in Comparative Law Series), Edward Elgar Pub: 2013.

- Constitutions of the United States, France, Germany, Italy, Constitutional documents of United Kingdom

Languages necessary to complete the course:

English

Notes:

Past grade distribution

Total number of evaluated students: 34

A	ABS	B	C	D	E	FX
61,76	0,0	11,76	23,53	0,0	2,94	0,0

Lecturers: Mgr. Vincent Bujňák, PhD., prof. JUDr. Tomáš Lálík, PhD.

Last change: 22.09.2022

Approved by: