

# **Comparative Constitutional and Criminal Law**

Winter Semester 2022/2023

## **Evaluation:**

Participation in Discussion: The students are expected to read assigned readings (delivered via MS Teams) and to participate actively in every session.

Presentations: The students are required to prepare a short presentation that would serve as a springboard to the following discussion (approximately max for 15 mins). In order to allow all students to actively participate in discussions after presentations, each student prepares a written handout beforehand and sends it to students' email account at least two days before seminar.

Evaluation: The final grade will be based on participation in class discussion (20%), presentation in the field of constitutional law (40%) and presentation in the field of criminal law (40%).

## **Curriculum:**

Students will get deeper knowledge from the philosophical and judicial issues implicated by the study of differing constitutional regimes and regimes of criminal law. The course is organized around themes which are important in all jurisdictions: legitimacy, the role of the courts and the aims of constitutional democracy or impact of globalization. The main aim is to introduce key debates in constitutional theory and theory of criminal law from comparative perspective.

## **Syllabus:**

### **Constitutional Law part**

1. Introduction and basic instructions, concept and importance of comparative constitutional law. Nature, development and concept of constitutionalism, the process of amending the constitution, principle of legitimacy (21.09.2022)
2. Referendum as a form of direct democracy, pros and cons (28.09.2022)
3. Legislative power in comparative perspective (05.10.2022)
4. Executive power and head of state in comparative perspective (12.10. 2022)
5. Constitutional courts in comparative perspective (19.10.2022)
6. Role of political parties, political extremism (26.10.2022)

## **Criminal Law part**

7. Basic principles of criminal law as a field of public law (02.11.2022)
8. State criminal policy and tools of its implementation, criminal offense - offender - state, Basic principles of criminal liability (9.11.2022)
9. Criminal Code as a basic source of criminal law, its scope and systematics (22.11.2021)
10. Crime and its definition (16.11.2022)
11. The system of sanctions in criminal law (23.11.2022)
12. Special Part of the Criminal Code, protection of individual interests, general interests and protection of state (30.11.2022)
13. Selected issues from comparative constitutional and criminal law- discussion on problematic aspects (7.12.2022)

## **Recommended literature:**

1. Vicki C. Jackson, Mark V. Tushnet: Comparative Constitutional Law, 2<sup>nd</sup> ed. (University Casebook Series), Foundation Press, 2006
2. Aalt Willem Heringa, Philipp Kiiver: Constitutions Compared: An Introduction to Comparative Constitutional Law (Ius Commune Europaeum), 3<sup>rd</sup> ed. Intersentia; 2012
3. Michel Rosenfeld and András Sajó (edt.): The Oxford Handbook of Comparative Constitutional Law, Oxford, U.K.: Oxford University Press, 2012
4. Joakim Nergelius: Constitutional Law in Sweden, Aspen Publishers, 2011
5. Erwin Chemerinsky: Constitutional Law Third Edition (Kindle Edition), 3<sup>rd</sup> revised ed. Aspen Publishers, 2009
6. Matt Qvortrup (edt.): Referendums Around the World. The Continued Growth of Direct Democracy. London: Palgrave Macmillan, 2014
7. Tom Ginsburg, Rosalind Dixon (edt.): Comparative Constitutional Law; Research Handbooks in Comparative Law Series, Cheltenham, UK; Northampton, Edward Elgar Publishing, 2011
8. Baláž, P., Vráblová M., a kol.: Introduction to Slovak Substantive Criminal Law. Aleš Čenek : Praha, 2011

9. R. A. Duff, Stuart Green: Philosophical Foundations of Criminal Law, Oxford University Press, 2013

10. Raymond Wacks: Understanding Jurisprudence: An Introduction to Legal Theory, 2nd edition. Oxford University Press, 2014

11. Steven P. Lab, Marian R. Williams, Jefferson E. Holcomb, Melissa W. Burek, William R. King, Michael E. Buerger: Criminal Justice: The Essentials, 3rd edition, Oxford University Press, 2014

12. Andrew Ashworth: Sentencing and Criminal Justice, Cambridge University Press, 2010

13. Penal Code, Praha : Wolters Kluwer, 2011

14. Penal Code, Bratislava : Iura Edition, 2012

**Language:**

English

**Lecturers:**

Doc. JUDr. Livia Trellová, PhD., Mgr. Vincent Bujňák, PhD., prof. JUDr. Tomáš Strémy, PhD.