



University of Prizren – Faculty of Law

- UKSHIN HOTI -

TEACHING PROGRAM - SYLLABUS							
Level of Studies		Bachelor	Program	Law	Academic Year	2018/19	
Subject		Constitutional Justice					
Year	IV	Status of Subject	Obligatory	Code		ECTS credi	7
Semester	VIII						
Teaching week		15	Teaching hours 45			Lecture	Exercise
Teaching Methodology		<p>During the lecturing of this subject will be used modern methods of teaching, in a special focus will be the the student’s. The lecture will be presentet by interactive method.</p> <p>In order to prepare the best learning, preparing of this subject and the better chance of interaction in the clasrum, it is <i>strongly</i> recomanded for students to read material before the lecture for the topic wich will be lectured in the next hour.</p> <p>Students are encauraged to asked questions, comments and suggestoins during lectures and increase points of disccusion.</p>					
Consultation		According the hours					
Professor		Prof.Dr.Kadri Kryeziu		e-mail			
				Tel.			
Asistant				e-mail			
				Tel.			

Subject Study Objectives	Benifits from Students
<p>The subject aims to provide the students necessary knowledge: over the idea for constitutional justice; defination of constitutional justice; the birth and development of the constitutional control; abstract and concrete control of constitutionality; constitutional jurisdiction of the constiutcional court; types of constitutional decisions and their effects.</p>	<p><input checked="" type="checkbox"/> <i>Acquiring knowledge for constitutional judiciary and constitutional interpretation techniques;</i></p> <p><input checked="" type="checkbox"/> <i>Training and equipping students with knowledge related to basic notions of constitutional justice, basic models judicial control, constitutional control process, etc.</i></p> <p><input type="checkbox"/> <i>practical elaboration of basic knowledge regarding the constitutionality and legality and functioning of the constitutional courts as basic mechanisms of constitutional control.</i></p>

	<p><i>At the end of the course, students should be able to:</i></p> <p><input checked="" type="checkbox"/> <i>Understand and know basic concepts of constitutional justice and the techniques of constitutional interpretation;</i></p> <p><input type="checkbox"/> <i>be familiar with models of judicial control and fail to apply their knowledge of the constitutional control and protection of freedoms and human rights in the constitutional field.</i></p>
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The methodology for the implementation of teaching topics:			
Lectures, <i>Exercises</i> , interactive access, consultations.			
Conditions for the implementation of teaching topic:			
Academic literature, using its methods. të TI.			
The way of assessing student (in%)			
<p>The exam is successful if the student achieves 51% of the highest results (100).</p> <p>Each student has to submit the exam.</p> <p>Participation and activity in the class will be counted 10% of (100).</p>	Assessment in %	The final grade	
	91-100	Exceptional knowledge (10)	
	81-90	Excellent (9)	
	71-80	Very Good (8)	
	61-70	Good (7)	
	51-60	Insufficient (6)	
	0-50	Fail (5)	
Obligations of student:			
Lectures: To be present in interactive way for discussed topics.		Exercises: To be present in interactive way for discussed topics.	
Student workload for the course			
Activity	Hours	Daw/Week	Total:
Lecture	2	15	30

Exercise	1	15	15
Practice work			
Contact with the lecturer/Consultations			
Field exercises			
Seminars-Presentations			
Homework			
Self-Study time			
Final preparation for the exam			
Time spent of assesement (test, quizzes and final exam)			
Projects, presentations...etc.			
Remark:		Total workload:	45

Week	Lecture		Lecture	
	Topic	classes	Topic	Classes
1.	1. Definition of constitutional justice 2. The difference between constitutionality and legality 3. The main theories in the field of constitutional control (Who should be the guardian of constitutionality?) <input type="checkbox"/> The controversy - Kelsen k. Schmitt 4. The concept of constitutional supremacy	2		1
2.	1. The birth and development of the constitutional control <input type="checkbox"/> Case "Dr. Bonham "in 1610 (UK) <input type="checkbox"/> Case "Marbury v. Madison "in 1803 (USA) 2. constitutional control before World War I 3. Constitutional control after	2	Questions and discussion	1

	World War II 4. Expansion of constitutional control in Eastern Europe after 1990			
3.	1. Abstract and concrete control of constitutionality 2. Control of the centralized and decentralized 3. Control preventive and repressive 4. Control judicial supra-national <input type="checkbox"/> ECHR (ECtHR) <input type="checkbox"/> ECJ (ECJ) 5. The bodies of constitutional control <input type="checkbox"/> constitutional courts <input type="checkbox"/> Supreme Courts <input type="checkbox"/> Parliament <input type="checkbox"/> President	2	Questions for discussions, interactivity	1
4.	1. constitutional supremacy 2. The principle of equality 3. The principle of constitutionality 4. The principle of proportionality 5. The principle of publicity	2	Questions for discussions, interactivity, examples.	1

5.	<p>Constitutional Court of the Republic of Kosovo</p> <p>1. The organization, composition and status of the Constitutional Court</p> <p><input type="checkbox"/> Extra conditions for the appointment of judges</p> <p>Incompatibility of function <input type="checkbox"/></p> <p><input type="checkbox"/> Appointment and commencement of mandate</p> <p><input type="checkbox"/> End of mandate</p> <p><input type="checkbox"/> premature termination of a mandate</p> <p><input type="checkbox"/> Chairman and Vice Chairman</p> <p><input type="checkbox"/> Management of the Constitutional Court</p> <p><input type="checkbox"/> Legal Advisors</p> <p><input type="checkbox"/> Budget</p> <p><input type="checkbox"/> Remuneration of Judges</p>	2	Questions for discussions, interactivity, examples.	1
6.	<p>Constitutional jurisdiction of the Constitutional Court</p> <p>1. constitutional control of laws, decrees and regulations of the Government</p> <p>2. constitutional control of international agreements</p> <p>3. Resolution of conflicts of competences</p>	2	Questions for discussions, interactivity, examples.	1

	4. Control of municipal statute constitutional 5. Constitutional control of referendum			
7.	Constitutional jurisdiction of the Constitutional Court 1. Constitutional protection of rights and freedoms 2. Discussion of the potential violation of the Constitution by the President 3. Incidental reference	2	Questions for discussions, interactivity, examples.	1
8.	Processing the request 1. Initiation of proceedings 2. The request and response on request 3. Appointment of reporting judge 4. Review Panel 5. Eligibility criteria 6. Withdrawal of party 7. Review verbal 8. Amicus Curiae 9. The deliberations and voting	2	Questions for discussion, interactivity	1
9.	Temporary measures 1. Provisional Measures	2	Questions for discussion, interactivity	1

	<input type="checkbox"/> The application for interim measures <input type="checkbox"/> Decision on interim measures 2. Case Study			
10.	Types of constitutional decisions and their effects 1. Types of constitutional decisions <input type="checkbox"/> judgments <input type="checkbox"/> Decisions <input type="checkbox"/> Decisions <input type="checkbox"/> administrative decisions <input type="checkbox"/> Orders 2. Contents of decisions 3. dissenting opinions 4. competitive thoughts 5. The nature of the constitutional decision 6. Legal effects <input type="checkbox"/> Effects ad interim (temporary) <input type="checkbox"/> Effects on other authorities 7. Execution of a constitutional decision 8. Means for execution 9. Problems related to execution	2	Questoins of discussoins	1

	10. The consequences of non-execution			
11.	The doctrine of political question 1. Definition and features 2. Case study: The case of the distribution of the Bundestag (1995, decision of the Constitutional Court of Germany)	2	Questions for discussions, interactivity, examples.	1
12.	The doctrine of judicial activism 1. Definition and features 2. Case study (Solange, the decision of the Constitutional Court of Germany)	2	Interactivity	1
13.	The doctrine of judicial restraint 1. Definition and features 2. Case Study (Baker v. Carr, 369 U.S. 186 (1962))	2	Questions for discussions, interactivity, examples.	1

Literature

- ☒ *Visar Morina, Constitutional Judiciary, Pristina 2013.*
- ☒ *De Visser, Maartje. Constitutional review in Europe: a comparative analysis. A & C Black, 2014.*
- ☒ *KOMMERS, Donald, The Constitutional Jurisprudence of the Federal Republic of Germany, 2nd ed.*
- ☒ *Kristaq Traja. Constitutional Justice, Tirana 2000.*
- ☒ *Morina, Visar. The Constitutional Court in Newly Established Post-Status Kosovo: Selected Institutional and Procedural Concerns. Review of Central and East European Law, Volume 35, Number 2, 2010, pp. 129-158 (30).*
- ☐ *Schwartz, Herman. The Struggle for Constitutional Justice in Post-Communist Europe, 2000. Chicago University Press.*

Remark

Students are encouraged by the opportunities to use other literature.

Remark for the Student:

Students have to respect the rules of professional academic ethics, such as: silence in the class, switching off the phones, coming in the class on time, etc. Every violation according to these rules will be punished. Copy and other deceptive phenomena will be punished according to the applicable rules. The student should participate in exercises and to reflect alert and knowledge for initiatives, ideas and demonstration of learned knowledge in lectures and to use all opportunities for getting knowledge.

Communication with students will be mainly through e-mails and posting on University objects and personally during the consultations.