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**LLB JURIDIK**

 **Syllabus**

|  |  |
| --- | --- |
| **Subject**  | **Comparative Constitutional Law**  |
| Type  | Semester  | ECTS | Code |
| Mandatory (M) | 8 | 5 | Law-B-074-E |
| The lecturerof thesubject  | Dr.Sc. Xhavit Shala |
| **Subject Assistant** |  |
| **Subject Tutor** |  |
| **Aims and Objectives** | The purpose of this course is for students to become familiar with the global aspect of the presentation of the constitution, its development, and sources of constitutional law, constitutional systems and the influence of different schools on the drafting of the constitution. Comparative aspects of the constitution from different countries, as well as common values, characteristics and differences between them.**Objectives*** To acquire the necessary knowledge for constitutional systems in general and that of the region in particular.
* understand and compare the most developed constitutional systems and be able to evaluate the constitutional system in Kosovo;
* to analyze the governance systems and are able to comment and compare the Constitutional provisions;
* to understand and compare the constitutional order in Europe and its specifics, but also for other constitutional orders, comparing them with the constitutional legal order of the Republic of Kosovo.
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| **Learning Outcomes** | At the end of the semester, students will be able to:* to understand and recognize the sources of the Constitution, legal and political institutions and government systems;
* to competently discuss the constitutional system of Kosovo by comparing it with other countries;
* to explain and analyze the constitutional norm in relation to other international legal norms by approaching the comparative aspect;
* To demonstrate and interpret the constitutional norm in the spirit of the opinion of the Venice Commission and its reports with the national Constitutional Courts;
* To apply their knowledge about the constitutional system and offer written and oral explanations for solving the constitutional context.
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| **Course Content** | **Course Plan** | **Week**  |
| Course description, general announcement with syllabus and subject |  1 |
|  Presentation of Modern Constitutions and Affirmation of the Principles of Constitutionalism |  2 |
| Sources of constitutional law in some countries with characteristics |  3 |
| Contemporary trends in constitutions - Adoption, Amendment and Classification of Constitutions |  4 |
|  The US Constitution (1787) and the system of government |  5 |
| Constitutional systems of some countries (British, French, German, Italian) |  6 |
| Colloquium I |  7 |
| The Constitutional System of Southern, Central and Northern European Countries (Spanish, Portuguese, Austrian and Swiss Confederation Constitutions) |  8 |
| Constitution in some countries of South-Eastern Europe: Constitution of Hungary, Romania, and Bulgaria. |  9 |
| Constitutions in some countries of South-Eastern Europe: Constitutions of Slovenia, Croatia, Montenegro and North Macedonia |  10 |
| Specific constitutions of Bosnia and Herzegovina and Cyprus |  11 |
| Constitution of the Republic of Kosovo and Albania |  12 |
| Constitutional Justice - The Venice Commission and its relationship with the national Constitutional Courts |  13 |
| Colloquium II |  14 |
| Final exam  |  15 |
| **Teaching/Learning Methods** | **Teaching/Learning Activity** | **Weight (%)** |
| 1. Lectures
 | 20% |
| 1. Seminar
 | 20% |
| 1. Case study
 | 40% |
| 1. role play
 |  |
|  | 1. Exercises
 | 20% |
| **Assessment Methods** | **Assessment Activity** | **Number**  | **week** | **Weight (%)** |
| 1. Participation
 | 15 | 1-14 | 10% |
| 1. Seminar paper
2. Essay Colloqium I
 | 11 | 4-127 | 10%40% |
|  |  |  |  |
| 1. Case study Colloqium II
2. I-II
 | 1 | 14 | 40% |
| 1. Final exam
 |  1  |  15 | 0-100% |
|  |  |  |  |
|  |  |  |  |
| **Course resources and means of materialization** | **Resources** | **Number**  |
| 1. Class (e.g)
 | 1 |
| 1. Moodle
 | 1 |
| 1. Projector
 | 1 |
|  |  |
| **ECTS Workload** | **Activity** | **Weekly hrs** | **Total workload** |
| 1. Lectures
 | 2 | 24 |
| 1. Seminar
2. Essay
 | 11 | 1212 |
| 1. Self-study and readings
 | 2 | 32 |
| 1. Case study preparation
2. Preparation for final exam
3. Exams
 | 113 | 15256 |
| **Literature/Reference** | * Kryeziu, K(2017), Comparative Constitutional Law, Ukshin Hoti University, Prizren {Kryeziu, K(2017), E drejta Kushtetuese e Krahasuar, Universiteti Ukshin Hoti, Prizren)
* Anastasi, A. (2009), Comparative Constitutional Law (Cases from Constitutional Practice and Lectures for Law Students, Tirana {Anastasi,A. (2009), E drejta kushtetuese e Krahasuar (Raste nga Praktika kushtetuese dhe leksione per studentet e Drejtesisë,Tiranë}
* Puto, E. (2008), Comparative Constitutional Law, Tirana {Puto,E. (2008), E drejta Kushtetuese e krahasuar, Tiranë}
* Bajrami, A., Muҫaj, F., (2018), Constitutional Law." University Hasan Prishtina", Prishtina. {Bajrami,A., Muҫaj,F.,(2018), E Drejta kushtetuese.”Universiteti Hasan Prishtina”, Prishtinë).
* Bajrami, A. et all (2019), Introduction to the Legal System in Kosovo, Law Academy of Kosovo, Prishtina (Bajrami, A. et all (2019), Hyrje në Sistemin Ligjor në Kosovë, Akademia e Drejtësisë së Kosovës, Prishtine)
* Patrick Thaddeus Jackson (2010), Comparative Constitucional Law, West.
* Hasani, E & Cualovic, I (2013), Commentary on the Constitution of Kosovo {Hasani,E & Cualovic,I (2013), Komentari i Kushtetutës së Kosovës.<http://jus.igjk.rks-gov.net/487/>

Alma Lama (2022),Kosova nen Administrimin Nderkombetare,UETPRESS, Tirane* Arsim Bajrami & Xhavit Shala (2015) "Constitutional system and organization of jurisprudence", Jurisprudence exam handbook, Ministry of Justice, Prishtina {Arsim Bajrami & Xhavit Shala(2015)” Sistemi kushtetues dhe organizimi i jurisprudencës” , Doracaku i provimit te jurispodences Ministria e Drejtesise, Prishtine , <http://www.md-ks.net/repository/docs/Doracaku_komplet_2015.pdf>
* Tom Ginsburg: Comparative Constitutional Law,MPG Books Group,UK,2011
* Johan Kaspar Bluntschli:The theory of State,Kitchener,Canada,2000

**The legal framework**Constitution of the Republic of Kosovo (2008) and Constitutions: USA, Albania, Germany and France …(Recommended)Judgments of the Constitutional Court of the Republic of Kosovo* Judgment of the Constitutional Court in Case No. KO 29/11
* Judgment of the Constitutional Court in Case No. K0103/14
* Judgment of the Constitutional Court in case no. KO72/20
* Judgment of the Constitutional Court in case no. KO95/20

The case of Marbury v. Madison (1803)-USAMaterials in electronic form* <http://www.oefre.unibe.ch/law/icl/> [summary of constitutions in the English version and relevant materials in constitutional law]
* [Http://www.lexisnexis.com](http://www.lexisnexis.com/) [legal resource, articles from American university journals and useful materials in the field of law].
* [Http://www.venice.coe.int/site/interface/english.htm](http://www.venice.coe.int/site/interface/english.htm). The Venice Commission on Democracy provides useful information on constitutional justice, human rights, democracy and the electoral process, and federalization.
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