



COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
CONSTITUTIONAL JUDICIARY	

Lecturer(s)	Department(s)
Coordinator: Prof. dr. Oksana Shcherbanyuk Other(s):	Vilnius University, Faculty of Law, Center of Ukrainian Law Saulėtekio av. 9, Building 1, LT-10222, Vilnius, e-mail: oksanashcherbanyuk7@gmail.com oksana.shcherbaniuk@tf.vu.lt

Study cycle	Type of the course unit (module)
First	Optional

Mode of delivery	Course unit delivery period	Language(s) of instruction
Online	5 (autumn) semester/ 6 (spring) semester	Ukrainian

Requirements for students	
Pre-requisites: none	Co-requisites (if any): none

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
The purpose of the course is to develop basic knowledge of the theoretical and practical issues of the Constitutional Judiciary. The use of the comparative method of researching the constitutional judiciary of the EU countries will allow to gain knowledge about the order of formation and organization of the work of constitutional courts; the nature of the European constitutional judiciary; judicial nature of constitutional proceedings; peculiarities of the status of participants in the constitutional judicial process; principles, stages of the constitutional judicial process.		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will understand the content of constitutional justice, the place of constitutional courts in the system of distribution of power; regulatory and legal support for their activities, the main problems and directions for achieving effective constitutional control in Ukraine and the EU countries, and novelties in the status of constitutional courts;	A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, discussions), individual studies (critical literature reading)	Written examination
Student will know and understand: peculiarities of the regulation of constitutional proceedings; the application of the norms of classical procedural (judicial) law in the constitutional judiciary of the EU countries; implementation of the right to a "fair trial" in constitutional proceedings; the concept of organizational autonomy in constitutional proceedings;	A problematic method of teaching during lectures and seminars (case analysis, working in group, discussions), individual studies (critical literature reading)	Written examination
Students will understand the content of the principles of constitutional justice; peculiarities of constitutional proceedings concerning the subject structure of the participants in the process; participation of state authorities in constitutional proceedings; the importance of the institution of representation in constitutional proceedings;	A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, case analysis), individual studies (critical literature reading).	Written examination
Students will be able to define, analyze and understand the essence and content of the competence of the constitutional courts of the EU countries and Ukraine;	A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, case analysis), individual studies (critical literature reading).	Written examination

<p>Students will understand the powers of constitutional courts to consider cases on the constitutionality of laws and other normative acts of state authorities, as well as international treaties and their corresponding proceedings; the powers of constitutional courts to consider cases on the interpretation of the norms of the constitution; authority to consider cases on the constitutionality of normative acts at the request of judges and the corresponding features of the proceedings; other powers of constitutional courts of the European model of constitutional justicestages of the judicial constitutional process; judicial nature of decisions of the constitutional court; retroactive effect of decisions of constitutional courts and the order of their execution.</p>	<p>A problematic method of teaching during lectures and seminars (the analysis of problematic practical issues, case analysis), individual studies (critical literature reading)</p>	<p>Written examination</p>
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Content: breakdown of the topics	Contact hours						Self-study: hours and assignments		Assignments
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work	Contact hours	Self-study hours	
1. Introduction to the course "Constitutional Judiciary"	2		2				4	14	Reading academic literature and main legal sources.
2. Basics of distinguishing the model of the European constitutional judiciary	2		2				4	18	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
3. Constitutional judiciary as an activity for the implementation of justice. Implementation of the right to a "fair trial" in constitutional proceedings	2		2				4	11	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
4. Principles of constitutional justice; the subject composition of the process participants, the importance of the institution of representation in constitutional proceedings.	2		2				4	14	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
5. The concept and content of the competence of the constitutional courts of the EU countries and Ukraine.	2		2				4	11	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
6. The powers of constitutional courts to consider complaints of persons on violations of their constitutional rights and freedoms and the corresponding proceedings.	2		2				4	11	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
7. Stages and terms in the judicial constitutional process. Evidence and proof in the judicial constitutional process	2		2				4	11	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
8. The judicial nature of the decisions of the Constitutional Court and the procedure for their execution	2		2				4	11	Reading academic literature and main legal sources. Analysis of relevant cases in the court practice.
Total	16		16				32	101	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Examination in written	100	During the examination session	Two practical situations be solved by the students in written, where students are expected to demonstrate the advanced theoretical knowledge of the issues studied during the course, conceptual understanding of the complexity and methodological support of modern practice of the Constitutional Court of Ukraine.

			<p>Final exam is evaluated by the 10 points assessment criteria for the final evaluation;</p> <ul style="list-style-type: none"> • 10 points (excellent), excellent knowledge and abilities; • 9 points (very good), strong, good knowledge and abilities; • 8 points (good), better than average knowledge and abilities; • 7 points (average), average knowledge and abilities, with minor mistakes; • 6 points (satisfactory), knowledge and abilities are lower than medium, includes some mistakes; • 5 points (weak), knowledge and abilities satisfies minimal requirements; • 4-1 points – unsatisfactory.
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Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
Селіванов А. О.	2021	Конституційний судовий процес (схеми нормативно-правової логістики)		К: Лорос https://ccu.gov.ua/library/konstytuciyyny-sudovy-proces-shemy-normatyvno-pravovoyi-logistyky
Recommended reading				
Brewer-Carias, A.	2013	Constitutional Courts as Positive Legislators: A Comparative Study		Cambridge: Cambridge University Press, 2013
		<i>International Journal of Constitutional Law</i>		https://academic.oup.com/icon/issue