Ministry of Education and Science of Ukraine V.N. Karazin Kharkiv National University Department of Constitutional and Municipal Law

SYLLABUS

for full-time / distance learning students

State law of foreign countries

Level of academic Program of Study Department degree first (bachelor degree level) International Law School of Law

2020/2021 academic year

THE PROGRAM DEVELOPER: Gradova Y. V., Associate Professor of the Department of Constitutional and Municipal Law of V.N. Karazin Kharkiv National University, Candidate of Law, Docent.

The program was approved at the meeting of the Department of Constitutional and Municipal Law

Protocol dd. August 31st, 2020, No.14

Head of Department Constitutional and Municipal Law

M.M.Voronov

General information: the discipline "State Law of Foreign Countries" belongs to the category of normative disciplines. Taught in the 1st year, 2 semesters for students of higher education - bachelor, specialty 293 International Law.

Teacher: Gradova Y. V., Associate Professor of the Department of Constitutional and Municipal Law.

Day of consultations: http://jurfak.univer.kharkov.ua/kafedry/kaf_konstprava/kmp_konsultuvannya.php

Contact phone: 0577075042

Methodical materials: http://jurfak.univer.kharkov.ua/kafedry/kaf_konst-prava/kmp_metod.php

Prerequisites for studying the discipline: To master the discipline it is necessary to have

knowledge of Middle School.

The purpose of teaching the discipline: The purpose of teaching discipline is to train specialists with a wide range of knowledge about the basics of theory and practice of constitutional and legal regulation of social relations in foreign countries, possessing the practical skills necessary for their professional activity to solve specific problems in the field of constitutional law; able to independently orient themselves in modern constitutional-legal relations, to take well-balanced, constitutionally grounded decisions within the framework of their professional competence.

The task of studying the discipline:

- subject, method and system of state law of foreign countries;
- sources of state law of foreign countries and features of their use in different legal systems;
- constitutions of foreign countries, their essence and development trends at the present stage;
- constitutional and legal principles of the social order of foreign countries;
- the main constitutional and legal characteristics of the state;
- components of the constitutional and legal status of state bodies;

- signs of constitutional forms of government, political and territorial organization, state regime of foreign countries;

- principles of suffrage of foreign countries;
- the essence of different electoral systems;
- general ways of formation and main tasks, functions and powers of higher state authorities;
- components of the constitutional and legal status of political parties;

- basic rights, freedoms and responsibilities of man and citizen in foreign countries, guarantees of rights and freedoms.

Form of final control: setoff

Structure of the discipline

		number of hours							
Title of sections and topics		full-time (distance) form	tance) form extramural form						
	all	including	all	including					

		1	p	lab	indi vid.	inde pen.		1	р	lab	indi vid.	inde pen.
1	2	3	4	5	6	7	8	9	10	11	12	13
	Section 1. The general part											
Topic 1. State (constitutional) law as a branch of law, state law of foreign countries as a science and academic discipline. Fundamentals of the theory of constitution of the foreign state	6	2	2			2						
Topic 2. Constitutional and legal foundations of the social system	5	2				3						
Topic 3. Constitutional and legal status of a person and a citizen	4	2				2						
Topic 4. Constitutional forms of the modern state	7	2	2			3						
Topic 5. Constitutional institutes of direct democracy	8	2	2			4						
Topic 6. The system of supreme bodies of state power	4	2				2						
Topic 7. Local government and self- government	4	2				2						
Together in Section 1	38	14	6			18						
Section 2. Pr	rinciple	s of th	e cons	stitutio	nal ord	er of i	ndividual	states	s (spec	cial par	rt)	
Topic 8. Fundamentals of the state (constitutional) law of Great Britain	6	2	2			2						

Topic 9. Fundamentals of the state (constitutional) law of the USA	6	2	2		2			
Topic 10. Fundamentals of the state (constitutional) law of the French Republic	6	2	2		2			
Topic 11. Fundamentals of the state (constitutional) law of the Federal Republic of Germany	7	2	2		3			
Topic 12. Fundamentals of state (constitutional) law of the Russian Federation	5	2			3			
Topic 13. Fundamentals of the state (constitutional) law of the Republic of Poland	5	2			3			
Topic 14. Fundamentals of state (constitutional) law in Italy	5	2			3			
Topic 15. Fundamentals of Spanish (constitutional) law	5	2			3			
Topic 16. Fundamentals of the state (constitutional) law of the Republic of Turkey	7	2	2		3			
Together in Section 2	52	18	10		24			
	90	32	16		42			

Topics of seminars (for full-time/distance learning)

N⁰	Name of topic	Number of
		hours

1	State (constitutional) law as a branch of law, state law of foreign	2
	countries as a science and academic discipline.	
	Fundamentals of the theory of constitution of the foreign state.	
2	Constitutional forms of the modern state	2
3	Constitutional institutes of direct democracy	2
4	Fundamentals of state (constitutional) law of Great Britain	2
5	Fundamentals of state (constitutional) law of the USA	2
6	Fundamentals of the state (constitutional) law of the French	2
	Republic	
7	Fundamentals of the state (constitutional) law of the Federal	2
	Republic of Germany	
8	Fundamentals of the state (constitutional) law of the Republic of	2
	Turkey	
	Together	16

Tasks for independent work (for full-time/distance learning)

N⁰	Name of topic	Number of
	*	hours
1	State (constitutional) law as a branch of law, state law of foreign countries as a science and academic discipline. Fundamentals of the theory of constitution of the foreign state/ <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	2
2	Constitutional and legal foundations of the social system <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	2
3	Constitutional and legal status of a person and a citizen <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	2
4	Constitutional forms of the modern state <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	2
5	Constitutional institutes of direct democracy <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	4
6	The system of supreme bodies of state power <i>Task:</i> to get acquainted with the lecture material, with doctrinal sources. Prepare answers to control questions, answer tests, prepare presentation material.	2
7	Local government and self-government	2

	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources.	
	Prepare answers to control questions, answer tests, prepare presentation	
	material.	
8	Fundamentals of the state (constitutional) law of Great Britain	4
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources.	
	Prepare answers to control questions, answer tests, prepare presentation	
	material.	
9	Fundamentals of the state (constitutional) law of the USA	2
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of the USA 1787. Prepare answers to control	
	questions, answer tests, prepare presentation material.	
10	Fundamentals of the state (constitutional) law of the French Republic	2
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of French Republic 1958. Prepare answers to control	
	questions, answer tests, prepare presentation material.	
11	Fundamentals of the state (constitutional) law of the Federal Republic	2
	of Germany	
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of Germany1949. Prepare answers to control	
	questions, answer tests, prepare presentation material.	
12	Fundamentals of state (constitutional) law of the Russian Federation	2
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of Russian Federation 1993. Prepare answers to	
	control questions, answer tests, prepare presentation material.	
13	Fundamentals of the state (constitutional) law of the Republic of Poland	2
-	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of Poland 1997. Prepare answers to control questions,	
	answer tests, prepare presentation material.	
14	Fundamentals of state (constitutional) law in Italy	2
	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	-
	The Constitution of Italy 1947. Prepare answers to control questions,	
	answer tests, prepare presentation material.	
15	Fundamentals of Spanish (constitutional) law	2
15	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	
	The Constitution of Spanish 1978. Prepare answers to control	
	questions, answer tests, prepare presentation material.	
16	Fundamentals of the state (constitutional) law of the Republic of Turkey	2
10	<i>Task:</i> to get acquainted with the lecture material, with doctrinal sources,	2
	The Constitution of Turkey 1982. Prepare answers to control questions,	
	answer tests, prepare presentation material.	
		42
	Together	42

Policies and procedures provide recommendations on the sources of law, basic and additional literature, which students must work independently to master the material. Students have the opportunity to use literature from the funds of the Central Scientific Library of Kharkiv National University named after

V.N. Karazin, Kharkiv State Scientific Library named after V.G. Korolenko or from other official electronic sources.

Students are required to attend all classes. Omission of classes without a valid reason is the basis for the submission of a memorandum addressed to the head of the department by the researcher who conducts classes.

According to item 6.3.1. Regulations on the organization of the educational process at Kharkiv National University named after VN Karazin, approved by the decision of the Academic Council of Kharkiv National University named after VN Karazin from 27.03.2017 with changes made in 2020 non-fulfillment of the curriculum (in particular, due to non-appearance without good reason of the higher education applicant for more than 25% of classes (lectures, seminars, etc.) planned in the individual curriculum), which is confirmed by memos of research and teaching staff who conducted classes, and / or extracts from the minutes of meetings of departments that provide teaching is the basis for expulsion of higher education from the university.

The degree of mastering of educational material during the semester is determined, first of all, by the results of the survey, as well as tests (according to the working curriculum) during seminars. In the case of skipping seminars for good reasons, it is mandatory to practice the material covered in each topic of the work curriculum. Practices are accepted by teachers on the days of consultations determined by the department. Students are required to submit written work (presentations) to the teacher in a timely manner. Works designed in violation of existing standards, or those in which plagiarism is detected, are not included and must be reworked. This is especially true of term papers.

The deadline for submission of all assignments is 2 days before the start of the test week or examination session (depending on the form of final control). Students who have not completed all the required tasks are not allowed to take the exam (credit). In determining the current rating of the student, the teacher takes into account the careful maintenance of lecture notes, notebooks to prepare for seminars, participation in scientific conferences and more. For high-quality and timely performance of tasks set for independent work, high attendance and active work in the classroom, the student may be rewarded with additional points to the rating or exam or credit (up to 10%).

Matters to be made for the preparation of intermediate and final control

1. Constitutional law of foreign countries as a branch of law, science and educational discipline.

2. Subject and method of constitutional law.

3. The system of constitutional law.

4. Concept and features of constitutional and legal norms.

5. Types of constitutional and legal norms.

6. Constitutional-legal relations, their essence and characteristics.

7. Characteristics of subjects of constitutional and legal relations. Objects of constitutionallegal relations.

8. Sources of constitutional law of foreign countries.

9. Constitutional and legal principles of the social system of foreign countries.

10. Concept of the constitutional law of foreign countries as a science, its subject and methods.

11. Concept of the constitutional law of foreign countries as a discipline, its structure.

12. Political systems of foreign countries.

13. The role of political parties in the political organization of the society of foreign countries.

14. Party systems.

15. The main functions of political parties.

16. Classification of political parties of foreign countries.

17. Institutionalization of political parties in foreign countries.

18. The ideology of socialist, social-democratic parties in foreign countries.

19. General characteristics of the constitutions of foreign countries.

20. Concept of the constitution. Legal properties of the constitution.

21. Classification of constitutions.

22. Relationship between constitutions and reality.

23. Evolution of constitutions in foreign countries.

24. Procedure for the adoption of constitutions and amendments thereto.

25. Institute of constitutional control in foreign countries, its essence and assessment. The procedure for the formation of bodies of constitutional supervision in the USA, Germany, Russia, France.

26. Types of constitutional control.

27. Constitutional and legal status of a person and a citizen in foreign countries: concepts and types.

28. Elements of the constitutional and legal status of a person and a citizen in foreign countries.

29. Concept and principles of citizenship.

30. Ways of acquiring citizenship.

31. Methods of termination of citizenship.

32. The concept and classification of human and civil rights and freedoms.

33. Concepts and types of personal rights and freedoms.

34. Concept and water of political rights and freedoms.

35. The concept and types of socio-economic rights and freedoms.

36. Concepts and types of cultural rights and freedoms.

37. The concept and classification of duties of a person and a citizen.

38. Variety of forms of modern foreign countries and its causes.

39. Classification of forms of government of modern foreign states.

40. Monarchy, its features (to show on examples of different states).

41. Types of monarchies (to show on examples of different states).

42. Presidential republic (to show on examples of different states).

43. Parliamentary republic, its features (to show on examples of different states).

44. The semi-presidential republic as a form of government in foreign countries (shown on examples of different states).

45. Classification of forms of state system of modern foreign countries (shown on examples of different states).

46. Unitary form of government in foreign countries (shown on examples of different states).

47. The main features of foreign federations (shown on examples of different states).

48. Autonomy in foreign countries (illustrated by examples from Italy,

Finland, Denmark, India, Spain, PRC).

49. The concept of a political regime and its types.

50. Democratic regime, its general features and features in individual countries.

51. Authoritarian political regime, its general features.

52. Social purpose and the role of elections in foreign countries.

53. Concept of electoral law in objective and subjective meanings.

54. Principles of Election Law.

55. Absintheism, its causes and evaluation.

56. Concept of elections, their assessment. Types of elections.

57. Forms of identification of inequality in the electoral law of foreign countries.

58. The concept and stage of the election process.

59. The procedure for the nomination of candidates for the deputies, the legal regulation of the election campaign of foreign countries.

60. The concept of the electoral system. Types of electoral systems.

61. The essence of the majoritarian electoral system. Varieties of majoritarian system.

62. Proportional electoral system (concepts, methods of distribution of seats in the middle of the party list).

63. Combination of a majority and proportional system in some countries.

64. "Protective point" and its assessment.

65. Referendum: concept, essence, constitutional and legal regulation.

66. Organization and procedure for holding referendums.

67. Types of referendum and its legal consequences.

68. The main features inherent in the system of higher authorities and management in foreign countries.

69. Head of State: social appointment and political role.

70. Functions and competence of the head of state.

71. Legal status of the monarch in foreign countries.

72. Legal status of the president in foreign countries. Means of electing the president, their political significance.

73. Institute of executive veto in foreign countries. His views and evaluation.

74. Grounds for early termination of the president's powers.

75. Vice President in foreign countries.

76. Parliament and parliamentarism in foreign countries.

77. Classification of foreign parliaments and peculiarities of the legal status of chambers.

78. Structure of the Chamber of Foreign Parliament. The role of the heads of party factions and committees in the process of its work.

79. Legal status of permanent commissions (committees) of parliament.

80. Functions and competence of the Parliament.

81. Acts of Parliament.

82. Status of a deputy of parliament.

83. Ombudsman.

84. The main features of the legislative procedure in the chambers of foreign parliaments.

85. Concepts and types of government.

86. The order of formation of the government at various forms of government.

87. Head of Government and his status in various forms of government.

88. Forms of control over government activities. Interpellation.

89. Models of judicial authorities in foreign countries.

90. Status of judge in foreign countries.

91. Models of bodies of local self-government in foreign countries.

92. US Constitution 1787

93. The German Constitution of 1949

94. The French Constitution of 1958

95. The Constitution of the Russian Federation in 1993

96. The Constitution of the People's Republic of 1982

97. The Constitution of Poland in 1997

98. The Italian Constitution of 1947

99. The Spanish Constitution of 1978

100. The Constitution of the United Kingdom.

101. The Constitution of Japan, 1947

102. Parliament of the United Kingdom.

103. US Congress.

104. Parliament of Italy

105. The Bundestag of the Federal Republic of Germany.

106. National Assembly of France.

107. Parliament of the Russian Federation.

108. The Sejm and the Senate of Poland.

109. Parliament of Spain.

110. President of Poland.

111. The President of Italy.

- 112. Russian President, his legal position.
- 113. US President, his place in the system of higher state bodies.
- 114. Federal Chancellor, his legal position.
- 115. President of the Federal Republic of Germany, his legal status.
- 116. President of France, his place in the system of supreme state bodies.
- 117. Federal form of government of Germany.
- 118. American federalism. Legal status of the states.
- 119. Electoral Law and Electoral System of the Federal Republic of Germany.
- 120. Election Rights and United States Electoral System. Primaries
- 121. Cabinet of the United States. Executive Office under Presidential.
- 122. Cabinet and Government of Great Britain.
- 123. Legal status of the Government of France.
- 124. United States Party System.

125. Party system of Germany.

126. United Kingdom Party System.

Scheme of calculation of points

Full-time education. Example for the offset

The total number of points is 100.

The number of points for the exam is 40.

Number of points during the semester - 60:

The number of points for answers to seminars, individual tasks - 40:

Formula about

 $\Sigma 40 = \Sigma 1$

Note:

 $\Sigma 40$ - the sum of the maximum number of points

 $\Sigma 1$ - the sum of the points received by the student for the answers to the practical (seminar) classes and for the individual task.

Control work (one per semester) - 20 points.

Criteria for evaluation in control work:

Current control is carried out, in particular, control work, in the form of written test tasks. Each test version contains 20 test questions with one correct answer. For each correctly solved test the student receives 1 point.

	Current control									Total Settlem	Amou nt
									dent work	ent	int .
			T 4		77.6	T7				10	100
T1	T2	T3	T4	15	T6	T"/	T8	Control work	60	40	100
			Σ	40				20			

T1, T2 ... T8 – topics.

For the successful scientific work (writing of scientific work, abstracts, participation in scientific conferences, participation in the work of a scientific circle, etc.) on the profile of this discipline, by the decision of the department in accordance with the criteria set by the curriculum program, can receive up to 10 additional (encouragement) points.

The answer to the seminar is 1-5 points.

Criteria for evaluating oral answers.

The current control is carried out, in particular, in the form of a survey and verification of the results of speeches at seminars and practical classes in a five-point scale of assessments.

5 points are put under the following conditions:

- the student actively works during all practical lessons;

- gives a complete, correct, consistent, coherent, substantiated statement of the issue, accompanied by correct examples and a reference to the current legislation;

- all that is taught should indicate a profound understanding and orientation in the phenomena and processes being studied;

- correct comprehensive answers to additional questions of the teacher.

4 points are put under the following conditions:

- the student actively works during the practical training;

- gives a correct, complete statement of the content of the textbook and the material provided by the teacher, but additional control questions that the teacher sets to clarify the depth of understanding and ability to navigate in phenomena and processes, responds only with some help from a teacher or colleagues;

- insufficiently comprehensive answers to additional questions of the teacher.

3 points are put under the following conditions:

- the student at the lesson behaves passively, responds only to the challenge of the teacher;

- as a whole, reveals the knowledge of the main study material under consideration, but during the answer makes mistakes and recognizes them only after the instruction of the teacher;

- answers to the questions does not immediately, but only after some tension of memory, with the answers are fuzzy;

- is not able to draw the relation with other problems of the studied discipline without the help of the teacher;

2 points are put under the following conditions:

- admits significant errors or completely misses the material and partially corrects these errors only after the instruction of the teacher;

- the student reveals ignorance of a significant part of the educational material, illogical and uncertainly teaches him, in the answer there are humps and breaks, can not explain the problem, although he understands it;

- the material is not sufficiently coherent and consistent.

1 point is given on the following conditions:

- the student assumes gross errors in the presentation of the material and does not correct these errors, even if they instruct them on the teacher;

- reveals misunderstanding of the educational material and, as a result, a complete lack of skills in the analysis of phenomena, and in the further implementation of practical tasks.

Criteria for scoring:

The final control is carried out, in particular, in the form of written test tasks. Each version of the test tasks contains 40 test questions with one correct answer. For each correctly solved test the student receives 1 point.

Scale of evaluation

The amount of points for all types of training activities during the semester	Score on a national scale			
50-100	pass			
1-49	fail			

Recommended literature Basic literature 1. Aranovsky K.V. State law of foreign countries: Textbook. M .: INFRA. M, 2000. 2. Arbuzkin AM Constitutional law of foreign countries: educational allowance M .: Lawyer, 2004.

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Auxiliary literature

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3. Convention rights protection of human rights and fundamental freedoms of 1950 URL: http://zakon.rada.gov.ua/cgi-bin/laws/ main.cgi? Nreg = 995_004

4. International Covenant on Civil and Political Rights of December 16, 1966. URL: http://zakon4.rada.gov.ua/laws/show/995_042

5. International Covenant on Social, Economic and Cultural Rights of December 16, 1966 URL: http://zakon3.rada.gov.ua/laws/show/995_042

6. Practice of the European Court of Human Rights. Decision. Comments URL: http://eurocourt.in.ua/