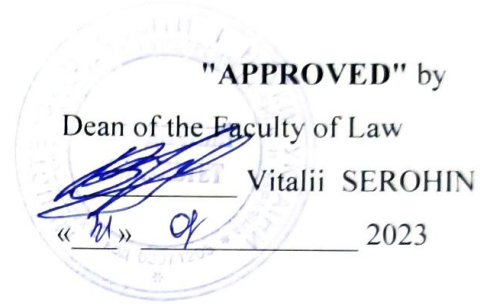


Ministry of Education and Science of Ukraine  
V.N. Karazin Kharkiv National University  
Department of Constitutional and Municipal Law



The work program of the discipline  
**CONSTITUTIONAL JUSTICE**

Level of academic	second (master's) degree
Subject area	29 International Relations
Special field	293 International Law
Program of Study	International Law
Area of study	optional
Department	School of Law

2023/2024 academic year

The program is recommended for approval by the Academic Council of School of Law  
"31" of August 2023, Protocol No 1

THE PROGRAM DEVELOPER: Zubenko H. 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 31, 2023, No. 11

Head of Department  
Constitutional and Municipal Law



Mark VORONOV

The program is approved by the guarantor of the educational professional program 293 International  
Law

Guarantor of the educational professional program



Oleksandr HAVRYLENKO

The program is approved by the Methodological Committee of School of Law

Protocol dd. "31" of August 2023, No 1

Head of the Methodical Committee of School of Law



Hanna ZUBENKO

## INTRODUCTION

The curriculum of the discipline "Constitutional Justice" is drawn up in accordance with the educational and professional programme of master's degree in 293 International Law.

### 1. Description of the discipline

#### 1.1. The purpose of teaching the discipline

The purpose of teaching the discipline "Constitutional Justice" is to master students:

- knowledge of the main stages of evolution, current state and main trends in the development of constitutional justice;
- conceptual apparatus in the field of constitutional justice;
- the ability to systematise and search for legal norms on the status of subjects of constitutional and legal relations;
- ability to analyse legal literature on constitutionalism;
- knowledge of the general principles and directions of development of constitutional justice in Ukraine and abroad;
- skills in the correct application of modern constitutional and legal doctrine in solving practical problems;
- the ability to provide a constitutional and legal description of processes and phenomena taking place in Ukraine and abroad;
- the ability to search and critically analyse law enforcement materials in solving specific practical problems.

#### 1.2. The main objectives of the discipline:

The main objectives of the discipline are the formation of the following general and special competences:

GC-1 knowledge and understanding of the subject area, awareness of the social significance of their future profession;

GC-3 the ability to improve and develop one's intellectual and general cultural level, the ability to acquire new knowledge using modern information and educational technologies in the context of the development of legal science and public policy;

GC-7 the ability to conduct a scientific discussion and dispute, to defend one's own views in the most effective, convincing, correct and tactful manner, intellectual honesty and the ability to work with criticism;

GC- 10 Skills in the use of information and communication technologies.

PC-2 the ability to apply international legal acts in various fields of legal activity, the ability to implement substantive and procedural international legal norms in professional activities;

PC-7 the ability to carry out scientific research in the field of international law;

PC-11 ability to effectively conduct legal education on international legal issues.

#### 1.3. Number of credits - 5

#### 1.4. Total number of hours – 150

<b>1.5. Characteristics of the discipline</b>	
optional	
Full-time study form	Part-time (distance) form of study
Year of preparation	
2nd	2nd
Semester	

4th	4th
Lectures	
28 hours	6 hours
Practical, seminars	
14 hours	4 hours
Independent work	
108 hours	140 hours

### 1.6. Planned learning outcomes

According to the requirements of the educational and professional programme, as a result of studying the discipline "Constitutional Justice", students should achieve the following learning outcomes:

PLO 2 Understand the interaction of international law with national legislation of states, the procedure for implementing international norms in Ukrainian legislation;

PLO 3 Understand the concept of international legal responsibility;

PLO 4 Understand the concept of jurisdiction in international law;

PLO 6 Conduct a comparative legal analysis of individual legal institutions of different legal systems, taking into account the relationship of the legal system of Ukraine with the legal systems of the Council of Europe and the European Union.

PLO 7 Understand the legal and political significance of international law for the national legal system; the system of international law, methods and content of legal regulation in various branches of international law;

PLO 11 Have the skills to work in a team, effectively plan and allocate time to complete tasks;

PLO 12 Possess the skills of oral and written business communication, research, problem-solving in the field of professional activity and search for an algorithm for their solution;

PLO 16 Collect, integrate and summarise materials from various sources, including scientific and professional literature, databases, digital, statistical, test and other sources and check their reliability, including modern research methods;

PLO 17 Integrate the necessary knowledge and solve complex problems of law enforcement in various fields of professional activity.

## 2. Thematic plan of the discipline

### *Section 1. Constitutional justice: ontological, axiological and praxeological aspects*

#### **Topic 1: The concept of constitutional justice and its organisational and legal forms**

Modern models of constitutional control and constitutional justice. Anglo-American and European (continental) models of constitutional control. Elements of the legal status of constitutional justice authorities.

Limits of constitutional control by constitutional justice authorities. Criteria for the constitutionality of the law.

Constitutional justice as a factor in the formation and development of constitutionalism. Constitutional justice in the mechanism of guaranteeing the protection and defence of the foundations of the constitutional order of the state.

Protection of human and civil rights and freedoms in the administration of constitutional justice. Constitutional justice as a guarantor of observance of the constitutional principles of a democratic, legal state. Authorities of constitutional justice in the mechanism of legitimation of state power. Constitutional justice and general legal proceedings.

#### **Topic 2. Jurisdiction of constitutional justice authorities: comparative legal aspect**

The concept of constitutional jurisdiction and its correlation with related concepts. Jurisdiction as an element of the legal status of constitutional justice authorities. Constitutional and legal regulation of the jurisdiction of constitutional justice authorities.

Ensuring the legal supremacy of the constitution by constitutional justice authorities. Official interpretation of the constitution and laws as an element of the jurisdiction of constitutional justice authorities. The role of constitutional justice authorities in ensuring the constitutionality of forms of direct democracy.

Review of the constitutionality of international treaties as a response of constitutional justice to the processes of globalisation. Consideration of competence disputes as an element of the jurisdiction of constitutional justice authorities.

Additional (non-traditional) powers of constitutional justice authorities.

### **Topic 3. Establishment of constitutional justice in Ukraine**

Historical background of the establishment of constitutional justice in Ukraine.

Constitutional reform of 27 October 1989, establishment of the Constitutional Oversight Committee of the Ukrainian SSR. The Law on Amendments to the Constitution of the Ukrainian SSR of 24 October 1990 on the establishment of the Constitutional Court. The Law of Ukraine "On the Constitutional Court of Ukraine" of 3 June 1992.

Recognition of the Constitutional Court of Ukraine as the only body of constitutional jurisdiction in the Constitution of Ukraine of 1996. Law of Ukraine "On the Constitutional Court of Ukraine" of 16 October 1996.

Constitutional justice reform in Ukraine in 2016-2017. The Law of Ukraine "On Amendments to the Constitution of Ukraine (concerning Justice)". Law of Ukraine "On the Constitutional Court of Ukraine" of 13 July 2017.

### **Topic 4. Constitutional justice in Ukraine in the aspect of formation of national constitutionalism**

The Constitutional Court of Ukraine in the system of jurisdictional bodies. Status of the Constitutional Court of Ukraine.

Regulatory and legal regulation of the status of the Constitutional Court of Ukraine.

Principles of activity of the Constitutional Court of Ukraine. Principles of the rule of law, independence, collegiality, publicity, openness, full and comprehensive consideration of cases, validity and binding nature of its decisions and conclusions. Location of the Constitutional Court of Ukraine.

Functions and powers of the Constitutional Court of Ukraine.

Composition of the Constitutional Court of Ukraine. Powers of the Constitutional Court of Ukraine.

### **Topic 5. Constitutional and legal status of a judge of the Constitutional Court of Ukraine**

Requirements for a judge of the Constitutional Court of Ukraine. Competitive principles of selection of candidates for the position of a judge of the Constitutional Court. The procedure for the appointment of a judge of the Constitutional Court by the President of Ukraine. The procedure for the appointment of a judge of the Constitutional Court by the Congress of Judges of Ukraine. Appointment and term of office of a judge of the Constitutional Court.

Acquisition of powers by a judge of the Constitutional Court. The procedure for taking the oath of office by a judge. Election of the President and the Deputy President of the Court. Status of a judge of the Constitutional Court. Robe and breastplate of a judge of the Constitutional Court. Identification of the President, the Deputy President, and the Judge. Procedure for temporary performance of duties of the President of the Court by a Judge.

Termination of powers of a judge of the Constitutional Court. Dismissal of a Judge of the Constitutional Court. Certificate of a retired Judge. Early dismissal from office, termination of powers of the President of the Court and the Deputy President of the Court.

Guarantees of activity of a judge of the Constitutional Court of Ukraine. Independence and immunity of a judge of the Constitutional Court. Procedure for giving consent to the detention, custody or arrest of a judge. Security guarantees for a judge of the Constitutional Court and his/her family members. Remuneration of a judge of the Constitutional Court. Monthly lifetime allowance or pension for a retired judge of the Constitutional Court. Leave of a judge of the Constitutional

Court.

## *Section 2. Constitutional and organisational and legal principles of constitutional justice in Ukraine*

### **Topic 1: Organisation of the Constitutional Court of Ukraine**

Organisational structure of the Court. The President of the Court. Deputy President of the Court. Grand Chamber, Senates, Colleges of the Court. Standing Commissions of the Court. Scientific and Advisory Council of the Court. Registry, Archives, Library of the Court. Official publication of the Court. Special plenary sessions of the Court, meetings of the Court related to organisational activities.

The procedure for forming the composition of the Senates of the Constitutional Court. Procedure for the formation of panels of judges of the Constitutional Court. The procedure for electing the Secretary of the Collegium and performing his/her duties. Procedure for temporary involvement of a Judge in the composition of the Collegium that is incomplete in terms of composition. Changes to the personal composition of the Senate and the Collegium. The procedure for convening a meeting of judges of the Constitutional Court. Schedule of work of the bodies of the Constitutional Court.

Support of the Court's activities. Financial support of the Court. Guarantees of financial independence of the Court. Property and status of the Court as a legal entity.

Information support of the Constitutional Court of Ukraine. Access to public information in the Court. Website of the Constitutional Court of Ukraine. Annual information report of the Court.

Extrajudicial activities of the judges of the Constitutional Court. International relations of the Court.

### **Topic 2. Functions and powers of the Constitutional Court of Ukraine**

Powers and functions of the Constitutional Court of Ukraine: general description.

Control of compliance with the Constitution of Ukraine (constitutionality) of legal acts.

Official interpretation of the Constitution of Ukraine.

Control of compliance with the Constitution of Ukraine (constitutionality) of international treaties of Ukraine.

Control of compliance with the constitutional procedure for investigation and consideration of the case of removal of the President of Ukraine from office by impeachment.

Control of compliance with the Constitution of Ukraine (constitutionality) of issues proposed for submission to the all-Ukrainian referendum on people's initiative.

Control of compliance with the Constitution of Ukraine (constitutionality) of draft laws on amendments to the Constitution of Ukraine.

Control over compliance with the Constitution of Ukraine (constitutionality) of acts of the Verkhovna Rada of the Autonomous Republic of Crimea and resolving the issue of violation by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or laws of Ukraine.

Control of compliance with the Constitution of Ukraine (constitutionality) of the laws of Ukraine (their individual provisions) upon a constitutional complaint of a person who believes that the law of Ukraine applied in the final court decision in his/her case contradicts the Constitution of Ukraine.

### **Topic 3. Constitutional proceedings in Ukraine**

Forms of appeal to the Court. Constitutional petition. Constitutional appeal.

Constitutional complaint.

Acceptance, registration and preliminary examination of applications to the Court. Consideration of applications to the Court in panels. Judge-rapporteur in the case. Conflict of interest and recusal (self-recusal) of a Judge. Opening of constitutional proceedings in a case. Grounds for refusal to initiate constitutional proceedings in a case. Termination of consideration of applications to the Court. Combining and separating constitutional proceedings in cases.

Consideration of cases in the Constitutional Court of Ukraine. Forms of constitutional proceedings. Sessions and plenary sessions. Sessions and plenary sessions of the Grand Chamber. Sessions and plenary sessions of the Senate. Refusal of the Senate to consider a case at the discretion of the Grand Chamber. Ensuring the completeness of the proceedings.

Participants in constitutional proceedings. Rights and obligations of a participant in constitutional proceedings. Rights and obligations of an involved party to constitutional proceedings. Permanent Representative of the President of Ukraine in the Constitutional Court of Ukraine. Permanent Representative of the Verkhovna Rada of Ukraine to the Constitutional Court of Ukraine. Permanent Representative of the Cabinet of Ministers of Ukraine to the Constitutional Court of Ukraine.

Responsibility for violation of the procedure for holding plenary sessions in the Court. Language of constitutional proceedings. Time limits of constitutional proceedings. Combining and separating constitutional proceedings.

#### **Topic 4. Peculiarities of certain types of constitutional proceedings in Ukraine**

Peculiarities of proceedings on cases concerning the compliance with the Constitution of Ukraine (constitutionality) of laws of Ukraine (their individual provisions) on a constitutional complaint. The concept and legal nature of a constitutional complaint. The place of a constitutional complaint in the mechanism of human rights protection in Ukraine. Subjects of the right to a constitutional complaint. Admissibility of a constitutional complaint. Ensuring a constitutional complaint and peculiarities of its consideration by the Constitutional Court of Ukraine.

Peculiarities of proceedings in cases concerning the compliance with the Constitution of Ukraine (constitutionality) of issues proposed for submission to an all-Ukrainian referendum at the people's initiative. Directing a constitutional appeal. Subject of consideration. Participation in constitutional proceedings. Resolutive part of the conclusion.

#### **Topic 5. Acts of the Constitutional Court of Ukraine**

Types of acts of the Constitutional Court of Ukraine. Decisions of the Court. Opinion of the Court. The Court's ruling. Interim order of the Court. Adoption of a decision and giving an opinion by the Court. Requirements for the Court's judgment. Requirements for the Court's opinion. Determination by the Court of the term of invalidity of an act (its individual provisions).

Legal position of the Constitutional Court. The dissenting opinion of the Judge.

Official promulgation and publication of the Court's acts. Elimination of misprints in the text of the Court's act and clarification of the procedure for the execution of the Court's acts.

Adoption of the Rules of Procedure and other acts regulating the organisation of the Court's work and amendments thereto.

The procedure for the execution of judgments and opinions of the Court. Liability for non-enforcement of the Court's acts.

#### **Topic 6: Legal positions of the Constitutional Court of Ukraine**

The concept and legal nature of the legal position of the Constitutional Court of Ukraine. Legal approaches to understanding the concept of "legal position" in the doctrine of constitutional law of Ukraine. The importance of legal positions of the Constitutional Court of Ukraine for law enforcement practice.

Legal positions of the Constitutional Court of Ukraine on the organisation and functioning of public authorities and officials.

Legal positions of the Constitutional Court of Ukraine on the issues of guaranteeing human and civil rights and freedoms.

### **3. Structure of the discipline**

	number of hours	
	full-time (distance) form	extramural form

Title of sections and topics	all	including					all	including				
		l.	s.	lab.	ind.	ind ep.		l.	s.	lab.	ind.	inde p.
1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Section 1. Constitutional justice: ontological, axiological and praxeological aspects</b>												
Topic 1: The concept of constitutional justice and its organisational and legal forms	14	2	2			10	12					12
Topic 2. Jurisdiction of constitutional justice authorities: comparative legal aspect	12	2				10	12					12
Topic 3. Establishment of constitutional justice in Ukraine	12	2				10	12					12
Topic 4. Constitutional justice in Ukraine in the aspect of formation of national constitutionalism	16	4	2			10	16	2	2			12
Topic 5. Constitutional and legal status of a judge of the Constitutional Court of Ukraine	14	2	2			10	14					14
<b>Together in Section 1</b>	<b>68</b>	<b>12</b>	<b>6</b>			<b>50</b>	<b>66</b>	<b>2</b>	<b>2</b>			<b>62</b>
<b>Section 2. Constitutional and organisational and legal principles of constitutional justice in Ukraine</b>												
Topic 1: Organization of the Constitutional Court of Ukraine	16	4	2			10	14	2				12
Topic 2. Functions and powers of the Constitutional Court of Ukraine	12	2				10	14					14
Topic 3. Constitutional proceedings in Ukraine	16	4	2			10	16	2	2			12
Topic 4. Peculiarities of certain types of constitutional proceedings in Ukraine	14	2	2			10	12					12
Topic 5. Acts of the Constitutional Court of Ukraine	14	2	2			10	14					14
Topic 6: Legal positions of the Constitutional Court of Ukraine	10	2				8	14					14



<b>Together in Section 2</b>	<b>82</b>	<b>16</b>	<b>8</b>			<b>58</b>	<b>84</b>	<b>4</b>	<b>2</b>			<b>78</b>
<b>Total</b>	<b>150</b>	<b>28</b>	<b>14</b>			<b>108</b>	<b>150</b>	<b>6</b>	<b>4</b>			<b>140</b>

#### 4. Topics of seminars

№ з/п	Name of topic	Number of hours	
		Full time	Part time
1	The concept of constitutional justice and its organisational and legal forms	2	-
2	Constitutional justice in Ukraine in the aspect of formation of national constitutionalism	2	2
3	Constitutional and legal status of a judge of the Constitutional Court of Ukraine	2	-
4	Organization of the Constitutional Court of Ukraine	2	-
5	Constitutional proceedings in Ukraine	2	2
6	Peculiarities of certain types of constitutional proceedings in Ukraine	2	-
7	Acts of the Constitutional Court of Ukraine	2	-
	Разом	14	4

#### 5. Tasks for independent work

№ з/п	Name of topic	Content of the task	Number of hours	
			Full time	Part time
1	The concept of constitutional justice and its organisational and legal forms	Study the supporting literature on the topic	10	12
2	Jurisdiction of constitutional justice authorities: comparative legal aspect	Study the supporting literature on the topic.	10	12
3	Establishment of constitutional justice in Ukraine	Study the supporting literature on the topic	10	12
4	Constitutional justice in Ukraine in the aspect of formation of national constitutionalism	Study the supporting literature on the topic	10	12
5	Constitutional and legal status of a judge of the Constitutional Court of Ukraine	Study the supporting literature on the topic	10	14
6	Organization of the Constitutional Court of Ukraine	Study the supporting literature on the topic	10	12
7	Functions and powers of the Constitutional Court of Ukraine	Study the supporting literature on the topic	10	14
8	Constitutional proceedings in Ukraine	Study the supporting literature on the topic	10	12

9	Peculiarities of certain types of constitutional proceedings in Ukraine	Study the supporting literature on the topic	10	12
10	Acts of the Constitutional Court of Ukraine	Study the supporting literature on the topic	10	14
11	Legal positions of the Constitutional Court of Ukraine	Study the supporting literature on the topic	8	14
	Total		108	140

## 6. Individual tasks

Individual assignments develop the ability to work independently and contribute to a more in-depth study of theoretical material, the formation of skills to use knowledge to solve relevant practical problems.

Individual assignments in the discipline "Constitutional Justice" consist of preparing a presentation on a topic determined or chosen by the student with the help of the teacher and other types of work approved by the department. The deadlines for issuing, completing and defending individual assignments are determined by the programme of the discipline.

Individual assignments are performed by the student independently with the necessary consultations from the academic staff. Cases of performing works of complex subjects by several persons are allowed.

Individual assignments develop the ability to work independently and contribute to a more in-depth study of theoretical material, the formation of skills to use knowledge to solve relevant practical problems.

Individual tasks can be performed in the form of scientific articles, speeches (reports) at scientific conferences, scientific essays, etc.

### 6.1. Rules for making presentations

Making presentations is a form of research work.

A presentation is made using Microsoft Office PowerPoint and should consist of at least 15 slides.

The material on a slide can be divided into main and supplementary material. The main material should be highlighted so that when the slide is shown, it carries the main semantic load: the size of the text or object, colour, special effects, and the order in which it appears on the screen. Additional material is intended to emphasise the main idea of the slide.

Different font sizes are recommended for different types of objects. It's best to write a slide title in a font size of 22-28, a subheading and data labels in charts in 20-24, text, labels, and axis titles in diagrams, and information in tables in 18-22.

Use bold or underlined font to highlight the title and keywords. Use italics for secondary information and comments. Use the same font on all slides of the presentation.

For a good perception of the presentation from any distance in the hall, it is better to type the text in Arial, Bookman Old Style, Calibri, Tahoma, Times New Roman, or Verdana.

1. The first slide should contain the name of the Ministry of Education and Science, the name of the university, the department, the surname, name and patronymic of the postgraduate student and the topic of the presentation, the number of the study group.

2. The second slide should contain the content of the presentation.

3. On the other slides, fill in the topic.

4. In the text on the slides, do not abbreviate words, except for commonly used ones (UN, EU, OSCE, etc.).

5. Slides should be thesis statements. To make your PowerPoint presentation more visual and, if necessary, colourful, you can place various diagrams, graphs, photographs, drawings, collages on some

slides. Inserted photos or pictures must be of high quality and large enough, otherwise they will lose their sharpness when stretched, which can only spoil the effect of the presentation. You may use soundtrack in your presentation.

6.The presentation should be prepared with the provided background (slide template). Do not make slides too colourful and different in colour. This is detrimental to the formation of unstable visual images.

7.Slides should either focus attention on something or visualise the material (the same tables, diagrams, drawings with labels, if available). Do not put several blocks of visual or textual information on one slide at once. This is distracting, scatters attention, and impairs concentration.

8.The slide should be easy to read - not a lot of text on one slide.

Creating a presentation includes a number of stages:

1.Choosing a topic.

The student independently chooses a topic from the list of topics for individual research tasks. It should be borne in mind that the student has the right to independently choose the topic of the presentation within the scope of the curriculum, which must be agreed with the teacher.

2.Analysis of the literature on the topic.

A presentation is an accompaniment to a report or speech, so first you need to develop a concept for the speech, and then start making a presentation.

The creation of a presentation should be preceded by a thorough and in-depth study of the literature related to the topic. First of all, it is useful to read the scientific work (or the specified chapters, paragraphs, pages) as a whole to get an initial general idea of it, which can be expanded by reviewing the preface, table of contents and conclusion of the work, if any. The main thing at this stage is to identify the core issues of the topic under study and make them the main points of the presentation plan.

3.Present the content of the topic using slides.

The presentation should consistently address all the issues of the plan. It is important to strive to ensure that the theoretical content of the work is linked to the analysis of practical legal phenomena. The student should be able to demonstrate the practical significance of the knowledge of principles, laws and categories.

When creating slides, you should not use outdated sources that may contain erroneous views, inaccurate wording and conclusions, and outdated digital data. Thus, the ability to identify the main theoretical issues and explain them on specific material, using up-to-date literature, are the main requirements for preparing a presentation.

Criteria for evaluating presentations:

1.The degree of achievement of the goal.

2.Clarity and accuracy of the author's position.

3.Individuality (authorship, uniqueness).

4.Reasonableness (convincing) of the position.

5.Possession of the regulatory, educational and scientific-monographic base.

## **6.2.Topics for presentations**

1.Evolution of the legal status of the Constitutional Court of Ukraine.

2.The Constitutional Court of Ukraine: a defender of the constitutional order or a threat to it?

3.The Constitutional Court of Ukraine as a subject of formation of modern Ukrainian constitutionalism.

4.Constitutional complaint in the mechanism of ensuring constitutional rights and freedoms of man and citizen in Ukraine.

5.The dissenting opinion of a judge of the Constitutional Court of Ukraine as a source of constitutional and legal science.

6.The Constitutional Court of Ukraine in the process of constitutional reform.

7.The role of decisions and conclusions of the Constitutional Court of Ukraine for the development of national constitutional and legal doctrine.

8.Methods of constitutional interpretation.

9.Rules of Procedure of the Constitutional Court of Ukraine: content, structure and functions.

10. Guarantees of activity of a judge of the Constitutional Court of Ukraine.
11. Organisation of work of judges of the Constitutional Court of Ukraine.
12. Institute of Permanent Representatives in the Constitutional Court of Ukraine.
13. The role of the Constitutional Court of Ukraine in guaranteeing the constitutional order of Ukraine.
14. The problem of motivation (reasoning) of decisions of the Constitutional Court of Ukraine.
15. Legal positions of the Constitutional Court of Ukraine on the principles of the constitutional order of Ukraine.
16. Human rights direction of the jurisdictional activity of the Constitutional Court of Ukraine.

### **7. Teaching methods**

Teaching methods are orderly ways of activity of a teacher and students aimed at effective solution of educational tasks. They are implemented through a system of methods and means of educational activities.

The following teaching methods are used in teaching and mastering the discipline Civil Society Institutions by students

- verbal (narration, explanation, lecture, conversation);
- visual (illustration);
- practical (case studies).

In addition, according to the level of independent mental activity, the following methods are used:

- problem-based presentation;
- partial search method;
- research method.

### **8. Control methods**

Control methods are methods of diagnostic activities that allow for feedback in the learning process in order to obtain data on learning progress and the effectiveness of the learning process.

Control measures determine the compliance of the level of knowledge, skills and abilities acquired by students with the requirements of regulatory documents on higher education.

The following types of control of learning outcomes are used in the educational process: entrance, current during the semester, tests provided for in the curriculum, acceptance of individual tasks, term papers, final semester, deferred control.

The entrance control is conducted before the study of a new course in order to determine the level of training of postgraduate students in the disciplines that provide this course. The entrance control is carried out at the first lesson on tasks that correspond to the programmes of previous study. The results of the control are analysed at departmental (interdepartmental) meetings and meetings of methodological commissions together with academic staff who teach the supporting discipline.

Current control is carried out at all types of classroom classes during the semester. The current control of the discipline "Constitutional Justice" is conducted in the form of an oral survey or written control at seminars, lectures, in the form of a colloquium, student presentations during the discussion of issues at seminars, in the form of computer testing, etc. The results of the assessment of students' work must be communicated to them in a timely manner.

The final semester control in the discipline is a mandatory form of assessment of student learning outcomes. It is conducted within the time limits established by the schedule of the educational process and in the amount of educational material determined by the programme of the discipline. Semester control in the discipline "Constitutional Justice" is conducted in the form of a written semester test. A student is admitted to the semester control provided that he or she performs all types of work provided for in the curriculum for the semester in this discipline and scores at least 10 points.

A semester test is a form of final examination aimed at checking the mastery of theoretical and practical material. The test is based on tasks approved by the department. The teacher must familiarise students with the content of the questions submitted for the test and a sample test assignment at the beginning of the course.

The maximum number of points that a student can score when passing a test in a discipline is

40.

The grade of the final control is set according to the national scale as the sum of the points gained by the higher education student during the semester when performing the control measures provided for by the programme of the discipline and the points gained when passing the semester test.

The maximum amount of points that a student can score in a discipline is 100.

**Questions to be submitted for the intermediate and final control in the discipline  
"CONSTITUTIONAL JUSTICE"**

1. Modern models of constitutional control and constitutional justice. Anglo-American and European (continental) models of constitutional control.
2. Elements of the legal status of constitutional justice.
3. Limits of constitutional control by constitutional justice bodies. Criteria for the constitutionality of the law.
4. Constitutional justice as a factor in the formation and development of constitutionalism.
5. Constitutional justice in the mechanism of guaranteeing the protection and defence of the foundations of the constitutional order of the state.
6. Protection of human and civil rights and freedoms in the exercise of constitutional justice.
7. Constitutional justice as a guarantor of observance of the constitutional principles of a democratic, legal state.
8. Bodies of constitutional justice in the mechanism of legitimation of state power.
9. Constitutional justice and general legal proceedings.
10. The concept of constitutional jurisdiction and its relationship with related concepts.
11. Jurisdiction as an element of the legal status of constitutional justice. Constitutional and legal regulation of the jurisdiction of constitutional justice bodies.
12. Ensuring the legal supremacy of the constitution by constitutional justice bodies.
13. Official interpretation of the constitution and laws as an element of the jurisdiction of constitutional justice bodies.
14. The role of constitutional justice bodies in ensuring the constitutionality of forms of direct democracy.
15. Review of the constitutionality of international treaties as a response of constitutional justice to the processes of globalisation.
16. Consideration of competence disputes as an element of the jurisdiction of constitutional justice bodies.
17. Additional (non-traditional) powers of constitutional justice bodies.
18. Constitutional justice in Ukraine in the aspect of formation of national constitutionalism.
19. Reform of constitutional justice in Ukraine in 2017.
20. The Constitutional Court of Ukraine in the system of jurisdictional bodies. The status of the Constitutional Court of Ukraine.
21. Principles of activity of the Constitutional Court of Ukraine.
22. Regulatory framework of the Constitutional Court of Ukraine.
23. Openness of the activity of the Constitutional Court of Ukraine.
24. Powers of the Constitutional Court of Ukraine. Limits of powers of the Constitutional Court of Ukraine.
25. Composition and powers of the Constitutional Court of Ukraine.
26. Requirements for a judge of the Constitutional Court of Ukraine. Competitive principles of selection of candidates for the position of a judge of the Constitutional Court.
27. The procedure for the appointment of a judge of the Constitutional Court by the President of Ukraine and the Congress of Judges of Ukraine.
28. Appointment and term of office of a judge of the Constitutional Court.
29. Acquisition of powers by a judge of the Constitutional Court. The procedure for taking the oath of office by a judge.
30. Election of the President and the Vice-President of the Court. Status of a Judge of the Constitutional Court.
31. Robe and breastplate of a judge of the Constitutional Court. Identification of the President,

the Vice-President and the Judge.

32. Procedure for temporary performance of duties of the President of the Court by a Judge.

33. Termination of Powers of a Judge of the Constitutional Court. Dismissal of a Judge of the Constitutional Court. Certificate of a retired Judge.

34. Early dismissal from office, termination of powers of the President of the Court and the Deputy President of the Court.

35. Guarantees of activity of a judge of the Constitutional Court of Ukraine.

36. Independence and immunity of a judge of the Constitutional Court. Procedure for giving consent to the detention, custody or arrest of a Judge.

37. Security guarantees for a judge of the Constitutional Court and members of his/her family.

38. Remuneration of a Judge of the Constitutional Court. Monthly lifetime allowance of a retired judge of the Constitutional Court or pension. Leave of a judge of the Constitutional Court.

39. Meeting the official needs of the Judge of the Constitutional Court of Ukraine.

40. Scientific consultants and assistants to the judge of the Constitutional Court of Ukraine.

41. Retention of the title of a judge of the Constitutional Court of Ukraine.

42. Organisational structure of the Constitutional Court of Ukraine.

43. Chairman and Deputy Chairman of the Constitutional Court of Ukraine.

44. Grand Chamber, Senates, Colleges of the Court. Standing Commissions of the Court.

45. Scientific and Advisory Council of the Court. Registry, Archives, Library of the Court. Official publication of the Court.

46. Special plenary sessions of the Court, meetings of the Court related to organisational activities.

47. The procedure for forming the composition of the Senates of the Constitutional Court.

48. Procedure for the formation of panels of judges of the Constitutional Court.

49. Procedure for the election of the Secretary of the Collegium and performance of his/her duties.

50. Procedure for the temporary involvement of a Judge in the composition of the Collegium that is incomplete in terms of its composition. Changes to the personal composition of the Senate and the Collegium. The procedure for convening a meeting of judges of the Constitutional Court.

51. Schedule of work of the bodies of the Constitutional Court of Ukraine.

52. Support of the activity of the Constitutional Court of Ukraine.

53. Financial support of the Constitutional Court of Ukraine. Guarantees of financial independence of the Court.

54. Property and status of the Constitutional Court of Ukraine as a legal entity.

55. Information support of the Constitutional Court of Ukraine.

56. Access to public information in the Constitutional Court of Ukraine.

57. Website of the Constitutional Court of Ukraine.

58. Annual Information Report of the Constitutional Court of Ukraine.

59. Extrajudicial activities of judges of the Constitutional Court of Ukraine.

60. International relations of the Constitutional Court of Ukraine.

61. Forms of Appeal to the Constitutional Court of Ukraine. Constitutional petition. Constitutional appeal. Constitutional complaint.

62. Acceptance, registration and preliminary examination of appeals to the Court.

63. Consideration of appeals to the Constitutional Court of Ukraine in panels.

64. Judge-rapporteur in a case. Conflict of interest and recusal (self-recusal) of a Judge.

65. Opening of constitutional proceedings in a case. Grounds for refusal to initiate constitutional

proceedings in a case. Termination of consideration of applications to the Court.

66. Combining and separating constitutional proceedings in cases.

67. Consideration of cases by the Constitutional Court of Ukraine. Forms of constitutional proceedings.

68. Sessions and plenary sessions of the Grand Chamber. Sessions and plenary sessions of the Senate. Refusal of the Senate to consider a case at the discretion of the Grand Chamber.

69. Ensuring the completeness of the case consideration in the Constitutional Court of Ukraine.

70. Participants of constitutional proceedings. Rights and obligations of a participant in constitutional proceedings.

71. Rights and obligations of an involved participant of constitutional proceedings.

72. Permanent Representative of the President of Ukraine in the Constitutional Court of Ukraine.

73. Permanent Representative of the Verkhovna Rada of Ukraine in the Constitutional Court of Ukraine.

74. Permanent Representative of the Cabinet of Ministers of Ukraine in the Constitutional Court of Ukraine.

75. Liability for violation of the procedure for holding plenary sessions in the Court.

76. Language of constitutional proceedings. Time limits of constitutional proceedings.

77. Combining and separating constitutional proceedings.

78. Peculiarities of proceedings in cases concerning the compliance with the Constitution of Ukraine (constitutionality) of laws of Ukraine (their individual provisions) on a constitutional complaint.

79. Peculiarities of proceedings in cases concerning the compliance with the Constitution of Ukraine (constitutionality) of issues proposed for submission to an all-Ukrainian referendum at the people's initiative.

80. The concept, types and structure of acts of the Constitutional Court of Ukraine. Decisions of the Court. Opinion of the Court. The Court's ruling.

81. Interim Order of the Constitutional Court of Ukraine.

82. Adoption of a decision and delivery of an opinion by the Constitutional Court of Ukraine.

83. Requirements to the decision and opinion of the Constitutional Court of Ukraine.

84. Determination by the Court of the term of expiry of an act (its individual provisions).

85. Legal position of the Constitutional Court of Ukraine.

86. Dissenting opinion of a Judge of the Constitutional Court of Ukraine.

87. Official promulgation and publication of the Court's acts. Elimination of misprints in the text of the Court's act and clarification of the procedure for the execution of the Court's acts.

88. Adoption of the Rules of Procedure, other acts regulating the organisation of the work of the Constitutional Court of Ukraine and amendments thereto

89. The procedure for the execution of decisions and opinions of the Constitutional Court of Ukraine.

90. Responsibility for non-execution of acts of the Constitutional Court of Ukraine.

## **9. 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 test - 40.

Number of points during the semester - 60:

Number of points for answers in practical (seminars), individual task - 35:

### **Formula about**

$$\sum 35 = \sum 1$$

### **Note:**

$\sum 35$  - the sum of the maximum number of points for seminars

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

Control work (one per semester) - 25 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 25 test questions with one correct answer. For each correctly solved test the student receives 1 point.

Current control								independent work	Total Settlement	Amount
T1	T2	T3	T4	T5	T6	T7	Control work	60	40	100
$\sum 35$							25			

T1, T2 ... T7 – topics.

### Part-time education. Example for the offset

The total number of points is 100.

The number of points for the test - 40.

Number of points during the semester - 60:

Number of points for answers in practical (seminars), individual task - 35:

#### Formula about

$$\sum 30 = \sum 1$$

#### Note:

$\sum 30$  - the sum of the maximum number of points for seminars

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

Control work (one per semester) - 30 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 30 test questions with one correct answer. For each correctly solved test the student receives 1 point.

Current control			independent work	Total Settlement	Amount
T1	T2	Control work	60	40	100
$\sum 30$		30			

T1, T2 ... T7 – 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

**10. Recommended literature**

**Basic literature**

**Legal acts:**

1. Конституція України від 28.06.1996. URL: <http://zakon1.rada.gov.ua/laws/show/254к/96-вр>.
2. Про Конституційний Суд України: Закон України від 13.07.2017 № 2136-VIII. URL: <http://zakon2.rada.gov.ua/laws/show/2136-19>.
3. Регламент Конституційного Суду України: ухвалений на спеціальному пленарному засіданні Конституційного Суду України Постановою Конституційного Суду України від 22.02.2018 № 1-пс/2018. URL: <http://www.ccu.gov.ua/sites/default/files/docs/reglament.pdf>.
4. Рішення Конституційного Суду України про офіційне тлумачення статей 58, 78, 79,

- 81 Конституції України та статей 243-21, 243-22, 243-25 Цивільного процесуального кодексу України (у справі щодо несумісності депутатського мандата) від 13.05.1997 № 1-зп. URL: <https://zakon.rada.gov.ua/laws/show/v001p710-97>.
5. Рішення Конституційного Суду у справі за конституційним зверненням Барабаша Олександра Леонідовича щодо офіційного тлумачення частини п'ятої статті 94 та статті 160 Конституції України (справа про набуття чинності Конституцією України) від 03.10.1997 № 4-зп. URL: <https://zakon.rada.gov.ua/laws/show/v004p710-97>.
  6. Рішення Конституційного Суду України у справі за конституційним зверненням громадянки Дзюби Галини Павлівни щодо офіційного тлумачення частини другої статті 55 Конституції України та статті 248-2 Цивільного процесуального кодексу України (справа громадянки Дзюби Г.П. щодо права на оскарження в суді неправомірних дій посадової особи) від 25.11.1997 № 6-зп. URL: <https://zakon.rada.gov.ua/laws/show/v006p710-97>.
  7. Рішення Конституційного Суду України у справі за конституційним зверненням громадян Проценко Раїси Миколаївни, Ярошенко Поліни Петрівни та інших громадян щодо офіційного тлумачення статей 55, 64, 124 Конституції України (справа за зверненнями жителів міста Жовті Води) від 25.12.1997 № 9-зп. URL: <https://zakon.rada.gov.ua/laws/show/v009p710-97>.
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  10. Рішення Конституційного Суду України у справі за конституційним поданням 101 народного депутата України щодо офіційного тлумачення положень частин першої, п'ятої статті 103 Конституції України у системному зв'язку з пунктом 16 розділу XV „Перехідні положення” Конституції України (справа про строк, на який обирається Президент України) від 15.05.2014. № 5-рп/2014. URL: <https://zakon.rada.gov.ua/laws/show/v005p710-14>.
  11. Рішення Конституційного Суду України у справі за конституційним поданням 51 народного депутата України щодо офіційного тлумачення положення "на наступній черговій сесії Верховної Ради України", яке міститься у статті 155 Конституції України, від 15.03.2016 № 1-рп/2016. URL: <https://zakon.rada.gov.ua/laws/show/v001p710-16>.

#### **Textbooks and manuals:**

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2. Конституційна юрисдикція: підручник / за ред. Ю.Г. Барабаша, А.О. Селіванова. Харків: Право, 2012. 168 с.
3. Конституційне право України. Академічний курс: підручник: у 2 т. Т.1 / за ред. В.Ф. Погорілка. Київ: Юридична думка, 2006. 544 с.
4. Конституційне право України. Академічний курс: підручник: у 2 т. Т.2 / за заг. ред. Ю.С. Шемшученка. Київ: Юридична думка, 2008. 800 с.
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6. Проблеми сучасної конституціоналістики. Випуск 1: навч. посіб. / за ред. М.П.

Орзіха. Київ: Юрінком Інтер, 2011. 272 с.

7. Проблеми сучасної конституціоналістики. Випуск 2: Конституційні перетворення в Україні: навч. посіб. / за ред. М.П. Орзіха. Київ: Юрінком Інтер, 2012. 432 с.

8. Проблеми сучасної конституціоналістики. Випуск 3: Сучасний український конституціоналізм: навч. посіб. / за ред. А.Р. Крусян. Одеса: Фенікс, 2015. 526 с.

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10. Терлецький Д. С., Батан Ю.Д., Запорожець В.І. Конституційна юстиція : навч.- метод. посіб. Одеса : НУ "ОЮА", 2021. 154 с.

11. Федоренко В.Л. Конституційне право України: підручник. Київ: Ліра-К, 2016. 616 с.

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6. Бринцев В. Політико-правовий аналіз ролі Конституційного Суду України у законодавчому процесі. *Вісник Конституційного Суду України*. 2007. № 1. С. 62–78.

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## **11. Links to information resources on the Internet, video lectures, other teaching and learning materials**

1. Official web portal of the Verkhovna Rada of Ukraine. <http://portal.rada.gov.ua/>
2. Official website of the President of Ukraine. <http://www.president.gov.ua/>
3. Unified web portal of the executive authorities of Ukraine. - <http://www.kmu.gov.ua/>
4. Official web portal of the judiciary of Ukraine. <http://court.gov.ua/>
5. Official website of the Constitutional Court of Ukraine. <http://www.ccu.gov.ua/>
6. Official website of the Supreme Court of Ukraine. <http://www.scourt.gov.ua/>
7. Official website of the Ukrainian Parliament Commissioner for Human Rights. <http://www.ombudsman.kiev.ua/>
8. Official website of the Central Election Commission. <http://www.cvk.gov.ua/>