

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

**"APPROVED"**

Dean of the Law School

Vitalii SEROHIN

« 31 » 2023

The work program of the discipline

**TOPICAL ISSUES OF CONSTITUTIONAL LAW**

Level of academic degree the second (master's degree level)  
Subject area 29 International Relations  
Special field 293 International  
Law Program of Study International  
Law type of discipline: choice discipline  
discipline faculty: School of Law

2023/2024 academic year

The program is recommended for approval by the Academic Council of the School of Law

" 31" of August 2023, Protocol No 1

THE PROGRAM DEVELOPER: GUDZ LIUDMYLA, 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. 31 of August 2023, No.11

Head of Department  
Constitutional and Municipal Law



Mark VORONOV

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

Guarantor of the educational  
professional program



Oleksandr HAVRYLENKO

The program is approved by the Methodological Committee the of School of Law  
Protocol dd. "31 " of August 2023, No 1

Head of the Methodical Committee  
at the School of Law



Hanna ZUBENKO

## **INTRODUCTION**

The program of the discipline "Topical issues of constitutional law" is compiled by the educational and professional program of master's training in specialty 081 Law

### **1. Description of the discipline**

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

The purpose of teaching the discipline is to train specialists who have a high legal awareness and legal culture, have the necessary knowledge of current issues of constitutional law in their professional activities, are professionally oriented in modern legal relations in the field of constitutional law, the basic principles of constitutional law, as well as make informed and informed decisions within their professional competence.

#### **1.2. Main tasks of studying the discipline**

The main objectives of the discipline are the formation of the following general and professional (subject, professional) competencies

- the ability to improve and develop their intellectual and general cultural level in the context of the development of science and public policy, the ability to acquire new knowledge using modern information and educational technologies (GC-3);
- the ability to conduct research activities based on knowledge and critical analysis of legal issues, the ability to choose the best research methods, process research results, and analyze them taking into account relevant scientific and practical sources (GC-5); professional competencies:
- the ability to apply the acquired knowledge, skills, and abilities in practice, the ability to develop various regulations (PC-1);
- ability to apply regulations in various areas of legal activity, ability to implement the rules of substantive and procedural law in professional activities (PC-2);
- the ability to interpret normative legal acts (PC-7)

1.3. Number of credits - 5

1.4. Total number of hours – 150

<b>1.5. Characteristics of the discipline</b>	
<b>1.6.</b>	
choice discipline	
Full-time study form	Part-time (distance) form of study
Year of Preparation	

4th	4th
Semester	
7th	7th
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 program, students must achieve the following learning outcomes:

- to master advanced fundamental knowledge in the field of constitutional law and a wide range of methodological tools for studying constitutional and legal institutions (PLO-1);
- to be able to initiate the creation of innovative complex projects in the constitutional and legal sphere, to have the qualities of a leader, and to be capable of full autonomy in their implementation (PLO-4);
- to be capable of self-improvement, comprehensive self-development, continuous professional development in the field of law throughout life (PLO-7);
- understand the humanistic orientation of constitutional law; the basics of constitutional and legal culture; principles of professional thinking of a modern lawyer, including doctrinal (scientific) and be able to implement them in practical legal activities (PLO-11);
- to know and understand: the categorical and conceptual apparatus of modern constitutional law; problematic issues of the subject and method of constitutional and legal regulation and the main problems of the development of constitutional law in Ukraine and foreign countries; to know and understand the most important facts, concepts, principles and theories of constitutional law (PLO-13);
- to be able to analyze retrospectively and predict the prospects for the development and functioning of constitutional legislation under different conditions and apply this knowledge to solve practical problems (PLO-15);
- have the skills to work independently with constitutional and legal acts; skills to resolve legal situations in the field of law enforcement and judicial bodies; analyze the norms of constitutional legislation, properly document the results of the analysis; be able to participate in the legal examination of draft constitutional and legal acts, give qualified legal opinions and advice in specific areas of legal activity (PLO-16);
- professionally understand and interpret the content of constitutional and legal norms and apply them correctly; perform professional duties in good faith, have skills and understanding of the importance

of self-development, improvement of their qualifications and skills; be intolerant of corrupt behavior and corrupt practices, have a sufficient level of professional and basic doctrinal legal awareness (PLO-19);

- be able to consider applications, and complaints of individuals and legal entities, explain to the parties their constitutional rights and obligations; be able to characterize and apply organizational and legal forms and means of protection and defense of the rights and legitimate interests of individuals and legal entities (PLO-20).

## **2. Thematic plan of the discipline**

### **Section 1. Topical issues of constitutional and legal theory**

#### **Topic 1. Constitutionalism as a political and legal phenomenon: a problematic approach.**

The concept and essence of constitutionalism. Systemic, structural, and substantive characteristics of constitutionalism. Constitutionalism is a political and legal ideology, and regulatory system, as well as the practice of constitutional and legal regulation and law enforcement. Constitutionalism is a model of interaction between society and the state. The concept and features of a constitutional state.

Genesis of the scientific and practical paradigm of constitutionalism. The main models of modern constitutionalism (English, American, French, German). Constitutionalization of social phenomena and processes: concepts, causes, trends.

#### **Topic 2. Topical issues of constitutional theory**

Epistemological, axiological, and praxeological foundations of the theory of the constitution. The concept, essence, and content of the Constitution. Legal and actual constitution. The Constitution is a legal, political, and ideological document. Types of constitutions. The value of the constitution. Functions and significance of the constitution. Legal properties of the constitution. Constitution and politics. The phenomenon of the Constitution in the context of national political and legal "mythology".

The procedure for preparing the constitution. Ways of adopting a constitution. Amendment of the constitution. Constitutional revision. Amendments to the Constitution: substantive and procedural aspects. Stability and dynamism of the constitution. Transformation of the constitution: concept, legal significance, practical implementation.

Form, structure, and content of the constitution. The object of constitutional regulation. Methods of constitutional regulation. Language and style of the constitution.

Mechanism of constitutional implementation. "Action" and "realization" of the constitution. Direct effect of the constitution. Features of the implementation of the constitution. Specification of constitutional norms in legislation as a way of their implementation. Forms of realization of

constitutional norms. Social factors of constitutional implementation. Organizational and legal support for the implementation of the constitution.

Modern constitution: concept and features. Trends in constitutional development at the present stage. Modern constitutional models. Problems of constitutional implementation at the present stage.

### **Topic 3. Issues of defining the subject matter of constitutional law as a branch of law**

Definition of the subject matter of constitutional law in the works of pre-revolutionary authors. O.S. Alekseev, I.I. Andrievsky, O.D. Gradovsky, M.M. Korkunov, M.I. Lazarevsky on the subject of state (constitutional) law. Relations of state domination as the subject of state (constitutional) law.

Class-ideologized approach to the definition of the subject matter of state law in the Soviet legal doctrine. M.A. Arzhanov, A.Y. Vyshynsky, S.A. Golunsky, V.F. Kotok, S.S. Kravchuk, I.D. Levin, M.S. Strohovych, I.P. Traynin, and Y.N. Umansky on the subject matter of Soviet State law. Discussions on the subject of state law in Soviet legal science.

Discussions on the subject of constitutional law in the post-Soviet state studies literature. V. F. Melashchenko, Y. M. Todika, O. F. Frytskyi, V. Shapoval on the subject matter of constitutional law of Ukraine. The main approaches to the formulation of the subject matter of constitutional law of Ukraine in modern legal science.

"Constitutionalization" of social relations. Expansion of the subject matter of constitutional law, its causes, and trends. Economic constitution and constitutional economics.

### **Topic 4. Theoretical and methodological issues of formation of the constitutional law system**

Theoretical foundations of the system of constitutional law of Ukraine. The doctrine of a multidimensional system of constitutional (state) law. Conceptual approaches to the definition of the system of constitutional law. The system of constitutional law and the system of constitutional legislation: problems of correlation. Problems of interaction between the system of constitutional law and other systemic categories of constitutional law.

Constitutional and legal institutions in the system of constitutional law. General, basic, and simple institutions of constitutional law. Material, procedural, and complex constitutional and legal institutions. Genesis of constitutional law institutions. Problems of determination of constitutional law institutions. System and structure of constitutional law institutions.

Constitutional and legal norms as the fundamental basis of the system of constitutional law. The concept and types of constitutional and legal norms. Structure and content of constitutional and legal norms. Declarative norms (atypical legal provisions) in the system of constitutional law. Principles and norms of constitutional law.

## **Topic 5. Topical issues of consolidating and protecting the foundations of the constitutional order**

Constitutional order is a basic element of constitutionalism. The concept and elements of the constitutional order: theoretical and legal foundations. Correlation of the constitutional order with the social order. Conditions for the existence of the constitutional order. The exclusive right of the Ukrainian people to determine and change the constitutional order in the state.

The concept and features of the foundations of the constitutional order. The foundations of the constitutional order and the social ideal. Basic values of the constitutional order of Ukraine and their enshrining in the Basic Law. Integrity and continuity of the foundations of the constitutional order. Principles of the constitutional order and the state. Democratic principles of the constitutional order of Ukraine. Economic, political, and spiritual aspects of the foundations of the constitutional order of Ukraine.

Peculiarities of the legal nature of the norms that enshrine the principles of the constitutional order of Ukraine. Reflection by the norms of the institution of the principles of the constitutional order of real social relations in the state. The system of principles constitutes the foundations of the constitutional order.

Constitutional foundations of the political, economic, social, spiritual, and cultural systems of society.

Current issues of formation, institutionalization, and development of the constitutional order in Ukraine. Problems of guaranteeing the foundations of the constitutional order. The organizational and legal mechanism for guaranteeing the principles of the constitutional order.

## **Topic 6: Theoretical and methodological issues of constitutional and legal responsibility**

The concept of constitutional and legal responsibility. The relationship between constitutional and political responsibility. The problem of the ratio of negative (retrospective) and positive (prospective) constitutional and legal responsibility. Correlation of constitutional and legal and other types of legal responsibility.

Grounds of constitutional and legal responsibility. Normative and factual grounds of constitutional and legal responsibility. The concept and types of constitutional and legal torts. Composition of constitutional and legal torts.

Subjects of constitutional and legal responsibility. Subjects of constitutional law that are not subject to constitutional and legal liability. Peculiarities of constitutional and legal responsibility of organizations (public authorities and public formations) as subjects of constitutional and legal responsibility. Constitutional and legal responsibility of supreme public authorities. Forms of constitutional and legal responsibility. Constitutional and legal sanctions: concept, features, types. The procedure for applying constitutional and legal sanctions

## **Section 2: Topical Issues of Constitutional Law**

### **Topic 1: Topical issues of ensuring constitutional rights and freedoms of a person and citizen**

Constitutional and legal status of a person (human and citizen): concept, structure, types. Legal status and legal position of a person. Constitutional and legal status of a person in the broad and narrow sense of the word. Models of normative regulation of the constitutional and legal status of a person.

Principles of the legal status of a person: concept, features, types. General and special principles of the legal status of a person. A person has the highest social value. Constitutional and legal consolidation of the principles of the legal status of a person.

Fundamental (constitutional) rights and freedoms of man and citizen: concept, features, types. "Generations" of fundamental rights and freedoms. Rights of civil liberty. Natural and positive human rights. Personal (civil), political, economic, social, cultural, and environmental rights and freedoms. Individual and collective rights and freedoms. Absolute and relative rights and freedoms. Modern models of constitutional regulation of human rights and freedoms. Enshrining fundamental human and civil rights in the Constitution of Ukraine. Restrictions of fundamental (constitutional) rights and freedoms: concept, grounds, methods. Problems of realization of fundamental rights and freedoms in Ukraine: causes and ways to overcome them.

Organizational and legal mechanism for the realization of fundamental (constitutional) rights and freedoms. Guarantees of realization of fundamental rights and freedoms. Protection and defense of fundamental rights and freedoms.

### **Topic 2. Topical issues of democracy**

The doctrine of democracy, its formation and development. The concept of the doctrine of democracy and its political and legal nature. The doctrinal foundations of democracy and their normative consolidation. Formation of the idea of democracy in the world political and legal thought. The idea of democracy in Ukrainian political and legal thought.

Theoretical and methodological problems of analyzing the category of democracy. The category of "people" and its constitutional consolidation. The category of "democracy" in the system of basic categories of constitutional law. Constitutionalism and democracy: correlation and interrelation. The relationship between the categories of "constitutional order" and "democracy". People's and state sovereignty in their correlation and interrelation. The concept of the mechanism of people's power.

Democracy as a value and public interest. Cyclical development of democracy. Public interests in the field of democracy. Interrelation of public and private interests in the field of democracy.

Democracy and statehood. The legality and legitimacy of state power in terms of the exercise of democracy. The functional role of the state in the realization of the power of the people. Specifics of the exercise of people's power at the transitional stage of development of the state and society. The role of separation and interaction of branches of power in the mechanism of exercising people's power.



Publicity of the functioning of public authorities in the aspect of the realization of the power of the people. Legal policy of the state in the field of relations of people's power.

### **Topic 3: Topical issues of optimizing the form of government**

Form of government as an element of the form of state and constitutional and legal institution. The form of government is a form of institutional and functional organization of state power and its constitutional consolidation. Classification of forms of government. Evolution of constitutional models of government in Ukraine:

main prerequisites and factors. Ukraine as a semi-presidential (mixed) republic: concept and features. Features of the national model of a semi-presidential republic.

The evolution of forms of government in the twentieth and early twenty-first centuries. The impact of the 2004 constitutional reform on the form of government in Ukraine. Constitutional reform in the area of justice (2016) and its impact on the form of government in Ukraine. The main directions for improving the existing form of government in Ukraine.

The constitutional and legal status of the supreme bodies of state power in Ukraine. Separation of powers and the system of checks and balances in Ukraine. Problems of interaction between elements of the state apparatus. Improvement of the form of government in terms of fighting corruption.

### **Topic 4. Topical issues of territorial organization of power**

Form of state (territorial) organization as an element of the form of state and constitutional and legal institution. Unitarism and federalism. State-territorial, administrative-territorial, and national-territorial systems. Doctrinal research and legal regulation of the territorial structure: domestic and foreign experience. Theoretical conceptualization of the territorial structure: world and national history and modernity. Constitutional and legal regulation of the territorial structure: domestic and foreign practice.

Historical and theoretical aspects of the territorial structure of Ukraine. Genesis of the territorial structure of Ukraine. Concept, principles, and features of the territorial structure of Ukraine. Constitutional principles of the territorial structure of Ukraine. Ukraine is an asymmetric relatively decentralized unitary state.

The system of territorial organization of Ukraine. Concept and elements of the system of territorial organization of Ukraine. Types of territorial units. Status of the highest, middle, and lower elements of the system of territorial organization of Ukraine. Territorial autonomy in Ukraine. Territorial organization of public authorities in Ukraine.

Prospects for improving the territorial structure of Ukraine. The main problems exist in the field of local self-government and territorial organization of power in Ukraine. Principles and main

directions of reforming local self-government and territorial organization of power. Decentralization of power in Ukraine: reasons, essence

### **Topic 5. Topical issues of forming the constitutional foundations of civil society**

Theoretical and methodological foundations of the constitutional foundations of civil society. Constitutional and legal foundations of civil society: concept, essence, key features. The category of "civil society" in Ukrainian and foreign constitutional legislation.

Formation and development of the constitutional foundations of civil society. Prerequisites for the establishment of the constitutional foundations of civil society. Diversity of forms of ownership as a condition for the harmonious development of civil society. Genesis of the formation and development of the constitutional foundations of civil society in Ukraine. Constitutional and legal regulation of the status of civil society institutions.

The right to association in Ukraine and forms of its realization. Types of public organizations, general characteristics of their constitutional and legal status. Problems of the constitutional and legal status of political parties and public associations in Ukraine. The crisis of the party system and its connection with the defects of constitutional legislation.

Constitutional and legal status of trade unions in Ukraine. Problems of religious relations in Ukraine.

Constitutional and legal status of mass media in Ukraine. Constitutional principles of legal regulation of information relations in Ukraine. Information sovereignty and information policy of Ukraine. Problems of the constitutional and legal status of print and audiovisual media in Ukraine.

### **Topic 6: Topical issues of forming the constitutional foundations of national security**

The concept of national security and its elements. Legal basis of national security. Constitutional and legal principles of national security as an institution of constitutional law.

Objects of national security. The system of subjects of national security and their main functions and powers. Control over the implementation of measures to ensure national security.

Principles of national security. Priorities of national interests of Ukraine. Threats to national interests and national security of Ukraine.

The main directions of state policy on national security in the foreign policy sphere. The main directions of state policy on national security in the field of state security. The main directions of the state policy on national security in the domestic sphere. The main directions of state policy on national security in the economic sphere. The main directions of the state policy on national security in the scientific and technological sphere. Main directions of the state policy on national security in the environmental sphere. Main directions of the state policy on national security in the social and

humanitarian spheres. Main directions of the state policy on national security in the information sphere.

### 3. Structure of the discipline

Title of sections and topics	number of hours											
	full-time (distance) form						extramural form					
	all	including					all	including				
		l	p	lab	indivi d.	indepe n.		l	p	la b	indi vid.	indep en.
1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Section 1. Topical issues of constitutional and legal theory</b>												
Topic 1. Constitutionalism as a political and legal phenomenon: a problematic approach.	13	2	2			9	15	2	2			11
Topic 2. Topical issues of constitutional theory	11	2				9	11					11
Topic 3. Issues of defining the subject matter of constitutional law as a branch of law	13	2	2			9	11					11
Topic 4. Theoretical and methodological issues of formation of the constitutional law system	11	2				9	10					11
Topic 5. Topical issues of consolidating and protecting the	13	2	2			9	11					11

foundations of the constitutional order												
Topic 6: Theoretical and methodological issues of constitutional and legal responsibility	11	2				9	10					11
Together in Section 1	<b>72</b>	<b>12</b>	<b>6</b>			<b>54</b>	<b>70</b>	<b>2</b>	<b>2</b>			<b>66</b>
<b>Section 2: Topical Issues of Constitutional Law</b>												
Topic 1: Topical issues of ensuring constitutional rights and freedoms of a person and citizen	15	4	2			9	16	2	2			12
Topic 2. Topical issues of democracy	15	4	2			9	12					12
Topic 3: Topical issues of optimizing the form of government	13	2	2			9	12					12
Topic 4 Topical issues of territorial organization of power	13	2	2			9	14	2				12
Topic 5. Topical issues of forming the constitutional foundations of civil society	11	2				9	12					12
Topic 6: Topical issues of forming the constitutional foundations of national security	11	2				9	14					14

Together in Section 2	<b>78</b>	<b>16</b>	<b>8</b>			<b>54</b>	<b>80</b>	<b>4</b>	<b>2</b>			<b>74</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

<b>№</b>	<b>Name of topic</b>	<b>Number of hours</b>
1	Constitutionalism as a political and legal phenomenon: a problematic approach.	2 \ 2
2	Issues of defining the subject matter of constitutional law as a branch of law	2
3	Topical issues of consolidating and protecting the foundations of the constitutional order	2
4	Topical issues of ensuring constitutional rights and freedoms of a person and citizen	2 \ 2
5	Topical issues of democracy	2
6	Topical issues of optimizing the form of government	2
7	Topical issues of territorial organization of power	2
	<b>Together</b>	14 \ 4

#### 5. Tasks for independent work

<b>№</b>	<b>Name of topic</b>	<b>Number of hours</b>
1	Topical issues of ensuring constitutional rights and freedoms of a person and citizen	9 \ 11
2	Topical issues of democracy	9 \ 11
3	Topical issues of optimizing the form of government	9 \ 11
4	Topical issues of territorial organization of power	9 \ 11
5	Topical issues of forming the constitutional foundations of civil society	9 \ 11
6	Topical issues of forming the constitutional foundations of national security	9 \ 11

7	Topical issues of ensuring constitutional rights and freedoms of a person and citizen	9 \ 12
8	Topical issues of democracy	9 \ 12
9	Topical issues of optimizing the form of government	9 \ 12
10	Topical issues of territorial organization of power	9 \ 12
11	Topical issues of forming the constitutional foundations of civil society	9 \ 12
12	Topical issues of forming the constitutional foundations of national security	9 \ 14
	<b>Together</b>	<b>108 \ 140</b>

## 6. Individual tasks

Individual assignments develop the student's creative work 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 "Actual Problems of Constitutional Law" 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 program of the discipline.

Individual assignments are performed by the student independently with the necessary consultations from the academic staff. Cases of performing works on 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, etc.

A student can receive 10 points for a published scientific article, 7 points for a speech (report) at a scientific conference, and 10 points for a presentation.

### 6.1. Rules for making presentations

Creating presentations is a form of research work.

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

The material on the slide can be divided into main and additional. The main material should be highlighted so that it carries the main semantic load during the demonstration of the slide: the size of the text or object, color, special effects, and the order of appearance on the screen. Additional material is intended to emphasize the main idea of the slide.

Different font sizes are recommended for different types of objects. It is better to write the title of the slide in a font size of 22-28, the subtitle 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. For secondary information and comments, use italics. 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 the following font: Arial, Bookman Old Style, Calibri, Tahoma, Times New Roman, or Verdana.

1. The first slide should include the name of the Ministry of Education and Science, the name of the university, the department, the student's surname, name and patronymic, the topic of the presentation, and the number of the study group.
2. The second slide should contain the content of the presentation.
3. The rest of the slides should be filled with the topic.
4. In the text on the slides, no abbreviations are allowed, except for commonly used words (UN, EU, OSCE, etc.).
5. Slides should be thesis statements. To make your PowerPoint presentation more visual and, if necessary, colorful, you may place various diagrams, graphs, photographs, drawings, and collages on some slides. Inserted photos or pictures must be of high quality and large enough, otherwise they 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 colorful and different in color. This is harmful to the formation of unstable visual images.
7. Slides should either emphasize something or visualize the material (the same tables, diagrams, and drawings with labels, if available). Do not put several blocks of visual or textual information on one slide at once. It distracts, scatters attention, and impairs concentration.
8. The slide should be easy to read - not a lot of text on one slide.

Creating a presentation involves a number of steps:

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 choose the topic of the presentation, which must be agreed upon with the teacher, within the scope of the curriculum on public associations in Ukraine.

## 2. Analysis of 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 drafting the presentation.

The presentation should be based on materials from textbooks. Therefore, the creation of a presentation should be preceded by a thorough study of the literature related to the topic. First of all, it is useful to familiarize yourself with the scientific work (or the specified chapters, paragraphs, pages) as a whole to get an initial general idea that can be expanded by reviewing the preface, table of contents, and conclusion of the paper, 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 show what practical significance the knowledge of principles, laws, and categories has.

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

## **6.2 Topics for presentations**

### 1. Peculiarities of constitutionalism.

2. The main issues of the development of constitutionalism at the present stage.

3. The system of constitutional values.

4. Democratic, legal, social state.

5. Human as the highest social value: ways to implement constitutional declarations.

6. The importance of the Constitution for the development of society.

7. The Constitution of Ukraine against the background of foreign analogs: comparative legal aspect.

9. Topical issues of ensuring direct democracy in the world.



10. Topical issues of human rights in the world.
11. The welfare state and social standards.
12. Public activity and constitutional and legal forms of its realization.
13. The role of constitutional law in the formation of civil society in the world.
14. The role of constitutional law in the development of a democratic, legal social state.
15. The role of constitutional law in ensuring a decent human existence.
16. Topical issues of dual citizenship in the world.
17. Issues of the constitutional and legal status of foreigners and stateless persons in Ukraine.
18. Issues of interaction between the branches of government in the world.
19. Issues of the legal status of political parties in the world.
20. State and church: constitutional and legal aspects of interaction.
21. Political regime in the world: constitutional and legal aspects.
22. Form of government in the world.
23. What form of government do we need it?
24. The President is a guarantor of the Constitution.
25. Decentralization of power: reasons and ways of implementation.
28. Territorial structure of state.
29. Unitarism and decentralization.

### **6.3 Criteria for evaluating presentations:**

1. 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.

## **7. Teaching methods**

Teaching methods are orderly ways of activity of the teacher and students aimed at effective solutions to educational tasks. They are realized through a system of methods and means of educational activities.

The following teaching methods are used in teaching and mastering the discipline "Current Issues of Constitutional Law

- verbal - descriptive disclosure of the educational material, explanation of the essence of the relevant phenomenon, concept, process, checking the level of independent processing of the educational material, etc. (narration, explanation, lecture, conversation);

- visual - demonstration of diagrams, tables, drawings, videos, etc;

- practical - development of skills and abilities to operate with legal categories, apply legal norms, and use the acquired knowledge in seminars. 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 to obtain data on learning progress and the effectiveness of the educational 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.

Self-control is intended for self-assessment by higher education students of the quality of mastering the educational material of the discipline (section, topic). For this purpose, the textbooks for each topic (section), as well as the methodological developments for seminars, provide questions for self-control.

Departmental control is conducted to assess the level of students' training in the discipline at different stages of its study and is carried out in the form of entrance, current, milestone, and semester control.

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

The **entrance control** is conducted before studying a new course to determine the level of students' training in the disciplines that support this course. The entrance control is conducted in the first lesson on tasks that correspond to the programs of previous studies. The results of the control are analyzed at departmental (interdepartmental) meetings and meetings of methodological committees together

with academic staff who teach the supporting discipline. Based on the results of the incoming control, measures are developed to provide individual assistance to students and adjust the educational process.

**Current control** is carried out at all types of classroom classes during the semester. Current control can be conducted in the form of an oral survey or written control during practical, seminar classes, lectures, in the form of a colloquium, student presentations during the discussion of issues in seminars, in the form of computer testing, etc. Specific forms of current control and criteria for assessing the level of knowledge are determined by the program of the discipline. The results of the assessment of students' work must be communicated to students promptly. The form of current control is the rector's control works. The results of the assessment of the rector's control works may be counted as the results of the control work provided for in the curriculum.

**The final semester control** in the discipline "Actual Problems of Constitutional Law" 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 program of the discipline. Semester control is conducted in the form of an exam. A student is admitted to the semester control provided that he or she has completed all the types of work provided for in the curriculum for the semester in this discipline and has gained at least 10 points.

**A semester exam** is a form of final control in a particular academic discipline for a semester, aimed at checking the mastery of theoretical and practical material. Examinations are based on examination tickets approved by the department. The teacher must familiarize students with the content of the examination questions and a sample examination paper at the beginning of the course.

The maximum amount of points that a student can score in the exam in the discipline " Topical Issues of Constitutional Law" 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 program of the discipline and the points gained in the semester exam.

The maximum amount of points that a student can score when studying the discipline

"Actual Problems of Constitutional Law" is 100.

### **Questions to be submitted for intermediate and final control**

1. The concept and essence of constitutionalism. Systemic, structural, and substantive characteristics of constitutionalism.
2. Genesis of the scientific and practical paradigm of constitutionalism.
3. The main models of modern constitutionalism.
4. Constitutionalization of social phenomena and processes: concepts, causes, trends.
5. Ukrainian constitutionalism: periodization of development, evolution of content, modern paradigm.
6. The concept, essence, and content of the constitution.
7. Legal and actual constitution.

8. The Constitution is a legal, political, and ideological document.
9. Types of constitutions.
10. The value of the constitution. Functions and significance of the constitution.
11. Legal properties of the constitution.
12. The procedure for the preparation, adoption, and amendment of the constitution.  
Transformation of the constitution.
13. Form, structure, and content of the constitution.
14. The object of constitutional regulation.
15. Methods of constitutional regulation. Language and style of the constitution.
16. Mechanism of constitutional implementation.
17. Modern constitution: concept and features.
18. Trends in constitutional development at the present stage. Modern constitutional models.
19. Problems of constitutional implementation at the present stage. Political and legal, socio-economic and socio-psychological prerequisites for the implementation of the Constitution.
20. Definition of the subject matter of constitutional law in the works of domestic state scholars of the late twentieth and early twentieth centuries.
21. Discussions on the subject of state law in Soviet legal science.
22. Discussions on the subject of constitutional law in the post-Soviet state studies literature. The main approaches to the formulation of the subject of constitutional law in modern legal science.
23. "Constitutionalization" of social relations. Expansion of the subject matter of constitutional law, its causes, and trends.
24. Theoretical foundations of the system of constitutional law. The doctrine of a multidimensional system of constitutional (state) law.
25. Conceptual approaches to the definition of the system of constitutional law. Problems of interaction of the system of constitutional law with other systemic categories of constitutional law.
26. Constitutional and legal institutions in the system of constitutional law. System and structure of constitutional law institutions.
27. Constitutional and legal norms as the fundamental basis of the system of constitutional law. The concept and types of constitutional and legal norms.
28. Declarative norms (atypical legal provisions) in the system of constitutional law. Principles and norms of constitutional law. 32. The concept and elements of the constitutional system: theoretical and legal foundations. Correlation of the constitutional system with the social system.
29. The concept and features of the foundations of the constitutional order. Basic values of the constitutional order of Ukraine and their consolidation in the Basic Law.
30. The system of principles that constitute the foundations of the constitutional order. Constitutional principles of political, economic, social, spiritual, and cultural systems of society.

31. Topical issues of formation, institutionalization, and development of the constitutional order in Ukraine.
32. Problems of guaranteeing the foundations of the constitutional order.
33. Organizational and legal mechanisms for guaranteeing the foundations of the constitutional order.
34. The concept of constitutional and legal responsibility. Interrelation of constitutional and legal and political responsibility. Problems of correlation between negative (retrospective) and positive (prospective) constitutional and legal responsibility, constitutional and other types of legal responsibility.
35. Grounds of constitutional and legal responsibility. Composition of constitutional and legal tort.
36. The concept and types of constitutional and legal torts.
37. Subjects of constitutional and legal responsibility.
38. Forms of constitutional and legal responsibility.
39. Constitutional and legal sanctions: concept, features, types.
40. Constitutional and legal status of a person (human and citizen): concept, structure, types.
41. Models of normative regulation of the constitutional and legal status of a person.
42. Principles of the legal status of a person: concept, features, types.
43. Fundamental (constitutional) rights and freedoms of man and citizen: concept, features, types.
44. Restrictions of fundamental (constitutional) rights and freedoms: concept, grounds, methods.
45. Problems of realization of fundamental rights and freedoms in Ukraine: causes and ways to overcome them.
46. Organizational and legal mechanism for the realization of fundamental (constitutional) rights and freedoms.
47. Guarantees of realization of fundamental rights and freedoms.
48. The state of ensuring fundamental rights and freedoms in Ukraine (according to the reports of the Ukrainian Parliament Commissioner for Human Rights and reports of human rights organizations).
- 49.5 Constitutional duties of a person and citizen: concept, features, types. The organizational and legal mechanism for the realization of the basic (constitutional) duties of man and citizen.
50. The doctrinal foundations of democracy and their normative consolidation.
51. The category of "people" and its constitutional consolidation.
52. Constitutionalism and democracy: correlation and interrelation.
53. People's and state sovereignty in their relationship and interrelation.
54. Mechanism of the exercise of democracy.
55. Democracy as a value and public interest. Democracy and statehood.
56. Legality and legitimacy of state power in terms of the exercise of democracy.

57. Form of government as an element of the form of state and constitutional and legal institution.
58. Form of state (territorial) organization as an element of the form of state and constitutional and legal institution
59. Constitutional and legal foundations of civil society: concept, essence, key features.
60. Constitutional and legal regulation of the status of civil society institutions.
61. Constitutional and legal status of public organizations as civil society institutions.
62. Constitutional and legal status of religious organizations as civil society institutions
63. The concept of national security and its elements.
64. Constitutional and legal principles of national security as an institution of constitutional law.
65. Objects of national security.
66. The system of subjects of national security and their main functions and powers.

### 9. Scheme of calculation of points

#### Full-time education. Example of the offset

The total number of points is 100.

The number of points for the test – is 30.

The number of points during the semester - 60:

The number of points for answers in practical (seminars), and individual tasks - 40:

#### Formula about

$$\sum 30 = 30$$

Note:

$\Sigma 30$  - the sum of the maximum number of points

Execution of the presentation - 10 points

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									independent work	Exam	Amount
T1	T2	T3	T4	T5	T6	T7	presentation	Control work	60	40	100
$\Sigma 30$							10	20			

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 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 in the lesson behaves passively and, 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 don't 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 instructed by the teacher;
- reveals a 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 lives 1 point.

### **Scale of evaluation**

The number of points for all types of training activities during the semester	Score on a national scale
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90-100	Excellent\ pass
70-89	Good\ pass
50-69	Satisfactorily\ pass
1-49	Unsatisfactorily\ fail

### **Regulations:**

1. Constitution of Ukraine of June 28, 1996 (as amended) [Electronic resource]. - Access mode: <http://zakon1.rada.gov.ua/laws/show/254к/96-вп>

2. Act of proclamation of independence of Ukraine of August 24, 1991 // Bulletin of the Verkhovna Rada of Ukraine. - 1991. - № 38. - Ст.502.

3. Declaration of State Sovereignty of Ukraine of July 16, 1990 // Bulletin of the Verkhovna Rada of the USSR. - 1990. - № 31. - Pp.429.

4. On the State Register of Voters: Law of Ukraine of February 22, 2007 № 698-V.URL: <http://zakon4.rada.gov.ua/laws/show/698-16>.

5. Electoral Code of Ukraine of December 19, 2019, № 396-IX URL: <https://zakon.rada.gov.ua/laws/show/396-20>

6. On political parties in Ukraine: Law of Ukraine of April 5, 2001 № 2365-III.URL: <http://zakon2.rada.gov.ua/laws/show/2365-14>.

7. Law of Ukraine “On the Central Election Commission” of June 30, 2004 № 1932-VI (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/1932-15>

### **International Sources**

8. Universal Declaration of Human Rights of 1948. URL: [https://zakon.rada.gov.ua/laws/show/995\\_015](https://zakon.rada.gov.ua/laws/show/995_015)

9. International Covenant on Civil and Political Rights of 1966 URL: [https://zakon.rada.gov.ua/laws/show/995\\_043](https://zakon.rada.gov.ua/laws/show/995_043)

10. Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 URL: [https://zakon.rada.gov.ua/laws/show/995\\_004](https://zakon.rada.gov.ua/laws/show/995_004)

11. American Convention on Human Rights of 1969 URL: <https://constituanta.blogspot.com/2011/02/1969.html>

12. African Charter on Human and Peoples' Rights, 1986 URL: <http://hrlibrary.umn.edu/russian/instree/Rz1afchar.html>

13. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe of 1990 URL: <http://www.vyborkom.org/kb/article.php?id=17>



14. Declaration on the Criteria for Free and Fair Elections of the Inter-Parliamentary Council of 1994 URL: <http://www.vyborkom.org/kb/print.php?id=18>

### **Legal acts of constitutional law of the European Union**

1. Treaty on European Union. Maastricht, 07.02.1992 (text as amended and supplemented on 13.12.2007). URL: [https://zakon.rada.gov.ua/laws/show/994\\_029](https://zakon.rada.gov.ua/laws/show/994_029).
2. Documents on the history of European integration: a textbook compiled by. A.G. Nesterov. Yekaterinburg, 2000. 85 c.
3. Constitutional Acts of the European Union (as amended by the Lisbon Treaty). Constitutional Acts of the European Union (as amended by the Lisbon Treaty) / trans. G. Druzenko. Kyiv: K.I.S., 2010. 536 c.
4. Charter of Fundamental Rights of the European Union of 07.12.2000. URL: [https://zakon.rada.gov.ua/laws/show/994\\_524#Text](https://zakon.rada.gov.ua/laws/show/994_524#Text).
5. Communication from the Commission to the Council and the European Parliament on combating HIV/AIDS within the European Union and in the neighboring countries, 2006-2009. URL: [http://ec.europa.eu/health/ph\\_threats/com/aids/docs/com\\_2005\\_654\\_en.pdf](http://ec.europa.eu/health/ph_threats/com/aids/docs/com_2005_654_en.pdf)
6. Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, signed on 13 December 2007. Official Journal. C 326, 26/10/2012 P. 0001–0390. URL: <https://eurlex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>.
7. Draft Treaty Establishing a Constitution for Europe. Adopted by consensus by the European Convention on 13 June and 10 July 2003. Official Journal. 18.07.2003. № C169.
8. European Parliament resolution of 8 May 2008 on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions (2007/2115(INI))

### **Textbooks and study guides:**

1. Actual problems of constitutional law of Ukraine: textbook / edited by A. Oliynyk. Kyiv: Skif, 2012. 552 c.
2. Constitutional Law of Ukraine. Academic course: textbook: in 2 volumes. Vol. 1 / edited by V.F. Pohorilko. Kyiv: Yurydychna Dumka, 2006. 544 c.
3. Constitutional Law of Ukraine. Academic course: textbook: in 2 vols. Vol. 2 / edited by Y.S. Shemshuchenko. Kyiv: Yurydychna Dumka, 2008. 800 c.
4. Constitutional Law of Ukraine: textbook / edited by T.M. Slinko. Kharkiv: Pravo, 2020. 592 c.
5. Problems of modern constitutional studies. Issue 1: a textbook / edited by M.P. Orzikh. Kyiv: Yurinkom Inter, 2011. 272 c.

6. Problems of Modern Constitutional Studies. Issue 2: Constitutional transformations in Ukraine: textbook / edited by M.P. Orzikh. Kyiv: Jurinkom Inter, 2012. 432 c.
7. Problems of Modern Constitutional Studies. Issue 3: Modern Ukrainian constitutionalism: a textbook / edited by A.R. Krusian. Odesa: Phoenix, 2015. 526 c.
8. Problems of Modern Constitutional Studies. Issue 4: Constitutional Humanitarian Law / edited by A. R. Krusian and A. A. Yezerov. Kyiv: Jurinkom Inter, 2018. 524 c.
9. SerioGIN V. O. Constitutional Law of Ukraine: a textbook. Kharkiv: KHARKIV NATIONAL UNIVERSITY OF INTERNAL AFFAIRS, 2010. 368 c.

**Links to information resources on the Internet,  
video lectures, other methodological support**

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