



SYLLABUS OF THE COURSE “POSITIVE CONSTITUTIONAL LAW”

Basic data of the course	
Academic Unit:	Faculty of Law
Course title:	Positive Constitutional Law
Program:	Law
Level:	Bachelor
Course status:	Mandatory
Study year:	2 nd year
Number of hours per week:	3+2
Credit value – ECTS:	6
Time / location:	Faculty of Law
Lecturer:	Prof.Asoc.Dr. Arif Riza
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Course description:	The course “Positive Constitutional Law of the Republic of Kosovo” studies the constitutional normative system applicable in the Republic of Kosovo. It provides knowledge on the sanctioning and functioning of the constitutional order in the Republic of Kosovo.
Course objectives:	The aim of this course is to convey knowledge to undergraduate students about the theoretical part of Positive Constitutional Law as a separate branch of law. It is worth emphasizing that students will analyze the sources of constitutional law in the Republic of Kosovo, the structure of the constitution of the Republic of Kosovo and other relevant acts that sanction the constitutional system in our state. Special attention will be paid to the organization and scope of constitutional bodies in the Republic of Kosovo.
Learning outcomes:	At the end of the course, students should be able to: <ul style="list-style-type: none">➤ understand the regulation of the constitutional system in the Republic of Kosovo,➤ understand the organization and scope of constitutional institutions in the Republic of Kosovo,➤ respect the constitutionally guaranteed rights in daily life,



	<ul style="list-style-type: none"> ➤ apply knowledge generated about constitutionally guaranteed rights, ➤ successfully materialize in practice all the knowledge gained in this subject. 		
Contribution on student load (must correspond with learning outcomes)			
Activity	Hours	Weeks	Total /hours
Lectures	3	15	45 hours
Exercise theoretical/laboratory	2	15	30
Practice work			
Contact with lecturer/consultations	1	15	15
Field exercises			
Mid-terms, seminars	1	1	1
Homework	1	1/10	10
Individual time spent studying (at the library or home)	1	15	15
Final preparation for the exam	2	15	30
Time spent in evaluation (tests, quiz, final exam)	2	2	4
Projects, presentations, etc.	1	15	15
Total			150 hours (6 ECTS)
Teaching methods	<p>This course will be delivered through interactive lectures, case studies and audio-visual aids. Lectures will be combined with presentations where students are required to get involved in the process, documents, laws, conventions, and other necessary materials will also be analyzed.</p>		
Evaluation methods	<p>Assessment of students' knowledge is done throughout the semester, including their participation and activity during lectures, exercises, and during class presentations and discussions. The exam is taken by written or oral test.</p> <ul style="list-style-type: none"> - Attendance and activity in lectures 5% - Participation and activity in exercise exercise 5% -Seminars 10% -Exam 80 % 		
Literature			
Basic Literature:	1. Arsim Bajrami & Florent Muçaj, "Constitutional Law", Pristina 2018.		



	<p>2. Arsim Bajrami, "The Constitutional System of the Republic of Kosovo", Pristina, 2011.</p> <p>3. Constitution of the Republic of Kosovo with Constitutional Amendments, 2008.</p> <p>4. Hazër Susuri, "Constitutional Law", First Edition, Pristina 2017.</p> <p>5. Aurela Anastasi, "Constitutional Law" (For law students), Tirana 2004.</p> <p>6. Marko, Joseph. "The new Kosovo constitution in a regional comparative perspective." Central and East European Law Review 33.4 (2008): 437-450.</p>
Additional Literature	<p>1. Enver Hasani & Ivan Cukalovic, "The Constitution of the Republic of Kosovo-Commentary", Edition 2013, Pristina.</p> <p>2. European Convention on Human Rights</p> <p>3. Law no. 03 / L-094 on the President of the Republic of Kosovo</p> <p>4. Regulation no. 09/2011 of the work of the Government of the Republic of Kosovo</p> <p>5. Law no. 06 / L-54 on Courts</p> <p>6. Law no. 06 / L-055 on the Kosovo Judicial Council</p> <p>7. Law no. 03 / L-121 to the Constitutional Court of the Republic of Kosovo</p> <p>8. Law no. 04 / L-076 on Police</p> <p>9. Law no. 06 / L-123 on the Kosovo Security Force</p> <p>10. Law no. 03 / L-040 on Local Self-Government</p>

Designed study plan:

Week	Lectures	Exercises
First week:	<p>Introductory presentation of the course syllabus</p> <p>Sources of constitutional law in the Republic of Kosovo</p> <p>Kosovo Declaration of Independence</p> <p>Content of Kosovo Declaration of Independence</p> <p>Constitution of the Republic of Kosovo</p> <p>Mission and features of the Constitution of the Republic of Kosovo</p> <p>Principles of the Constitution of the Republic of Kosovo</p>	<p>Introductory presentation of the work methodology</p> <p>Analysis of the Declaration of Independence of Kosovo and the Constitution of the Republic of Kosovo</p>



<p>Second week:</p>	<p>Introduction to the Constitution of the Republic of Kosovo The structure of the Constitution Preamble to the Constitution Basic provisions of the Constitution</p>	<p>Analysis of the preamble and basic constitutional provisions</p>
<p>Third week:</p>	<p>Freedoms and rights guaranteed by the Constitution of the Republic of Kosovo General principles of human rights and freedoms Classification of human rights and freedoms Limitation of human rights and freedoms Constitutional protection of human rights and freedoms</p>	<p>Constitutional protection of human rights and freedoms-Individual constitutional claims, legitimate parties and procedures before the Constitutional Court of Kosovo</p>
<p>Fourth week:</p>	<p>Rights of communities and their members in the constitutional system of the Republic of Kosovo The guarantees offered by the Constitution for the rights of communities General principles of community rights Obligations of the Republic of Kosovo in relation to the rights of communities The rights of communities guaranteed in the Constitution</p>	<p>Repetition and discussion regarding the rights of communities guaranteed in the Constitution of the Republic of Kosovo</p>
<p>Fifth week:</p>	<p>Representation of communities in the bodies of the Republic of Kosovo Representation of Communities in the Assembly Representation of Communities in Government Representation of communities in the justice system Representation of communities in the Constitutional Court Representation of communities in local bodies Representation of communities in security organs Representation of communities in Presidency and the Consultative Council for Communities</p>	<p>Repetition-representation of communities in the bodies of the Republic of Kosovo, in particular in the Consultative Council for Communities</p>



Sixth week:	Assembly of the Republic of Kosovo Organizational structure of the Assembly Election and mandate of the Assembly Immunity of MPs Powers of the Assembly The process of adopting laws Legislation of vital interest Distribution of the Assembly	Case study-the process of adopting laws
Seventh week:	Committees in the Assembly of the Republic of Kosovo Composition of committees Functioning of committees Reporting of committees Types of commissions Subcommittees, their composition and functioning	Analysis of the Regulation of the Assembly of the Republic of Kosovo regarding the commissions
Eighth week:	President of the Republic of Kosovo Status of President Conditions for the election of the President The procedure of electing the President Mandate and Oath of the President Powers of the President Immunity of the President Temporary absence and dismissal of the President	Case study-Judgment in case no. KO 47/10 and in case no. KO 29/11
Ninth week:	Government in the Republic of Kosovo Composition of the Government Election of Prime Minister and Government Government Powers Parliamentary control of the Government	Case study-Judgment in case no. KO 103/14
Tenth week:	Justice system in the Republic of Kosovo General principles of the justice system Organization of courts and jurisdiction Appointment, dismissal, reappointment and transfer of judges	Repetition - the justice system in the Republic of Kosovo



	<p>Kosovo Judicial Council, composition according to the constitutional amendments</p> <p>Powers of Kosovo Judicial Council</p> <p>Prosecution organization and jurisdiction</p> <p>Kosovo Prosecutorial Council, composition and powers</p> <p>Advocacy</p>	
Eleventh week:	<p>Constitutional Court in the Republic of Kosovo</p> <p>Composition of the Constitutional Court of the Republic of Kosovo and the manner of election of judges</p> <p>Jurisdiction and authorized parties</p> <p>Types of decisions and their effect</p> <p>Budget of the constitutional court</p>	<p>Law No. 03/L-121 for the Constitutional Court and the Rules of Procedure</p>
Twelfth week:	<p>Security Sector in the Republic of Kosovo</p> <p>Kosovo Security Force</p> <p>Kosovo Security Council</p> <p>Kosovo Police</p> <p>Kosovo Intelligence Agency</p> <p>Civil Aviation Authority</p>	<p>Repetition - The security sector in the Republic of Kosovo</p>
Thirteenth week:	<p>Independent Institutions in the Republic of Kosovo</p> <p>Ombudsman</p> <p>Auditor General</p> <p>Central Election Commission</p> <p>Central Bank of Kosovo</p> <p>Independent Media Commission</p> <p>Other Independent Institutions (Independent Agencies)</p>	<p>Repetition-Independent institutions in the Republic of Kosovo</p>
Fourteenth week:	<p>Local Government and Territorial Organization in the Republic of Kosovo</p> <p>Organization and functioning of local self-government</p> <p>Municipality in the Republic of Kosovo</p> <p>Municipal bodies</p> <p>Acts of municipal bodies</p> <p>Types of municipal competencies</p> <p>Municipal finances</p>	<p>Analysis of Chapter X "Local Government and Territorial Organization" of the Constitution of the Republic of Kosovo and Law no. 03/L-040 for local self-government</p>
Fifteenth week:	<p>Preparation for exam</p>	<p>Recapitulation of the topics covered</p>



The academic policy and code of conduct:

- Students are obliged to respect the schedule of lectures and exercises.
- Students should attend lectures and exercises regularly.
- The student who is absent more than three times in lectures and exercises will automatically be deducted ten (10) points from the total points achieved in the final assessment (exam), except for certain situations for which the reasons for the absence are justified.
- Copying during the exam and plagiarism are prohibited.
- To respect the Code of Ethics for Students of University "Ukshin Hoti" in Prizren.