

Code: IUS/09

Credits: 10

Matter: Public law

Main language of instruction: Italian

Teaching Staff

Head instructor

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Prof. Federico Girelli

Introduction

1. Objective of the course :

The objectives of the course in Public law are to illustrate and examine the constitutional order; illustrate and examine individual institutions of public law; illustrate and examine the principle of institutions; illustrate and examine the object and limits of constitutional liberties

Objectives

2. Course Structure:

The course in Public law aims to provide the student with a good knowledge of the constitutional order, as well as acquiring the skills necessary for analysis and understanding of public law. To this end, the foundations of law and legal systems are examined during the course, the constitutional organization of the Italian Republic, the system of sources of law, guarantees constitutional, freedom. The activity associated with the course develop the skills necessary to formulate reflections legal issues in matters relating to law, in particular public law.

Competencies:

- Knowledge and understanding (knowledge and understanding)

At the end of the course the student will have demonstrated that he is familiar with the constitutional legal issues and the related problems. Moreover the student will acquire the necessary tools for learning the institutes of the public law and the functioning of the institutions, also through constant reference to the

constitutional text. Furthermore, students will acquire the skills necessary to formulate juridical reflections through the e-tivity in matters relating to law, in particular public law.

- Ability to apply knowledge and understanding (applying knowledge and understanding)

In this way the student will be able to learn the techniques of legal reasoning, acquiring one correct legal terminology, thus being able to use and apply the knowledge obtained from the concrete political-constitutional events.

- Making judgments (making judgments)

The student will be able to develop a good ability to analyze normative materials, jurisprudence and of constitutional doctrine.

Syllabus

3. Programme of the course:

Subject 1.

Legal order and company; Plurality of legal systems; Theories on legal systems (Kelsen, Santi Romano, Mortati); The characteristics of the legal norm: 1. Coactivity; 2. Exemption; 3. Generality and abstraction; 4. Positivity; The State: a) Community status; b) State of the apparatus; c) Institution State; The constituent elements of the state: territory, people, sovereignty; Forms of government and forms of state; The Constitution

Subject 2 -

The sources of law; The notion of source of law; Classification of sources; The criteria for resolving the antinomies; The administrative act; Administrative measures: types; vices; jurisdictional safeguards

Subject 3 -

Legislative power; Structure and organization of the Parliament: elections; functioning of the Chambers; status of the parliamentary; The legislative function: the procedure for the formation of ordinary law; The activity of political address; The constitutional revision and the abrogative referendum; The people and legislative power

Subject 4 –

Executive power: the formation of the Government; Executive power; a) the administrative function; b) the activity of political leadership; The legislative function of the government: the decree law and the legislative decrees;

Government regulations and the reservation of the law; The causes of termination of the Government

Subject 5 -

Jurisdictional function: constitutional principles in terms of jurisdiction; Ordinary judges and special judges; the Superior Council of the Magistracy; The president of the Republic; The election of the President of the Republic; The regime of responsibility of the President of the Republic; The acts of the President of the Republic; The Constitutional Court: composition and status of the constitutional judge; The attributions of the Court constitutional: a) the judgment of constitutional legitimacy; The attributions of the Constitutional Court: b) the judgment on the assignment conflicts; c) the judgment on the accusations against the President of the Republic; d) the admissibility judgment of the abrogative referendum; The types of decisions of the Constitutional Court: some concrete examples

Subject 6 -

The territorial autonomies: the Regions; The division of responsibilities between State and Regions; The form of government regional, The autonomy of the Regions: legislative, regulatory, administrative, statutory, financial Municipalities, Provinces, Metropolitan Cities

Subject 7 -

Constitutionally guaranteed rights and citizens' duties: deepening: the principle of equality; The negative freedoms: personal freedom; freedom of residence; freedom and secrecy of correspondence Negative liberties: freedom of movement and residence; freedom of assembly, freedom of association; Negative liberties: freedom of religion; freedom of manifestation of thought; freedom of art and science; Positive freedoms a) social rights b) economic freedoms deepening: "new rights"

Subject 8 -

International organizations; The European Union

Evaluation system and criteria

The exam consists in the performance of a test in oral and / or written form tending to ascertain the abilities of analysis and re-elaboration of the acquired concepts and of a series of interactive activities (e-tivity) carried out during the course in the virtual classes. In this way the expected learning outcomes about the

knowledge of the matter, the ability to apply them, communication skills, the ability to draw conclusions and the ability to self-learning. The topics dealt with in the e-tivity that fall within the scope can be the subject of an exam application final evaluation. The examination of profit can be made in oral form at the Rome office, in written form at the educational poles, subject to booking by the student.

The oral exam consists of an interview to ascertain the student's level of preparation.

The written test is divided into the "3 + 3" model (3 test questions and 3 open questions):

- the value is assigned to the 3 closed questions related to the different contents of the exam program of 2 points for correct answer;
- the 3 open questions are assigned a maximum score of 8 points based on the verification of the teacher on the expected learning outcomes.

Bibliography and resources

4. Materials to consult:

The teaching material on the platform is divided into 8 modules. They completely cover the program and each of them contains handouts, slides and videolessons. This material contains all the elements necessary for deal with the study of the subject.

5. Recommended bibliography:

G.F. Ferrari, *Introduction to Italian Public law*, Giuffrè, Milano, ult. edizione