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|  | **UNIVERSITY OF EAST SARAJEVO**Faculty of Law | Faculty/academy logo - center |
| ***Study program: Law*** |
| First cycle of study | II study year |
| **Full subject name** | CONSTITUTIONAL LAW II |
| **Department**  | Department for Theory of Law and Public Law |
| **Course code** | **Course status** | **Semester** | **ECTS** |
|
| PF-1-4-012 | Compulsory | IV | 7 |
| **Teacher/s** | Full Professor Goran Marković, LL.D. |
| **Associate** | - |
| **The number of teaching hours/ teaching****workload (per week)** | **Individual student workload (in semester hours)** | **Coefficient of student workload S o[[1]](#footnote-1)** |
| **L** | **E** | **SP** | **L** | **E** | **SP** | **With o** |
| 3 | 2 | 0 | 90 | 60 | 0 | 2 |
| Total teaching workload (in hours, per semester)45+30+0=75 | Total student workload (in hours, per semester)3\*15\*2+2\*15\*2=150 |
| Total subject workload (teaching+student): 75+150=225 semester hours |
| **Learning outcomes** | By mastering this subject, the student will be able to:1. Learn the theoretical concepts of constitutional law;2. Learn the system of constitutional law in Bosnia and Herzegovina and other modern democracies;3. Become familiar with the organization and way of functioning of institutions that exercise public power, as well as the relationship between citizens and public authorities;4. Become familiar with the procedures for exercising legislative, executive and judicial powers, as well as procedures for the protection of human rights. |
| **Preconditions** | Student has to pass the exam of the Constitutional Law I. |
| **Teaching methods** | *Ex cathedra* teaching with a lot of interactive activities. Students' orall presentations. Oral tests. Analysis of legal acts. |
| **Course content by week** | 1. Political institutions. Notion and origins of the parliament. Functions of parliament. Structure of parliament. Organization of parliament.
2. Representative bodies in Bosnia and Herzegovina. Parliamentary Assembly of Bosnia and Herzegovina (structure, election, functions, organization); National Assembly of Republika Srpska and the Council of Peoples of the Republika Srpska (structure, election, functions, organization); Parliament of the Federation of Bosnia and Herzegovina and the assemblies of cantons (structure, election, functions, organization).
3. Head of State.

The notion and origins. Election and organization. Functions. Responsibilities. 1. Head of State in Bosnia and Herzegovina.

Presidency of Bosnia and Herzegovina (composition, election, mandate, functions, responsibility). President and Vice Presidents of the Republika Srpska (election, mandate, functions, responsibility). President and Vice Presidents of the Federation of Bosnia and Herzegovina. 1. Government.

Notion and origins. Election and composition. Types of governments. Functions. Collective responsibility of government and inidividual responsibility of ministers.Government in Bosnia and Herzegovina. Council of Ministers of Bosnia and Herzegovina (composition, election, mandate, competences, responsibility). Government of the Republika Srpska (composition, election, mandate, competences, responsibility). Government of the Federation of Bosnia and Herzegovina (composition, election, mandate, competences, responsibility). Cantonal governments.1. Army and police.

Concept and forms of army; Organization and position of the army; Concept and role of the police; Army and police in the constitutional system of Bosnia and Herzegovina and the entities.1. Forms of state organization.

Concept and types of forms of state organization; Unitary (simple) state; The concept of federalism; Concept of federal state; The relationship between federation and confederation; Reasons for the formation of the federation; Types of federations (federations created by the method of aggregation and devolution, federations with mono-national and multi-national population, federations with a permanent and variable structure, federations with ordinary and mixed composition).1. Position of federal units in the federation.

Principles of the federation (principle of supremacy of the federation, principle of autonomy of federal units, principle of participation of federal units). Division of jurisdiction in the federation. Division of jurisdiction in the constitutions of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina. The form of state organization of Bosnia and Herzegovina and entities.1. Forms of territorial decentralization.

The concept of territorial decentralization. Deconcentration and decentralization. Territorial autonomy (concept, forms). Local government. The concept of local self-government. Local self-government systems.1. Local self-government in Bosnia and Herzegovina. Brčko District of Bosnia and Herzegovina. Establishment of the Brčko District of Bosnia and Herzegovina. Jurisdictions of the District. Organization of поњер in the District; Legal nature of Brčko District.
2. The rule of law.

The concept and principles of the rule of law. The origin of the idea of ​​the rule of law. The relationship between the concepts of the rule of law and the Rechtsstaat; Different understandings of the rule of law and the Rechtsstaat.1. Judicial system. Institutions of the judicial system. Constitutional principles on courts.
2. Judicial power in Bosnia and Herzegovina. Organization of the judiciary in Bosnia and Herzegovina and entities. Conditions and procedure for appointment of judges. Jurisdiction of the courts. Prosecutor's Office. Organization of the prosecutorial function in Bosnia and Herzegovina and entities; Conditions and procedure for appointment of prosecutors; Jurisdiction of the prosecutor's office.
3. Other institutions of the judicial system. Attorney's Office (jurisdiction, terms and procedure of appointment and organization in Bosnia and Herzegovina and entities); Advocacy (concept, conditions for practice, organization); Ombudsman (term, origin, organization, competences, institution of the ombudsman in Bosnia and Herzegovina). Notary.
4. Constitutional Courts.

Concept of constitutionality and legality; Systems for the protection of constitutionality and legality; Concept and importance of constitutional judiciary; Functions of constitutional courts; Systems of constitutional justice; Selection and composition of constitutional courts; Proceedings before constitutional courts; Effect of decisions of constitutional courts.Constitutional Courts in Bosnia and Herzegovina. Constitutional Court of Bosnia and Herzegovina; Constitutional Court of the Republika Srpska; Constitutional Court of the Federation of Bosnia and Herzegovina. |
| **Compulsory literature** |
| **Author/s** | **Publication title, publisher** | **Year** | **Pages (From-To)** |
| M. Tushnet, T. Fleiner, C. Saunders (eds.) | Routledge Handbook of Constitutional Law | 2013 | Part II (except chapter 10) |
| Carl Friedrich | Constitutional Government and Democracy | Any edition | Part 2 (ch. XI, XII, XIII, XIV, XVI, XVII, XVIII). |
| **Additional literature** |
| Author/s | **Publication title, publisher** | **Year** | **Pages (From-To)** |
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| **Student****responsibilities,****types of student****assessment and grading** | **Grading policy** | **Points** | **Percentage** |
| Pre-exam obligations |
| Attendance at lectures | 20 | 20% |
| Mid-term paper (seminar paper) | 5 | 5% |
| Test/qolloquium | 25 | 25% |
| Final exam |
| Final exam (oral) | 50 | 50% |
| IN TOTAL | 100 | 100% |
| **Website**  | www.pravni.ues.rs.ba |
| **Date of certification** | ................................ |

1. Coefficient of student load S o is calculated as follows :

a) for study programs that do not lead to licensing: S o = (total load in the semester for all subjects 900 h - total teaching load P+V in the semester for all subjects \_\_\_\_\_ h )/ total teaching load P+V in the semester for all subjects \_\_\_\_\_ h = \_\_\_\_. View the content of the form and the explanation.

b) for study programs leading to licensing, it is necessary to use the content of the form and the explanation. [↑](#footnote-ref-1)