



Italian code: IUS/09 (old) – GIUR-05/A (new)

Credits: 10

Course: Italian public law

Main language of instruction: Italian

Head instructor

Professor Anna Pirozzoli – anna.pirozzoli@unicusano.it

Objectives

The Institutions of Public Law course aims to enable the student to acquire a good knowledge of the constitutional system, as well as to acquire the skills essential for the analysis and understanding of public law. To this end, the course examines the foundations of law and legal systems, the constitutional organization of the Italian Republic, the system of sources of law, constitutional guarantees and freedoms. The activities associated with the course develop the skills necessary to formulate legal reflections on issues relating to law, in particular public law.

Course structure

The course is developed through pre-recorded audio-video lessons which make up, together with slides and manuals, the study materials available on the platform.

Asynchronous self-evaluation tests are then proposed which accompany the pre-recorded lessons allow students to ascertain both their understanding and the degree of knowledge acquired of the contents of each of the lessons.

The interactive teaching is carried out in the "virtual classroom" forum and includes the activities that apply the knowledge acquired in theory lessons.

Competencies

-Disciplinary knowledge and understanding at the end of the course the student will have demonstrated knowledge of legal-constitutional issues and the related problems. Furthermore, the student will acquire the necessary tools for learning the institutions of public law and the functioning of the institutions, also through constant reference to the constitutional text. Furthermore, through the activities the students

will acquire the skills necessary to formulate legal reflections on issues relating to law, to public law.

- Ability to apply knowledge and understanding in terms of skills (applying knowledge and understanding). In this way the student will be able to learn the techniques of legal reasoning, acquiring correct terminology legal, thus being able to use and apply the knowledge gained to concrete political-constitutional events.

- Ability to draw conclusions the student will be able to develop a good ability to analyze regulatory materials, jurisprudence and constitutional doctrine.

- Communication skills the student will be able to present regulatory materials, jurisprudence and constitutional doctrine.

- Ability to learn (learning skills) The student will have knowledge of the fundamental notions of political-constitutional events.

Syllabus

I

Legal system and society; Plurality of legal systems; Theories on legal systems (Kelsen, Santi Romano, Mortati); The characteristics of the legal norm: 1. Coerciveness; 2. Externality; 3. Generality and abstractness; 4. Positivity; The State: a) Community State; b) Device status; c) State institution; The constituent elements of the State: territory, people, sovereignty; Forms of government and forms of state; The Constitution

II

The sources of law; The notion of source of law; Classification of sources; The criteria for resolving antinomies; The administrative act; Administrative measures: typologies; vices; jurisdictional protections

III

The legislative power; Structure and organization of Parliament: elections; functioning of the Chambers; status of the parliamentarian The legislative function: the procedure for forming ordinary law; Political activity The constitutional revision and the repeal referendum; The people and the legislative power

IV

The executive power: the formation of the Government The executive power; a) the administrative function; b) the activity of political direction The regulatory function of the government: law decrees and legislative decrees Government regulations and the legal reserve The causes of termination of the Government

V

The judicial function: the constitutional principles regarding jurisdiction; Ordinary judges and special judges; the Superior Council of the Judiciary The President of the Republic; The election of the President of the Republic; The liability regime of President of the Republic; The acts of the President of the Republic

The Constitutional Court: composition and status of the constitutional judge; The powers of the Constitutional Court: a) the judgment of constitutional legitimacy

The powers of the Constitutional Court: b) the judgment on conflicts of power; c) the judgment on the accusations against the President of the Republic; d) the judgment of admissibility of the abrogation referendum

The typologies of decisions of the Constitutional Court: some concrete examples

VI

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

VII

Constitutionally guaranteed rights and duties of citizens in-depth analysis: the principle of equality; Negative freedoms: personal freedom; freedom of domicile; freedom and secrecy of correspondence Negative freedoms: freedom of movement and residence; freedom of assembly, freedom of association Negative freedoms: freedom of religion; freedom of expression of thought; freedom of art and science

VIII

Le libertà positive a) i diritti sociali b) le libertà economiche approfondimento: i “nuovi diritti”

IX

International organizations

X

The European Union

Evaluation system and criteria

The exam consists of carrying out an oral and/or written test aimed at ascertaining the ability to analyze and re-elaborate the concepts acquired and a series of

interactive activities (activity) carried out during the course in virtual classes. In this way, the expected learning outcomes regarding subject knowledge, the ability to apply it, communication skills, the ability to draw conclusions and the ability to self-study are assessed. The topics addressed during the activities that are part of the final evaluation can be the subject of an examination request. The oral test consists of an interview to ascertain the student's level of preparation. The written test is divided into the closed-ended question model: 30 closed-ended questions

Bibliography and resources

G.F. Ferrari, Introduction to Italian Public Law, Giuffrè