



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2022/2023		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	COMPARATIVE PUBLIC LAW		
TYPE OF EDUCATIONAL ACTIVITY	B		
AMBIT	20007-Comparatistico		
CODE	18771		
SCIENTIFIC SECTOR(S)	IUS/21		
HEAD PROFESSOR(S)	LO PRESTI ISABELLA MARIA	Ricercatore a tempo determinato	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	9		
INDIVIDUAL STUDY (Hrs)	153		
COURSE ACTIVITY (Hrs)	72		
PROPAEDEUTICAL SUBJECTS	02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE		
MUTUALIZATION			
YEAR	2		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p><b>LO PRESTI ISABELLA MARIA</b></p> <p>Monday 15:00 16:00 Polo Universitario di Trapani - 1° PIANO, aula 102, previa prenotazione attraverso il portale studenti o via mail (isabellamaria.lopresti@unipa.it). Su richiesta il ricevimento potrà essere svolto online, attraverso la piattaforma Microsoft Teams, sempre previa prenotazione</p> <p>Friday 09:00 12:00 Dipartimento di Giurisprudenza, via Maqueda 172, secondo piano, sezione pubblicistica, stanza 10, previa prenotazione attraverso il portale studenti o inviando una mail a isabellamaria.lopresti@unipa.it. Su richiesta il ricevimento potrà essere svolto online, attraverso la piattaforma Microsoft Teams, sempre previa prenotazione.</p>		

**DOCENTE:** Prof.ssa ISABELLA MARIA LO PRESTI

<b>PREREQUISITES</b>	Adequate knowledge of general notions concerning modern and contemporary history as well as the major legal concepts.
<b>LEARNING OUTCOMES</b>	<p>Knowledge and understanding: the course aims to provide methodological tools and theoretical foundations of comparative law through the understanding and analysis of different legal systems. The course aims to understand the similarities and differences between constitutional systems, their constitutional organization and the relationship between people and the state.</p> <p>Applying knowledge and understanding: the course aims to apply knowledge and methodology acquired during the course to analyse and to interpret legal texts or case law.</p> <p>Making judgements: the course's aim is to provide ability to seek and to analyse data and information, which shall be used to resolve legal problems. The course aims to develop in students the ability to integrate the gained knowledge through the comparative legal analysis, in order to assess the applications and the legal implications of cases or judgements.</p> <p>Communication: the course's aim is to develop the ability to communicate comprehensively, using an appropriate legal terminology. It also aims to improve the ability to make connections with other subjects, arguing clearly the results of the study.</p> <p>Lifelong learning skills: the course aims to enable students to acquire knowledge and understanding of the theoretical and methodological tools of comparative law, in order to be able to proceed on their own to the analysis of case studies and research.</p>
<b>ASSESSMENT METHODS</b>	<p>The final exam will be oral. An intermediate written exam will take place, on voluntary basis.</p> <p>The written examination aims at verifying the possession of the required knowledge and skills.</p> <p>The aim of the exam is to know whether students have gained skills and knowledges, as well as critical thinking on the issues analyzed during the lessons. The written examination will be a comprehensive set of clear, open-ended questions (minimum of 4 questions).</p> <p>Questions will be drafted as to help in comparing results with the following evaluation grid (excellent, very good, good, satisfactory, sufficient, insufficient).</p> <p>The result of the written examination will be taken into account in scoring the final result of the examination process at a level not higher than 50 % considering the programme which is object of the test. Anyway, in the final exam students must get at least the sufficiency. Students may give up the result of the intermediate examination; in this case the final exam will be on the whole programme.</p> <p>The oral examination will be an interview on the topics described in the course programme. The interview consists of a minimum of three questions.</p> <p>The final evaluation of each candidate is assessed in thirtieths.</p> <p>The evaluation of the oral examination will be made on the basis of following grid.</p> <ul style="list-style-type: none"><li>-Excellent 30 -30 cum laude: good knowledge of the topics, excellent property 'language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives</li><li>- Very good 26-29: good knowledge of the topics, good properties 'of language, good capacity' analytical; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed</li><li>- Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed</li><li>- Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</li><li>- Sufficient 18-20: minimal knowledge of the main teaching and technical language issues, limited capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</li><li>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</li></ul>
<b>EDUCATIONAL OBJECTIVES</b>	<p>The aim of the course is to introduce students to the methods and purposes of comparative public law, through the knowledge and understanding of contemporary constitutional legal system. It provides a critical understanding of the main ideas, issues and trends in the field of comparative public law with special focus on the families of legal systems, sources of law, constitutions and constitutionalism, theories of rights, forms of state, federal and regional states, forms of government and institutional structures of the states, constitutional justice.</p>

<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>L. Pegoraro, A. Rinella, Sistemi costituzionali, Giappichelli, ult. ed., ISBN9788892132467</p> <p>P. Carrozza, A. Di Giovine, G.F Ferrari, Diritto costituzionale comparato, tomo I, La terza, ult. ed., ISBN 9788859300199, limitatamente ai seguenti capitoli: Il Regno Unito (pp.5-47), Gli Stati Uniti d'America (pp. 76-106), La Francia (pp. 108-145), La Germania (pp.149- 179), La Spagna (pp. 196-222).</p>

### SYLLABUS

<b>Hrs</b>	<b>Frontal teaching</b>
4	Methodology
6	Forms of State
4	Forms of State and religion
4	Constitutions and constitutionalism
5	Rights and liberties
5	Constituent power, constitutional review and ideological protection of constitutions
6	Sources of law
12	Federalism and regionalism
4	Institutional organizations of States
16	Forms of government
6	Constitutional Justice