

COMPARATIVE CONSTITUTIONAL LAW

1	Course Title:	COMPARATIVE CONSTITUTIONAL LAW	
2	Course Code:	KMY6115	
3	Type of Course:	Optional	
4	Level of Course:	Third Cycle	
5	Year of Study:	1	
6	Semester:	1	
7	ECTS Credits Allocated:	5.00	
8	Theoretical (hour/week):	2.00	
9	Practice (hour/week):	0.00	
10	Laboratory (hour/week):	0	
11	Prerequisites:	non	
12	Language:	Turkish	
13	Mode of Delivery:	Face to face	
14	Course Coordinator:	Prof. Dr. Ali Yaşar SARIBAY	
15	Course Lecturers:	-	
16	Contact information of the Course Coordinator:	E-mail: rcderdiman@uludag.edu.tr Tel: 0224 2941084 Adres: Uludağ Üniversitesi İİBF Kamu Yönetimi Bölümü, Görükle Kampusu 16059 Nilüfer/Bursa	
17	Website:		
18	Objective of the Course:	The course aims to provide the students with the knowledge on the nature of Constitutional Law in Turkey and in comparative law as well as its role and different models. Besides, the course examines the relation of the role of Constitutional Law to national will and the conflicting points of this relation.	
19	Contribution of the Course to Professional Development:		
20	Learning Outcomes:		
		1	To comprehend the legitimacy criteria for the authority of the Constitutional Law regarding the its control and the refusal of the laws prepared by the national will.
		2	To be able to grasp the causes of the need for legal control besides political control in the Constitutional compatibility control and to identify the differences between two different types of control.
		3	To learn the models of Constitutional Law with respect to the subject of the control, the organization of the institution responsible for the control, the features and the election of the members.
		4	To understand the different models which emerge as a result of the outcomes of the incompatibility with the Constitution as well as the preventive and corrective controls in Constitutional Law.
		5	To grasp the establishment and judiciary procedures of the Constitutional Court and to evaluate the ways and conditions for a recourse to the Court according to the 1982 Constitution.
		6	To be able to evaluate whether the decisions of the European Court of Human Rights is a suitable ground for a new judgement in the Constitutional Court.

	7	To be able to discuss the effects of the ways for objecting to the decisions of the Constitutional Court on the compatibility of decisions with the Constitution.
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21	Course Content:	
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Week	Theoretical	Practice
1	Week 1: The Nature and undertaken of the constitutional judiciary Course Description Won, providing information about the nature of the constitutional judiciary will be given information about the contents and functions of constitutional review undertaken will be evaluated. Despite the political supervision of compliance with the Constitution, constitutional review will focus on the reasons for choice.	
2	2. Week: The constitutional review by the Will of National Problem of Adaptation Checking for compliance with the Constitution, the judicial declaration of the will of national compliance with democratic principles and constitutional review will discuss the problem in countries where the problem will be assessed to ensure compliance with the Constitution.	
3	3. Week: Models of Constitutional justice-I: Establishment Inspection do Organization will control the form of a single organ in the center or center from outside the organization will be discussed taking into consideration the comparative systems.	
4	4. Week: The judgment of the Constitutional Models-II: Audit Officer a separate judicial Layout To undertake this task the earth with justice just because of constitutional justice or judicial authority to audit the use of the courts in order to compare models and discuss the benefits and drawbacks.	
5	5. Week: Models of Constitutional Jurisdiction-III: Control the issue of whether or not the issue in effect Entered into force in the realm of public law and not to let the process according to law, preventive and corrective control models, they evaluated the benefits and drawbacks	

6	<p>6. Week: The Establishment and Duties of the Constitutional Court by the Constitution of 1982 Constitutional Court in Turkey in terms of organization structure should be present and will be evaluated. In addition, the Constitutional Court, the right of application tasks, and personal dimensions of them, whether there is sufficient functioning will be discussed.</p>	
7	<p>7. Week: Members of the Constitutional Court, Elections and Their Status In our country, and the procedures and conditions for selection of judges of the Constitutional Court in comparative law, the Constitutional Court's task to evaluate and discuss the current situation in terms of originality will be made to create the appropriate delegation.</p>	
8	<p>8. Week: Judicial Review of Business Figures: Types of Lawsuits Abstract norm control in Turkish Law (annulment) and concrete norm control (plea or contested the way) the procedures and conditions will be discussed and solutions that were discussed the problems arising from them.</p>	
9	<p>9. Week in control of compliance with the Constitution-I Audit in terms of both form and substance, constitutional amendments, will be evaluated control laws and Decree of the Constitutional amendments, and mainly focus on the control of the cases which will be discussed.</p>	
10	<p>10. Week in control of compliance with the Constitution-II: Constitutional Restrictions According to the Constitution and laws, the Constitution can not be done for compliance audits Revolutionary Laws, international treaties and law, martial law and emergency decrees and decisions of the parliamentary debate in terms of status and determination of those who made them control.</p>	
11	<p>11. Week: The Constitutional Court Procedure Judgment and supervision of compliance with the Constitution and other decision-making procedure to be followed, the decisions sought to express terms of meeting and discussion on, and they will be determined by the number of quorum.</p>	
12	<p>12. Week: Supreme Court Decisions, and Binding the Entry into Force Bound by the decisions of the Constitutional Court and the precision of the Constitutional Court's task finalization issues lead to decisions and methods, subject to the control of the way the law to keep control of compliance with the Constitution, proposals will be evaluated.</p>	

13	13. Week: Decisions of the Constitutional Court, Place of Jurisdiction to specifications International Judicial Organs International law and the decisions of the Constitutional Court decisions of the courts in terms of accuracy and value of the binding of understanding adopted by the Constitutional Court on this issue is discussed and determined.	
14	14. Week: The Problem of the Constitutional Court act in accordance with the Constitution Considered to conform to the Constitution guarantees the Constitutional Court controls and methods, public opinion and thoughts on this subject matter will evaluate himself. Procedure of the Constitutional Court	

22	Textbooks, References and/or Other Materials:	<p>A-Textbook: Ramazan Cengiz Derdiman, Anayasa Hukuku, 2. Baskı, Alfa Aktüel Yayınları, Bursa, 2011</p> <p>B- References: 1-) Kemal Gözler, Türk Anayasa Hukukunun Genel Teorisi, Ekin Kitabevi Yayınları, 2011 2-) Ergun Özbudun, Türk Anayasa Hukuku, Yetkin Yayınları, Ankara, 2011 3-) Erdoğan Teziç, Anayasa Hukuku, Beta Yayınları, İstanbul, 2011 4-) Servet Armağan, Anayasa Mahkemesinin Kazaf Murakebe Sistemi 5-)Metin Kıratlı, Anayasa Yargısında Somut Norm Denetimi</p>
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23	Assesment
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TERM LEARNING ACTIVITIES	NUMBE R	WEIGHT
Midterm Exam	0	0.00
Quiz	0	0.00
Home work-project	1	50.00
Final Exam	1	50.00
Total	2	100.00
Contribution of Term (Year) Learning Activities to Success Grade		50.00
Contribution of Final Exam to Success Grade		50.00
Total		100.00
Measurement and Evaluation Techniques Used in the Course		

24	ECTS / WORK LOAD TABLE
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Activites	Number	Duration (hour)	Total Work Load (hour)
Theoretical	14	2.00	28.00
Practicals/Labs	0	0.00	0.00
Self study and preperation	14	2.00	28.00
Homeworks	1	15.00	15.00
Projects	0	0.00	0.00
Field Studies	0	0.00	0.00
Midterm exams	0	0.00	0.00
Others	0	0.00	0.00
Final Exams	1	20.00	20.00
Total Work Load			91.00
Total work load/ 30 hr			3.03
ECTS Credit of the Course			5.00

25	CONTRIBUTION OF LEARNING OUTCOMES TO PROGRAMME QUALIFICATIONS															
	PQ1	PQ2	PQ3	PQ4	PQ5	PQ6	PQ7	PQ8	PQ9	PQ10	PQ11	PQ12	PQ13	PQ14	PQ15	PQ16
ÖK1	5	5	5	3	4	1	5	4	4	2	0	0	0	0	0	0
ÖK2	5	5	5	2	2	1	5	5	4	2	0	0	0	0	0	0
ÖK3	5	5	5	2	4	1	5	5	4	2	0	0	0	0	0	0
ÖK4	5	5	5	2	4	1	5	4	3	2	0	0	0	0	0	0
ÖK5	5	5	5	2	4	1	5	5	4	2	0	0	0	0	0	0
ÖK6	5	5	5	2	4	1	5	5	4	2	0	0	0	0	0	0
ÖK7	5	5	5	2	4	1	5	5	3	2	0	0	0	0	0	0
LO: Learning Objectives PQ: Program Qualifications																
Contribution Level:	1 very low			2 low			3 Medium			4 High			5 Very High			