

Course Title	<b>Constitutional Law</b>			
Course Code	<b>LAW 112</b>			
Course Type	Compulsory			
Level	Undergraduate			
Year / Semester	1 <sup>st</sup> / A' (Fall)			
Teacher's Name	Dr Apostolos Gerontas / Dr Panagiotis Degleris			
ECTS	6	Lectures / week	3	Laboratories / week
Course Purpose and Objectives	<p>That the students get acquainted with and comprehend fundamental concepts, such as the Constitution, state, regime, exercise of government authority. The thorough analysis and correct understanding of the Constitution as a legislative, political and defective text, product of history and the system of rules of law. Detailed reference to the regime and its organisational base. The state-phenomenon and the elements that compose it. The significance of democratic principles and the parliamentary system. The supremacy of the Constitution and the control of the constitutionality of laws. The catalytic intervention of the European Law. The class will focus on the Greek Constitution in the light of its recent reviews and the European principles (Principle of Sustainability, informational self-determination - transparency, a.o.).</p>			
Learning Outcomes	<p>Students will become aware of the key principles of the Constitutional Law and the significance of the Constitution within the contemporary states.</p> <p>They will understand how a state functions, exercise of governmental authorities, the role of the state's bodies and ensuring their competencies on the basis of the principles of separation of powers.</p> <p>They will gain good knowledge of the review function and how it is exercised, the temporal role of the Constitution, which reflects the needs of a continuously changing society and its function as a safety valve of the government status and sovereignty.</p>			

	<p>Understand the rule-making process and be in the position to apply critical thinking on the precedence of the constitutional provisions and the control of the constitutionality of the laws.</p> <p>Have clear idea as regards reclassifications within the framework of the European Integration and the role national Constitutions play in the new European reality, which reflects the needs of a continuously changing society and its function as a safety valve of the government status and sovereignty.</p> <p>Comprehend that a progressive and liberal Constitution contributes to the effective protection and promotion of human rights.</p>			
Prerequisites	<table border="1"> <tr> <td>None</td> <td>Required</td> <td>None</td> </tr> </table>	None	Required	None
None	Required	None		
Course Content	<p>General part:</p> <p>Constitution and main differentiations - constitutive legislature - Constitution and rule making process (law, concepts and differentiations, international law, European law) - the elements of a state - the meaning of the regime.</p> <p>Specific part:</p> <p>The organisational bases of the Regime, the democratic principle and the representative system.</p> <p>Principle of separation of powers, form of regime.</p> <p>Rule of law and direct instruments of the state.</p> <p>Electorate, parliament, government, prorogation of the parliament, the President of the Republic.</p> <p>Operation of the institutions.</p>			
Teaching Methodology	<p>Lecture: 20 hours</p> <p>Discussion: 12 hours</p>			
Bibliography	<ol style="list-style-type: none"> <li>1. Alivizatos N., <i>The Constitution and its enemies in the modern Greek history, 1800-2010</i>, Polis Publications , 2011</li> <li>2. Alivizatos N., <i>Political and Constitutional History of Greece, 1821-1941</i>, Sakkoulas Ant. Publications, 1981</li> <li>3. Venizelos E., <i>Courses in Constitutional Law</i>, Sakkoulas Ant. Publications, 2008</li> </ol>			

4. Kasimatis G., *Constitutional Law, The functions of the State – University courses*, vol. I, Sakkoulas Ant. Publications, 1980
5. Ktistakis I., *The relationship between international and internal law – Antonopoulos K. – Magkliveris K. (edited), The law of the international society*, Nomiki Vivliothiki Publications, 2014
6. Manesis A., *Constitutional Theory and Practice (Studies 1954-1979)*, vol. I, Sakkoulas Publications, 1980
7. Manesis A., *Constitutional Theory and Practice (Studies 1980-2000)*, vol. II, Sakkoulas Publications, 2007
8. Manitakis A., *Constitutional Organization of the State*, 3rd ed., Sakkoulas Publications, 2009
9. Pantelis A., *Constitutional Law Manual*, 4th ed., Livanis Publications
10. Papadopoulou L., *National Constitution and Community Law: The question of “supremacy”*, Sakkoulas Ant. Publications, 2009
11. Papadopoulou L., *Constitutional Law : University courses*, Kallipos Publications, 2016
12. Pararas P., *The Legislative Acts of the President of the Republic*, Sakkoulas Ant. Publications, 1981
13. Raikos A., *Constitutional Law, Introduction - Organizational part*, Sakkoulas Ant. Publications, 2002
14. Raikos A., *Constitutional Law, Organizational part*, Nomiki Vivliothiki Publications, 2011
15. Saripolos N., *Greece's Constitutional Law System Compared to Foreign States*, vol. II, A. Raftani Publications, 1923 (reissue Sakkoulas Ant. Publications, 1987)
16. Svolos A., *The new Constitution and the bases of the state*, Pysros Publications, 1928 (reissue Sakkoulas Ant. Publications 2008)
17. Tsatsos D., *Constitutional Law, Organization and Functioning of the State*, vol. II, Sakkoulas Ant. Publications, 1993
18. Svolos A., *Constitutional Law*, Papazisis Publications, 1934
19. Spyropoulos F., *Constitutional Law*, Sakkoulas Publications, 2018
20. Spyropoulos F., Kontiadis X., Anthopoulos Ch., Gerapetritis G., *Constitution, interpretation by article*, Sakkoulas Publications 2017
21. Chrisanthakis Ch., *Presentations of Administrative Procedural Law*, 2<sup>nd</sup> ed., Nomiki Vivliothiki Publications, 2016
22. Chrysogonos K., *Constitutional Law*, 2<sup>nd</sup> ed., Sakkoulas



	Publications 2014
Assessment	Exam(s): 60% Assignment(s): 30% Attendance / Participation: 10%
Language	Greek

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Course Code	<b>LAW 112</b>				
Course Type	Compulsory				
Level	Undergraduate				
Year / Semester	1 <sup>st</sup> / A' (Fall)				
Teacher's Name	Dr Eliana Nicolaou				
ECTS	6	Lectures / week	3	Laboratories / week	
Course Purpose and Objectives	<p>The students must realize the specificity of the Constitution of Cyprus as one of the most stiff, complicated and detailed constitutions of the world. This is contingent upon solid knowledge of the constitutional history of the Republic of Cyprus and the reasons that led to the Zurich and London Agreements, as well as to the integration of the fundamental articles that cannot be amended by the sovereign people. The collapse of the Constitutional legal order due to the withdrawal of the Turkish Cypriots from the constitutional institutions following the bi-communal disturbances in December 1963 and the effort to keep the constitutional order alive by invoking the law of necessity, will be the object of a series of lectures, in order to facilitate the understanding of the subsequent development of the Constitutional Law in Cyprus. The bi-communal nature of the Constitution, a single one yet with elements that were scattering powers to both communities on the level of Municipalities and Communal Assemblies, as well as the separation aspects of the Constitution, which, instead of leading to integration they lead to its collapse, will be examined thoroughly and in the light of the principles of human rights and the need to maintain them, as was established in the judgment of the European Court of Human Rights, <i>Aziz v. Cyprus</i>. The key provisions of the Constitution and the principle of separation of powers, which – by fully describing the structure of the Executive Power, the limited powers of the President and the trusting of the Executive Power to the Council of Ministers – is the basis of the Legislative</p>				

	<p>Power's ability to legislate on all subjects and the extensions of this principle, the independence and integrity of the Judicial Power and the independent officials, will be examined in detail also through the case law of the Supreme Constitutional Court's successor, the Supreme Court.</p> <p>Reference will be made to the unification of the Supreme Constitutional Court with the Supreme Court, by virtue of the provisions of the Administration of Justice (Miscellaneous Provisions) Law 1964. Moreover, the current structure of the Supreme Court and the plurality of its jurisdictions will be examined in detail, so that the students may gain full insight of the key functions of the Republic of Cyprus. The preliminary, and even the inhibitive assessment of the Constitutionality of the Laws will be examined, as will the fundamental principles of the Constitution of Cyprus, the ability to declare laws and or acts of the Executive Power as unconstitutional and, therefore invalid. Within the framework of the examination of the Constitution, we will look into the fundamental human rights and their horizontal effect, as well as the recent amendments of the Constitution and the attribution of increased law power to the European Law.</p>
<p>Learning Outcomes</p>	<p>By the end of the series of lectures, the students will:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Know the Constitutional History of the Republic of Cyprus, the reasons that lead to the collapse of the Constitution in 1963, and to the adoption and enforcement of the law of necessity, as it is found in the Administration of Justice (Miscellaneous Provisions) Law and other legislative regulations.</li> <li><input type="checkbox"/> Understand the key principles of the Constitutional Law and their enforcement in the Constitutional Legal Order of Cyprus, as well as its correlation with the European Law, the Legislation of the European Court of Justice, and the case law of the European Court of Human Rights.</li> <li><input type="checkbox"/> Gain adequate knowledge of the main structures of the Executive, Legislative and Judicial Powers, as they were interpreted.</li> <li><input type="checkbox"/> Develop critical thinking with respect to the need for amendment of the Constitution and the difficulties in achieving such endeavour in</li> </ul>

	<p>view of political complexities, as well as the prospect of adjusting the Constitutional Order of Cyprus in the event that a solution is found to the Cyprus Problem.</p> <ul style="list-style-type: none"> <li>□ Understand the decisive role of the Supreme Court in examining the Constitutionality of Laws, and also as a cornerstone for the protection of the rule of law and the individual rights, within the spirit of critical thinking aside with other Constitutions of Presidential Systems, such as that of the USA and that of Greece as a joint, yet exclusively Parliamentary System.</li> </ul>		
Prerequisites	None	Required	None
Course Content	<p>Objects of the lectures will be the Zurich – London Agreements, the procedure of laying down the Constitution of Cyprus, the birth of the Republic of Cyprus, the establishment, guarantee and alliance conditions, as well as the main provisions of the Constitution. Particular reference will be made to the case law of the Supreme Constitutional Court, particularly during the initial 4 years of its operation, up until the withdrawal of the Turkish Cypriots and the collapse of the constitutional legal order, as well as its saving through the case Ibrahim v. Attorney General, and the adoption of the law of necessity, which was the basis for the laying down of the Administration of Justice (Miscellaneous Provisions) Law, 1964 and subsequent legislative instruments. Emphasis will be given and particular reference will be made to the miscellaneous amendments of provisions of the Constitution that occurred until today, the potential for its further amendment and the need to adjust the Constitution to the contemporary concepts, as well as the rigidities of the system as they arose through the daily practice. The theoretical role of the Ministerial Council and the practical role of the President in view of the occupation and the invasion and the emergency conditions will be explained, as will the separation of functions, particularly between the Legislative and the Executive, as well as the Judicial Powers. There will be a comparison with the British Constitutional theory, the non-existence of a written Constitution in England, yet the adoption of the rule of law by all democratic societies, as well as its historical development from the Middle Ages until today. The Legislative</p>		

	<p>Power, the election of members in the House of Representatives, the election laws, the function of the Supreme Court as Electoral Court, the procedure of introducing a government bill or a legislative proposal and laying them down as enactments, the bi-communal nature of the Constitution, the key individual freedoms in relation with the European Convention for the Protection of Human Rights, will all be analysed and explained in detail. At the same time, the crucial presence of the Supreme Court as an integral part of the constitutional legal order and the preliminary, inhibitive assessment of the Constitutionality exercised by the Supreme Court will be examined through certain judgments of the Court itself. The role of the independent officials, the Attorney General, the Governor of the Central Bank will also be studied, as will their powers. The review of the legality by the Supreme Court within the framework of both the Administrative and the Civil Law, in theory versus practice, will be examined applying critical thinking, particularly as regards the role of the President in the constitutional legal order, the downgrading of the Ministerial Council, the role of the House of Representatives – not only as a legislative body but also as the Administration controlling body – and the uncontrolled second-instance administration of justice with the prospect of a better function of the Constitution and the creation of administrative Courts, as well as Third-instance Courts.</p>
<p>Teaching Methodology</p>	<p>Lecture: 20 hours Discussion: 12 hours</p>
<p>Bibliography</p>	<p>A. Ν. Λοϊζου : Το Σύνταγμα της Κυπριακής Δημοκρατίας, Έκδοση 2001</p> <p>A.C. Emilianides: Constitution Law in Cyprus , edn 2013</p> <p>ΑΧ. Κ. Αιμιλιανίδης κ.α.: Κυπριακή Δημοκρατία και Δίκαιο της ανάγκης, Έκδοση 2016</p> <p>ΑΧ. Κ. Αιμιλιανίδης κ.α.: Η Υπέρβαση του Κυπριακού Συντάγματος, Έκδοση 2006</p> <p>ΕΒ. Βενιζέλος : Μαθήματα Συνταγματικού Δικαίου, Έκδοση 2008</p>



	G.M. Piki: Constitutionalism, Human Rights, Separation of Powers, Έκδοση 2006
Assessment	Exam(s): 60% Assignment(s): 30% Attendance / Participation: 10%
Language	Greek