



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Constitutional Law

2526-1-E141PV001

Learning area

The course aims to provide students with legal tools to interpret the political and social reality of the legal system. Through the analysis of concrete cases concerning the relationships between citizens and institutions, as well as the protection of rights at both national and supranational levels, students will begin to familiarize themselves with public law norms through a critical reading of the Constitution. This approach will allow them to address emerging topics of great relevance for future generations, such as citizenship, equality and non-discrimination, the protection of human rights, and more specifically, the emergence of new rights like environmental rights and internet rights. Moreover, the course will adopt an institutional perspective, facilitating the understanding of the functioning of the bodies that create legal norms and those responsible for safeguarding them.

Learning objectives

The course aims to introduce students to the basic principles of constitutional law and the Italian Constitution, which form the foundation of the entire legal system. It seeks to provide students with the appropriate analytical and argumentative tools to address the main open issues in constitutional law, also through the analysis of cases and current constitutional developments.

The course aims to achieve the following learning objectives:

- a) Acquire legal tools to interpret the political and social reality of the legal system, with particular reference to a critical reading of the Constitution and the dynamics of rights protection at both national and supranational levels.
- b) Be able to analyze concrete cases concerning the relationships between citizens and institutions, applying public law norms to topics such as citizenship, equality, non-discrimination, human rights, and new rights (environment, internet).
- c) Develop the ability to critically evaluate legal solutions related to emerging issues and engage with the functioning of legislative and supervisory bodies within the legal system.
- d) Be able to clearly and coherently present the legal issues analyzed, using appropriate technical language and demonstrating mastery of the concepts addressed.

e) Be able to independently update and deepen knowledge of public law, with particular attention to the evolution of rights protection and institutional dynamics.

Contents

The knowledge of Constitutional Law is essential to understanding the foundations of the Italian Law and it is the introduction to the are juridical subjects.

The course has the main purpose the study the constitutional system, through the examination of the Italian Constitution in its wording and interpretations developed by the case law and practice. Particular attention will be paid to the historical evolution, in comparison with other democratic systems, the fundamental principles, freedoms of individuals, the sources of law, the Government, the role of the Judiciary and of the Constitutional Court.

Detailed program

The course of constitutional law will deal with the following topics:

1. The State.
2. Historical developments of the modern States and Constitutions
3. Fundamental rights and freedoms
4. The Italian Constitution: origin, contents and fundamental principles.
The constitutional revision procedure.
5. The political system and its evolution
6. The Electoral Systems and political parties. Deliberative democracy
and referendum
7. The Parliament
8. The Head of State
9. The Government
10. The Constitutional Court
11. The Judiciary
12. Regional and local governments.
13. The Sources of law
14. The Italian Constitution and the European Union

Prerequisites

none

Teaching methods

The course will be held through lectures, use of the e-learning platform and powerpoint presentations. The analysis of the current debate on constitutional problems as well as the analysis of relevant judgments of the Constitutional Court and other European Courts will constitute part of the teaching methods.

Accordingly, students should not be limited to the study of the textbook, but to understand the political and legislative events reported by newspapers and other media, and to take account of normative data and jurisprudence.

The Italian Constitution and the National and Regional Acts are published at: www.parlamento.it , www.gazzettaufficiale.it , www.normattiva.it.

The Constitutional Court decisions at: www.cortecostituzionale.it and www.giurcost.org.

The EU Court of Justice and the European Court of Human Rights decisions at:

https://curia.europa.eu/jcms/jcms/j_6/it/

<https://www.echr.coe.int/>

Assessment methods

The final exam will be conducted in written form with open-ended questions, with a possible oral exam. Intermediate tests to monitor study progress may be scheduled; these will be agreed upon during class with the students. The first lesson will be dedicated to explaining the exam procedures in more detail.

Textbooks and Reading Materials

Given that preparation for the exam requires studying the text of the Italian Constitution, the topics and notions necessary for learning the subject are developed in numerous constitutional law textbooks. Therefore, the study of constitutional law can generally be conducted using any university-level textbook, provided it is a recent edition and thus updated in content.

The recommended textbooks for the exam are the following:

1. A. PISANESCHI, Diritto costituzionale, Giappichelli, Torino, last edition.
As an alternative:
2. R. BIN e G. PITRUZZELLA, Diritto costituzionale, Giappichelli, Torino, last edition.
3. A. BARBERA e C. FUSARO, Corso di diritto costituzionale, Il Mulino, Bologna, last edition.
4. P. CARETTI e U. DE SIERVO, Diritto costituzionale e pubblico, Giappichelli, Torino, last edition.

Sustainable Development Goals

GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS
