

DESCRIPTION OF COURSE UNIT

1.

Course unit title	Code
Interpretation of the Constitution in a Changing Society	100260

2.

Name of lecturer(s) (provide information as to how, when and where they can be in contact)	Department(s)
Coordinator: Prof. Dr. T. Birmontienė a. o.: Dr. J. Miliuvienė	MRU LS Institute of Public Law vti@mruni.eu
Coordinator: Prof. Dr. D. Žalimas a. o.: Assoc. Prof. Dr. K. Vitkauskas	VMU Faculty of Law deimante.chomiciute@vdu.lt

3.

Cycle of course unit	Level of course unit	Type of course unit
Third cycle	Not applicable	Elective

4.

Mode of delivery	Year of study and semester when the course unit is delivered	Language of instruction
Distance learning	I-III study year	Lithuanian, English

5.

Study requirements	
Prerequisites: Master's or equivalent degree	Co-requisites: Not applicable

6.

Recommended optional programme components
Not applicable

7.

Number of ECTS credits allocated	Student's workload	Contact work hours	Independent work hours
6	162	2	160

8.

Purpose of the course unit: programme competences to be developed			
To develop the ability of doctoral students to understand the explicit and implicit legal regulation enshrined in the constitution, to understand and apply various methods of interpretation of the constitution, to be able to predict the influence of the interpretation of the constitution on the development of separate legal institutes. To develop doctoral students' analytical abilities to evaluate the compliance of laws and other legal acts with the constitution. To acquire necessary knowledge and skills for successful dissertation research and defense.			
Learning outcomes of the programme	Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
	Has a good understanding of the theory and practice of constitutional interpretation based on continuous, consistent absorption of social and legal knowledge.	Independent study of literature.	Written work. Exam.
	Demonstrates legal awareness and culture based on the out-of-court dispute resolution concept.	Independent study of literature.	Written work. Exam.

	Able to purposefully learn, and through his/her efforts, not only to acquire knowledge of the interpretation of the constitution, but also to transform it, through critical thinking, into a peculiar worldview.	Independent study of literature.	Written work. Exam.
	In addition to his/her general knowledge of the interpretation of the constitution, he/she is also familiar with the particularities of the process and its problematic and debatable issues at national and international levels.	Independent study of literature.	Written work. Exam.
	Able to identify key aspects of the constitutional interpretation process, identify patterns, describe process specifics, understand application peculiarities, and be able to identify application problems and suggest solutions.	Independent study of literature.	Written work. Exam.

9.

Course contents										
Topics	Contact work hours and planned learning activities							Independent work hours and tasks		
	Lectures	Consultations	Seminars	Training exercises	Laboratory work	Internship	Assessment	All contact work hours	Independent work hours	Tasks
1. Concept, methods and subjects of constitutional interpretation. Official and informal interpretation of the constitution. The problem of the connection between scientific doctrine and official constitutional doctrine.									30	Independent literature analysis.
2. Constitutional principles of a state under the rule of law, separation of powers and equality, their content.									18	Independent literature analysis.
3. The supremacy of the Constitution. Relationship between the Constitution and EU law in the jurisprudence of the Constitutional Court of the Republic of Lithuania and institutions of constitutional control of the rest of the world.									17	Independent literature analysis.

4. The concept of marriage and family in the jurisprudence of the Constitutional Court of the Republic of Lithuania and the institutions of constitutional control of the rest of the world.									15	Independent literature analysis.
5. Constitutional status of the Lithuanian language in the jurisprudence of the Constitutional Court of the Republic of Lithuania. The constitutional status of the state language in the jurisprudence of the constitutional control institutions of other states of the world.									14	Independent literature analysis.
6. Individual constitutional complaint in the jurisprudence of the Constitutional Court of the Republic of Lithuania and institutions of constitutional control of the rest of the world.									16	Independent literature analysis.
7. The constitutional doctrine of the state budget in the jurisprudence of the Constitutional Court of the Republic of Lithuania and the institutions of constitutional control of other states of the world.									16	Independent literature analysis.
8. Constitutional responsibility of supreme state officials in the jurisprudence of the Constitutional Court of the Republic of Lithuania and institutions of constitutional control of other states of the world.									16	Independent literature analysis.
9. Constitutional guarantees of judicial independence and their system in the jurisprudence of the Constitutional Court of the Republic of Lithuania and institutions of constitutional control of other states of the world.									16	Independent literature analysis.
Overall		2					2	4	158	

10.

Assessment strategy	Weighting percentage	Period or date of assessment	Assessment criteria
Written answer to questions	50%	By agreement with the PhD student. Possible topics for written papers are given no earlier than 2 weeks before the expected exam date.	Three rulings of the Constitutional Court of the Republic of Lithuania or institutions of constitutional control institutions of other states shall be submitted to the doctoral student in advance in accordance with the topics set forth in the subject description. On the day of the exam, the student answers in writing one of the rulings of the exam commission. Scope of the written work is up to 5 pages. During the exam, the written work must meet the requirements for this type of work. Its subject must be disclosed in a comprehensive and consistent manner. Academic ethics must be used in the preparation of the thesis, using scientific and methodological sources suitable for the disclosure of the topic. The student is allowed to use his / her study materials. Written work is graded on a ten-point scale. 10 points: excellent, comprehensive knowledge. Excellent understanding and use of concepts, ability to analyze them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, insight. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking. Very good analytical, evaluation and synthesis skills. 8 points: better than average knowledge. Become familiar with mandatory material, understand concepts and principles, apply them properly. Good reasoning and factual reasoning. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Enough reasoning. 6 points: below average knowledge, there are mistakes. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in their own words. The analysis focuses on several aspects but fails to relate them. 5 points: knowledge meets the minimum requirements. Simple enumeration of mastered concepts, text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.

Discussion	50%	By agreement with the PhD student. The examination takes place after the written answer to the questions has been evaluated.	Having evaluated the written answers to the questions given by the members of the commission, a discussion takes place between the doctoral student and the members of the commission. The commission members ask the doctoral student questions, oppose his written answers, inviting the doctoral student to argue his position. The completeness, consistency and reasoning of the answers given by the doctoral student are evaluated. Answers are rated on a ten-point scale. 10 points: excellent, comprehensive knowledge. Excellent understanding and use of concepts, ability to analyze them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, insight. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking. Very good analytical, evaluation and synthesis skills. 8 points: better than average knowledge. Become familiar with mandatory material, understand concepts and principles, apply them properly. Good reasoning and factual reasoning. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Enough reasoning. 6 points: below average knowledge, there are mistakes. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in their own words. The analysis focuses on several aspects but fails to relate them. 5 points: knowledge meets the minimum requirements. Simple enumeration of mastered concepts, text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.
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Required reading

1. Arnold R. and Tanase A. Constitutional Justice and Evolution of Individual rights. Published by University of Regensburg. 2018.
2. Baltrimas, J. Rėmimasis precedentalis Lietuvos Respublikos Konstitucinio Teismo jurisprudencijoje. Teisė, t. 97, 2015.
3. Birmontienė T. Konstitucinio Teismo aktų, kaip teisės šaltinių konstitucinės doktrinos bruožai.// Šiuolaikinės konstitucinės justicijos tendencijos: nacionalinės ir tarptautinės teisės santykis. Lietuvos Konstituciniam Teismui – 20 metų. (Modern Tendencies of Constitutional Justice: the Relation Between National and International Law. 20th Anniversary of the Constitutional Court of the Republic of Lithuania). Vilnius: Lietuvos Konstitucinis Teismas, 2014.
4. Bubnytė, K. Žmogaus teisių ir pagrindinių laisvių apsaugos konvencijos poveikis Lietuvos konstitucinei jurisprudencijai. Teisė, t.87, 2013.
5. Gedmintaitė, A. Teisėtų lūkesčių apsauga Europos Žmogaus teisių teismo praktikoje. Teisė, t. 91, 2014.
6. Ginsburgg T. and Huq A.Z. (ed.). Assessing Constitutional Performance. Cambrige Unversity Press. 2016.

7. Graber M.A. ir kt. *Constitutional Democracy in Crisis?* Oxford University Press, 2018.
 8. Griciūnas, P. Europos Sąjungos teisės taikymo tipai Lietuvos Respublikos Konstitucinio teismo jurisprudencijoje. *Teisė*, t. 109, 2018.
 9. Jackson, V.C. (ed.). *Proportionality. New Frontiers, New Challenges.* Cambridge University Press, 2017.
 10. Jacobsohn, G and Schor, M. (eds.), *Comparative Constitutional Theory.* Edward Elgar Publishing, 2018.
 11. Jarašiūnas, E. Aukščiausioji ir ordinarinė teisė: požiūris į Konstituciją pokyčiai. *Jurisprudencija.* 2002, 33 (25).
 12. Jarašiūnas, E. Jurisprudencinė konstitucija. *Jurisprudencija.* 2006, 12 (90).
 13. Jarašiūnas, E. Keletas Lietuvos Respublikos Konstitucijos vaidmens vertinimo aspektų. *Konstitucinė jurisprudencija.* 2011, 4 (24).
 14. Jarašiūnas, E. Lietuvos Respublikos Konstitucinis teismas ir aukštųjų valstybės pareigūnų apkalta: kelios aktualios problemos. *Jurisprudencija.* 2006, 2 (80).
 15. Jarašiūnas, E. Pagarba nacionaliniam tapatumui pagal Europos Sąjungos teisę: aiškinimo potencialas ir Europos Sąjungos Teisingumo Teismo jurisprudencija. *Teisė*, t.93, 2014.
 16. Kūris, E. Konstitucija kaip teisė be spragų. *Jurisprudencija.* 2006, 12 (90).
 17. Martinez-Estay, R it kt. *Rule of Law, Human Rights and Judicial Control of Power. Some reflections from National and International Law.* Springer, 2017.
 18. Mesonis, G. *Konstitucijos interpretavimo metodologiniai pagrindai.* Vilnius: Registrų centras, 2010.
 19. Older, A.R. ir kt. *An Unamendable Constitution? Unamendability in Constitutional Democracies.* Springer, 2018.
 20. Pažereckaitė, G., Vienažindytė, J. Žmogaus teisių apsauga Europoje ir Europos Sąjungos prisijungimas prie Žmogaus teisių ir pagrindinių laisvių apsaugos konvencijos. *Teisė*, t. 92, 2014.
 21. Puraitė-Andrikienė, D. Individualus konstitucinis skundas kaip veiksmingas žmogaus teisių apsaugos ir konstitucionalizmo plėtros instrumentas. *Teisė*, t.96, 2015.
 22. Puraitė-Andrikienė, D. Konstitucinės justicijos proceso teisė kaip teisės šaka: teoriniai aspektai. *Teisė*, t. 95, 2015.
 23. Sajo A. and Uitz R. *The Constitution of Freedom. An Introduction to legal Constitutionalism.* Oxford University Press. 2017.
 24. Sinkevičius, V. Kokių įstatymų ir kitų teisės aktų atitiktį Konstitucijai tiria Konstitucinis Teismas? *Jurisprudencija.* 2014, Nr. 21(3).
 25. Sinkevičius, V. Legislatyvinė omisija Konstitucinio teismo nutarimuose: kai kurie diskusiniai klausimai. *Jurisprudencija.* 2017, Nr.24(2).
 26. Sinkevičius, V. Teisės akto sustabdymas: Lietuvos atvejis. *Jurisprudencija.* 2017, Nr. 24(1).
 27. Vaičaitis, V. Šiuolaikinio konstitucionalizmo samprata. *Teisė*, t. 104, 2017.
 28. Valuta, A. Atskirosios nuomonės institutas Lietuvos konstitucinės justicijos procese: raida ir tobulinimo galimybės. *Teisė*, t.110, 2019.
 29. Žalimas, D., Masnevaitė, E. Ekonominės krizės iššūkiai teisėjo ir teismų nepriklausomumui. *Teisė*, t.94, 2014.
- Lietuvos Respublikos Konstitucinio Teismo ir kitų pasaulio valstybių konstitucinės kontrolės institucijų nutarimai pagal dalyko aprašo temas.

Recommended reading

1. Bakaveckas, A. *Lietuvos vykdomoji valdžia.* Vilnius: Eugrimas, 2007.
2. Bakševičienė, R. Nūdienos teisėkūros proceso reglamentavimo Lietuvoje ir jos veiksmingumo santykis. *Teisė*, t. 103, 2017.
3. Lastauskienė, G. Ekonominiai argumentai teisėje: jų vieta ir ribos. *Teisė*, t. 89, 2013.
4. Lietuvos konstitucinė teisė. Vadovėlis. Vilnius: Mykolo Romerio universitetas, 2017.
5. Lyginamoji konstitucinė teisė. Vadovėlis. Vilnius: Mykolo Romerio universitetas, 2016.
6. Mesonis, G. ir kt. *Prezidentas valstybės valdžios institucijų sistemoje.* Vilnius: Mes, 2011.
7. Mesonis, G. *Valstybės valdymo forma konstitucinėje teisėje: Lietuvos Respublika Vidurio ir Rytų Europos kontekste.* Vilnius: Lietuvos teisės universitetas, 2003.
8. *Pasaulio valstybių konstitucijos. I tomas, II tomas, III tomas.* Vilnius. Mykolo Romerio universitetas, 2016.
9. Sinkevičius, V. *Lietuvos parlamento teisė: vadovėlis.* Vilnius: Mykolo Romerio universitetas, 2013.
10. Vienažindytė, J. *Vertinimo nuožiūros laisvės doktrina Europos žmogaus teisių teismo jurisprudencijoje.*

Teisė, t. 90, 2014.

Various legal acts according to the subjects of the subject description.

Approved by Mykolas Romeris University and Vytautas Magnus University Doctoral Committee in Law on 18 April 2024, Decision No.10-174 (4.4 E-32002).