

5.00 credits

30.0 h

Q1

Teacher(s)	Verdussen Marc ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>The object of the course is to study the general rules and principles governing criminal procedure in force at the Belgian Constitutional Court such as standards controlled by the Court, the concept of "bloc de constitutionnalité", Court composition and functioning, referral patterns (action for annulment and preliminary ruling), procedure, the effects of judgments, etc.. Moreover, the course leads to a broader analysis of the constitutionality of laws and, therefore, on constitutional justice. It is indeed important to set the Belgian constitutional litigation in the right context: theoretical, historical, geographical, philosophical, political, etc. Thus, a significant place is dedicated to comparative law, i.e. the comparison between the Belgian Constitutional Court and the most significant foreign constitutional courts, in Europe (Germany, Italy, France , Spain, Portugal, etc..) and elsewhere (USA and Canada). In a more systematic way, it emphasizes the differences between the two models of constitutional justice - the American model (judicial review) and the European one or "kelsénien" (constitutional review) - and to analyze the relevance of the distinctions. The course aims to provide a permanent discussion on the legitimacy of the Constitutional Court : for what needs are twelve judges given a mandate to speak out against the will expressed by dozens of citizens? what are the values that entitle them to intervene in matters traditionally the domain of parliament? Among others, matters concerning schools, family relationships, taxation, social security, the environment, health, recreation and the economy. Is it just that they should intervene on subjects as delicate as abortion, the status of refugees, the repression of Holocaust denial, racism, religious sects, wiretapping, consumer credit, commercial facilities, incest or noise caused by aircraft? Do we have to consider this as an insult to democracy? Or, on the contrary, consider it as another conception of democracy? A question begs an answer : in a democratic system, where the law is supposed to be the expression of citizens wishes and the reflections of its concerns, is the Constitutional Court the appropriate authority to censor laws that contravene the Constitution and, if so, why? It is a fundamental issue, likely to engage all students, not only those versed in constitutional law. This is because the role of a constitutional judge in a democratic society is a matter of general concern for all kinds of law disciplines. One of the sessions will be devoted to a discussion with a judge and a assistant at the Constitutional Court.</p>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>Beyond the aims related to general Law concepts and principles (gain of a greater in-depth knowledge of the specific topics, understanding of the meaning of the concepts in this field, use of legal texts as a reference), the objective of the course is to offer know-how, demonstrate the methods and techniques needed to develop specialized skills for litigation, explain the underlying issues for procedural law and analyze the legitimacy and effectiveness of a specific form of justice. This course is one part of a comprehensive training programme. As part of a joint project and to ensure complementarity between the different courses, the associate professors consult each other during the organisation of courses, contents and methods and more particularly in this instance on the subject of "Administrative Litigation". As far as possible, given the number of students enrolled, the course is based on active teaching methods to develop the ability to appraise the law through critical and analytical examination. Demonstrations will be given to provide an opportunity for students to learn new skills from a different approach and they will be encouraged to reason and hypothesize to determine solutions.</p> <p>1</p>
Bibliography	M. Verdussen, Justice constitutionnelle, Bruxelles, Larcier, 2012.
Faculty or entity in charge	BUDR

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Master [120] in Law	DROI2M	5		