

Course Name : E Drejtë Publike I							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 113	N/A	Fall	2.00	1.00	0.00	2.50	5.00
Lecturer		Sajmir Bata, PhD					
Assistant							
Course language		Albanian					
Course level		Program i Integruar					
Description		The subject "Public Law I" addresses the meaning of the concept of public law, the state, and society. It analyzes the historical development of public law and the state, discusses the elements, functions, and forms of state power, and lists and explains the principles and sources of public law. It also expresses and addresses state sovereignty, the principle of separation and balancing of powers, and presents the rule of law state. Additionally, it describes the importance of legal norms and the legal order, as well as the interaction of law with other social fields, etc.					
Objectives		The objectives of studying the course "Public Law I" for students are: 1) To explain, distinguish, analyze, and argue the key concepts of public law, the state, and society. 2) To become familiar with the political-institutional organization of society and the state. 3) To understand the elements, functions, and forms of the state. 4) To identify and differentiate the principles, sources, theories, and systems of public law. 5) To argue for state sovereignty, the separation and balancing of powers, the unity of the state, the rule of law, etc.					
Core Concepts		1. Public law. 2. State. 3. State sovereignty. 4. Political-institutional organization of the state. 5. Functions and forms of the state. 6. Legal system. 7. Separation and balancing of powers. 8. Legal norm. 9. Public legal order. 10. Rule of law state. 11. Unity of power. 12. Democratic society. 13. Formal theory. 14. Military democracy. 15. Presidential and parliamentary system.					
Course Outline							
Week	Topic						
1	Understanding of public law, society, and the state, and the differences between them. Students will be introduced to the structure and format of the lectures, attendance requirements, course content, and literature, as well as the assessment methods. The topic covers definitions and theories regarding public law, society, and the state, and outlines the distinctions between law, the state, and society. Relevant Literature: 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part I. Introduction to Public Law. 2) Osman Ismaili, The Foundations of Law, Prishtina 2011, University of Prishtina: Faculty of Law, pp. 7-9, 15-22, 145-152, 158-159. 3) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 3, 6-34, 160-168.						
2	Origins and Historical Development of Public Law and the State This topic addresses the origins and historical-legal development of public law from its beginnings to contemporary times, highlighting its main characteristics across different historical periods. Relevant Literature: 1) Anne Dennew, Public Law, Oxford University Press; 3rd ed. (September 24, 2024), pp. 3-21. 2) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 229-287. 3) Christopher Pierson, The Modern State, Ais, 2009, pp. 16-74. 4) Osman Ismaili, The Foundations of Law, Prishtina, University of Prishtina: Faculty of Law, 2011, pp. 59-71.						

3	Concepts of Public Law and Its Distinction from Other Branches This topic analyzes the concepts and elements of public law, illustrating its connections with politics, morality, and economics. It examines the regulation of legal-economic relationships within the state and society. The content of law may also have a political character, as it governs state political relationships. State policy operates through the implementation of legal norms. Additionally, law is linked to morality, as social consciousness influences legislation and social actions. Relevant Literature: 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part I. Introduction to Public Law. 2) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 3-6, 160-168, 183-191, 197-229. 3) Osman Ismaili, The Foundations of Law, Prishtina, University of Prishtina: Faculty of Law, 2011, pp. 9-12, 43-51.
4	Political-Institutional Organization of the State This topic addresses the meaning and characteristics of the political-institutional concepts related to the development of the state and society, and analyzes the main structures and organs of the state, among other aspects. Relevant Literature: 1) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law, Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023), pp. 181-190, 220-285. 2) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part IV Judicial Review, Part V Administrative Justice. 3) Anne Dennew, Public Law, Oxford University Press; 3rd ed. (September 24, 2024), Part 2: Important Constitutional Principles and Values, 6: Parliamentary Sovereignty; Part 3: 11: The Key Functions of Parliament, 12: The Executive, 13: The Judiciary. 4) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 124-160. 5) Osman Ismaili, The Foundations of Law, Prishtina, University of Prishtina: Faculty of Law, 2011, pp. 51-59, 71-87.
5	Elements and Functions of the State The topic presents the various elements related to the state and analyzes the functions and types of the state. Relevant literature: 1) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law: Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023), pp. 181-190, 285-369. 2) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part III: Good Governance-Scrutiny, Accountability, and Transparency. 3) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 34-80.
6	Formats of State Power and the State The topic addresses the formats of power and the state, analyzing their meaning, content, and significance. It also examines judicial issues related to both domestic and foreign public law systems, specifically in connection with state power and the state itself. Relevant literature: 1) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 80-124. 2) Thomas E. Webb, Essential Cases: Public Law (6th ed.), Oxford University Press (September 1, 2023), A v BBC (Scotland) (2014) UKSC 25, Supreme Court. 3) Osman Ismaili, The Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 19-24, 59-105.
7	Principles of Public Law and Their Importance The topic analyzes the meaning and types of the main principles of public law, as well as their importance and elements. Relevant literature: 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part II: The Constitution-Institutions and Principles. 2) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 107-124.
8	Sources of Public Law and the State The topic addresses the meaning of the concept of sources of public law, their types such as: laws, decrees, judicial decisions, customs, agreements, etc. Relevant literature: 1) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 287-320. 2) Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 35-43, 173-193.
9	Midterms.
10	Elements of Major Theories on the State and Public Law. The topic presents theories that address the state as a legal phenomenon, a living organism, a social phenomenon, an abstract phenomenon, a moral concept, as an idea, etc. It also includes discussions on various theories of law and their characteristics. Relevant literature: 1) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law, Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023), pp. 81-114. 2) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 37-49. 3) Brian Z. Tamanaha, The Rule of Law: History, Politics, Theory, Tirana, Ais, 2016, pp. 136-171. 4) Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 105-121. 5) Christopher Pierson, The Modern State, Tirana, Ais, 2009, pp. 16-74.

11	Concepts and Characteristics of Popular, National, and State Sovereignty This topic addresses the meaning and components of popular, national, and state sovereignty. It also analyzes the elements of sovereignty, such as independence, the absence of any formal authority over the state when enacting legal acts, and the supremacy of state power over any other authority within the country, while respecting the rule of law. Relevant Literature: 1) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 49-70. 2) Osman Ismaili, The Foundations of Law, Prishtina, University of Prishtina: Faculty of Law, 2011, pp. 24-30.
12	Separation and Balancing of Powers. The topic addresses the meaning and importance of the separation and balancing of powers in a democratic state. The absence of separation and balancing of powers could lead a state towards a totalitarian system. The mutual independence of state organs cannot exist without the separation and balancing of powers. It also discusses the main systems: presidential, parliamentary, and semi-presidential systems. Relevant literature: 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part II: The Constitution - Institutions and Principles, 4: Separation of Powers - An Introduction. 2) Anne Denet, Public Law, Oxford University Press; 3rd ed. (September 24, 2024), Part 2: Important Constitutional Principles and Values, 7: Separation of Powers. 3) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law, Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023), pp. 114-147, 369-430, 475-675. 4) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 107-119. 5) Luan Omari, Separation of Powers and the Independence of Constitutional Institutions, Tirana, Elena Gjika Publications, 2011, pp. 3-23. 6) Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 97-105.
13	Interpretation of Public Law. The topic addresses the concept of interpretation, identifies the interpreters of law, presents scientific, linguistic, logical, systematic, and historical interpretations, and analyzes the tools and procedures for interpreting public law. Relevant literature: 1) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 3-6. 2) Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 221-245.
14	The Concept of the Rule of Law, Its Characteristics, and Its Role in Democratic Societies. The topic argues what we understand by the concept of the rule of law, what its characteristics are, and its importance in democratic societies for preventing the concentration of power, totalitarian systems, and violations of human rights and freedoms, etc. Relevant literature: 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. (September 24, 2024), Part VI: Human Rights. 2) Anne Denet, Public Law, Oxford University Press; 3rd ed. (September 24, 2024), Part 2/8: Rule of Law. 3) Michael Goodhart, Human Rights Theory and Practice, Oxford University Press, 4th edition (April 6, 2022), Part I: Theory, Part II: Practice. 4) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law, Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023), pp. 81-114. 5) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 119-124. 6) Luan Omari, The Rule of Law, Tirana, Elena Gjika, 2004, pp. 1-309. 7) Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 43-51.
15	The Importance of Public Law for Legality and the Legal Order. The topic analyzes the importance of public law in serving the public legal order, addressing legal norms, legal power and instruments, legality, sanctions, the enforcement of law, etc. Relevant literature: 1) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 180-197. 2) Osman Ismaili, Foundations of Law, University of Pristina: Faculty of Law, Pristina, 2011, pp. 121-145, 201-209. 3) Anne Denet, Public Law, Oxford University Press; 3rd ed. (September 24, 2024), Part 4: The Relationship Between the Individual and the State.
16	Final Exam

Prerequisites		The student must attend the course at a minimum rate of 75%.
Literature		• 1) Mark Elliott & Robert Thomas, Public Law, Oxford University Press, 5th ed. Edition (September 24, 2024). • 2) Luan Omari, Parime dhe institucione të së drejtës publike, Tiranë, Botimet KUMI, 2023. • 3) Osman Ismaili, Fillet e së drejtës, Universiteti i Prishtinës: Fakulteti Juridik, Prishtinë 2011.
References		• 1) Anne Dennew, Public Law, Oxford University Press; 3rd ed. Edition (September 24, 2024). • 2) Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens, Public Law, Text Cases and Materials, Oxford University Press, USA; 5th edition (August 4, 2023). • 3) Thomas E. Webb, Essential Cases: Public Law (6th edn), Oxford University Press; (September 1, 2023). • 4) Michael Goodhart, Human Rights Theory and Practice, Oxford University Press, 4th edition (April 6, 2022). • 5) Andrew Clapham, Human Rights. A very Short Introduction. Oxford University Press; 2nd edition (February 1, 2016). • 6) Brian Z. Tamanaha, Shteti ligjor, histori, politikë, teori, Aiis, Tiranë 2016. • 7) Luan Omari, Ndarja e pushteteve dhe pavarësia e institucioneve kushtetuese, Botimet Elena Gjika, Tiranë 2011. • 8) Christopher Pierson, Shteti Modern, Aiis, 2009. • 9) Luan, Omari, Shteti i së drejtës, Elena Gjika, Tiranë 2004.
Course Outcome		
1	At the end of the course "Public Law I", students will be able to recognize the key elements of the state.	
2	Students will argue the fundamental principles of the functioning of the state and its institutions.	
3	Students will reason the main forms of state organization.	
4	Students will acquire legal skills regarding the concepts of the subject.	
5	Students will have comprehensive knowledge about public law.	
6	Students will be able to recognize the rule of law, etc.	

Course Evaluation			
In-term Studies	Quantity	Percentage	
Midterms	1	20	
Quizzes	0	0	
Projects	1	20	
Term Projects	0	0	
Laboratory	0	0	
Class Participation	1	10	
Total in-term evaluation percent			50
Final exam percent			50
Total			100
ECTS Workload (Based on Student Workload)			
Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	3	48
Study hours outside the classroom (Preparation, Practice, etc.)	14	3	42
Duties	1	10	10
Midterms	1	10	10
Final Exam	1	15	15
Other	0	0	0
Total Work Load			125
Total Work Load / 25 (hours)			5.00
ECTS			5.00