

Course Name : E Drejtë Publike II							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 114	N/A	Spring	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 II" addresses legal relations, the legal system, and its implementation, analyzes the autonomy of local government, emphasizes judicial control in the service of the public interest, describes the importance of legal norms, legality, and constitutionalism, argues the forms of political regime, the parliamentary system, the right to elections, representative democracy, etc.					
Objectives		The objectives of studying the subject "Public Law II" for students are as follows: To explain, distinguish, analyze, and argue the key concepts of public law, the state, and society. To become familiar with the politico-institutional organization of local government and its autonomy. To understand the elements and forms of the political regime. To identify and distinguish the public law system and its elements. To argue legal relations, legal norms, legality, constitutionalism, the parliamentary system, the right to elections, representative democracy, etc.					
Core Concepts		Legal relations. The implementation of the law. The legal system. Local autonomy. Public interest. Judicial control. Legal act. Legality. Forms of political regime. Ombudsman. Parliamentary system. Electoral law. Constitutionalism. Legal norms. Representative democracy, etc.					
Course Outline							
Week	Topic						
1	Legal Relations. The students will be introduced to the method and structure of the lectures, attendance requirements, the content and literature related to the subject, and the assessment format. The topic discusses the concept, elements, importance, and role of legal relations. It analyzes the object, subjects, creation, obligation, state of legal relations, as well as legal facts. Relevant Literature: Emmanuel Jeuland, Theories of Legal Relations, UK, Edward Elgar Publishing, 2023, pp. 18-46, 149-167, 194-195. Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 320-335. Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 145-163.						
2	The Implementation of Law. The topic addresses the notion of the implementation of law, analyzes the application of legal norms in space and time, and argues the implementation of law by analogy. It also describes the process of implementing legal norms, legal evidence, and the retroactive effect of legal norms. Relevant Literature: Karen Yeung and Sofia Ranchordás, An Introduction to Law and Regulation Text and Materials, UK, Cambridge University Press, 2024, pp. 119-320. Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 335-354. Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 221-245.						
3	The Legal System. The topic discusses the meaning and elements of the legal system. It also presents and argues the principles, elements, and importance of the legal system. Relevant Literature: 1)Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 354-361. 2)Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 251-263. 3)Michel Troper, The Structure of the Legal system and the Emergence of the State, The Joseph and Gwendolyn Straus Institute for the Advanced Study of Law & Justice, 2021, pp. 1-43. Link to document https://shs.hal.science/halshs-03280485/document						

4	Local Government Autonomy. The topic discusses the concept of local government autonomy, its importance in the rule of law state, and its impact on the development of democracy. It defines the protection of the territorial boundaries of local communities, the conditions for exercising responsibilities at the local level, the administrative control of local community actions, legal protection of local government autonomy, etc. Relevant Literature: Council of Europe, European Charter of Local Self-Government and explanatory report, 1986-1999, Link to document (https://rm.coe.int/168071afe8). LAW No. 139/2015 "On Local Self-Government," (amended by Law No. 38/2019, dated 20.06.2019). Decisions of the Constitutional Court: V.29/2006, V.3/2009, V.22/2010, V.48/2011, V.54/14, V.4/15, V.25/21, etc.
5	The Notion, Characteristics, and Forms of Political Regimes. The topic addresses the notion, characteristics, and forms of political regimes. It also analyzes the elements of democracy and autocracy and differentiates between the two. Relevant Literature: 1)Jørgen Møller and Svend-Erik Skaaning, Democratization and Autocratization in Comparative Perspective Concepts, Currents, Causes, Consequences, and Challenges, London, Routledge, 2023, pp.15-330. 2)Josiah Ober, Naomi J. Norman, and Marc C. Carnes. Threshold of Democracy, The University of North Carolina Press, 2022, pp.. 3-28, 44-89. 3)Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 71-87.
6	The Meaning, Types, Structure, and Power of Legal Norms. The topic addresses the meaning of legal norms, analyzes their types, validity, and structure. It also elaborates on conditional norms, unconditional norms, general and special legal norms. The validity of legal norms in time and space, as well as the retroactive effect of legal norms, are also discussed. Relevant Literature: Paola Gaeta, Jorge E. Viñuales, and Salvatore Zappalá, Cassese's International Law (3rd edn), Oxford University Press, United Kingdom, 2020, pp. 218-245. Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 124-145.
7	The Concept, Elements, and Role of the Parliamentary System. The topic discusses the meaning of the parliamentary system, its characteristics, and the role of parliamentary control over state institutions. It also argues the importance of the parliamentary system for democracy, the rule of law, and the protection of human rights and freedoms. Relevant Literature: Mark Elliott & Robert Thomas, Public Law, Oxford University Press; 5th ed. edition (April 23, 2024), pp. 444-515. Anne Denet, Public Law, Oxford University Press; 3rd ed. Edition (September 24, 2024), pp. 121-143. Luan Omari, The Parliamentary System, Tirana, "Elena Gjika" Publications, 2000, pp. 5-235. Osman Ismaili, The Foundations of Law, University of Prishtina: Faculty of Law, Prishtina 2011, pp. 102-103. The History of Albanian Parliamentarism from 1912 to the Present, Publication of the Albanian Parliament, 2023, pp. 1-110. Organic Statute of 1914. Statute of Lushnja 1920. Extended Statute of Lushnja 1922. Founding Statute of the Albanian Republic 1925. Founding Statute of the Albanian Kingdom 1928. Statute of the People's Republic of Albania 1946. Constitution of the Socialist People's Republic of Albania 1976. Law No. 7491, dated April 29, 1991, On the Main Constitutional Provisions. Constitution of the Republic of Albania 1998. Aleks Luarasi, Legal Acts: On the History of the State and Law in Albania, Tirana, Ombra GVG, 2014.
8	Middterms.
9	Judicial Control as a Guarantee for the Public Interest. The topic explains the role of both domestic and foreign judicial control as a guarantee for the public interest. It analyzes judicial decisions in Albania, as well as the case law of the European Court of Human Rights (Strasbourg Court). Relevant Literature: 1)Mark Elliott and Robert Thomas, Public Law (5th edn), Oxford University Press, 2024, pp. 26-57, 289-326. 2)Gent Ibrahimi, Constitutional Review of Laws, The Albanian Model, 2023, https://www.gjk.gov.al/web/fjalimi_i_gjyqtar_gent_ibrahimi_ne_gjuhen_shqipe_2540.pdf
10	he Role, Duties, and Challenges of the Ombudsman. The topic analyzes the concept of the Ombudsman, discusses its role in protecting citizens' rights, presents the duties and rights it holds, and addresses the challenges faced by this institution in serving citizens and protecting human rights and freedoms. Relevant Literature: Mark Elliott & Robert Thomas, Public Law, Oxford University Press; 5th ed. edition (April 23, 2024), pp. 631-677. Linda C. Reif, Ombuds Institutions, Good Governance and the International Human Rights System, Second Revised Edition, Publication: 27 Jul 2020, pp. 1-284, 386-617. Luan Omari, Legal and Social Issues, Tirana, Academy of Sciences, 2017, pp. 201-206.
11	The Meaning and Characteristics of Constitutionalism and Legality. The topic analyzes the meaning of constitutionality and legality, discusses the power and legal instruments, presents sanctions against illegality, and argues the supremacy and execution of the rule of law. Relevant Literature: Mark Elliott and Robert Thomas, Public Law (5th edn), Oxford University Press, 2024, pp. 425-444. Anne Denet, Public Law, Oxford University Press; 3rd ed. Edition (September 24, 2024), pp. 163-201. Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 201-209.

12	The Notion, Content, and Elements of the Legal Act. The topic discusses the meaning of a legal act, analyzes its form and content, presents the effectuation of the legal act, and argues the formal and material legal act. Relevant Literature: Osman Ismaili, Foundations of Law, Pristina, University of Pristina: Faculty of Law, 2011, pp. 163-173. Anne Denet, Public Law, Oxford University Press; 3rd ed. Edition (September 24, 2024), pp. 323-485.
13	The Difference Between the Theory of the Democratic State and the Theory of the Socialist State. The topic discusses the meaning and elements of the theory of the democratic state and the socialist state. It analyzes the differences between democracy and communism, and presents the positive elements of democracy in comparison to communism (the socialist system). Relevant Literature: Sven R. Larson, Democracy or Socialism, UK, Palgrave Macmillan; 1st ed. 2021 edition (February 20, 2021), pp. 3-205. Max Hirsch, Democracy versus Socialism, New York City, Robert Schalkenbach Foundation, 2020, pp. 49-463. Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 268-281.
14	State Institutions and the Referendum in Representative Democracy. The topic analyzes the concept of state institutions and the institutes of representative democracy. It also discusses the importance of the referendum in representative democracy as a decision-making tool. Relevant Literature: 1) Leah Trueblood, Referendums as Representative Democracy, UK, Oxford: Hart Publishing, 2024. http://dx.doi.org/10.5040/9781509940837 2) Luan Omari, Principles and Institutions of Public Law, Tirana, KUMI Publications, 2023, pp. 131-153. 3) Luan Omari, Legal and Social Issues, Academy of Sciences, "Kristalin-KH", Tirana 2017, pp. 74-78, 444-446.
15	Elections as an Individual and Collective Right. The topic analyzes the subjects of electoral rights, sources, and the electoral procedure. It addresses the concept, principles, and types of electoral systems. Additionally, it discusses the equality, freedom, secrecy, and individuality of the vote, as well as individual and collective rights in the right to vote. Relevant Literature: United Nations, Human Rights and Elections, A Handbook on International Human Rights Standards on Elections, Professional Training Series No. 2/Rev.1, New York and Geneva, 2021, pp. 8-70. Luan Omari, Legal and Social Issues, Academy of Sciences, "Kristalin-KH", Tirana 2017, pp. 74-78, 332-342. Law No. 10,019, dated December 29, 2008, Electoral Code of the Republic of Albania, (Amended by the Constitutional Court Decision No. 32, dated June 21, 2010; No. 28, dated May 9, 2012; with Law No. 74/2012, dated July 19, 2012; No. 31/2015, dated April 2, 2015; No. 101/2020, dated July 23, 2020; No. 118/2020, dated October 5, 2020; with the Constitutional Court Decision No. 28, dated June 30, 2021; No. 31, dated October 4, 2021; with Law No. 81/2024, dated July 26, 2024; No. 10/2025, dated February 17, 2025) (updated).
16	Final Exam

Prerequisites	The student must attend the course at a minimum rate of 75%.
Literature	• Mark Elliott & Robert Thomas, Public Law, UK, Oxford University Press, 5th ed. Edition (September 24, 2024). • Luan Omari, Parime dhe institucione të së drejtës publike, Tiranë, Botimet KUMI, 2023. • Osman Ismaili, Fillet e së drejtës, Universiteti i Prishtinës: Fakulteti Juridik, Prishtinë 2011.
References	• Anne Denet, Public Law, UK, Oxford University Press; 3rd ed. Edition (September 24, 2024). • Leah Trueblood, Referendums as Representative Democracy, UK, Oxford: Hart Publishing, 2024. • Karen Yeung and Sofia Ranchordás, An Introduction to Law and Regulation Text and Materials, UK, Cambridge University Press, 2024. • Thomas E. Webb, Essential Cases: Public Law (6th edn), Oxford University Press; UK, (September 1, 2023). • Emmanuel Jeuland, Theories of Legal Relations, UK, Edward Elgar Publishing 2023. • Jørgen Møller and Svend-Erik Skaaning, Democratization and Autocratization in Comparative Perspective Concepts, Currents, Causes, Consequences, and Challenges, London, Routledge, 2023. • Josiah Ober, Naomi J. Norman, and Marc C. Carnes. Threshold of Democracy, The University of North Carolina Press, 2022. • Michael Goodhart, Human Rights Theory and Practice, Oxford University Press, 4th edition (April 6, 2022). • Michel Troper, The Structure of the Legal system and the Emergence of the State, The Joseph and Gwendolyn Straus Institute for the Advanced Study of Law & Justice, 2021. • Sven R. Larson, Democracy or Socialism, Palgrave Macmillan; 1st ed. 2021 edition (February 20, 2021). • Council of Europe, Karta Evropiane e Vetëqeverisjes Vendore dhe raporti shpjegues, 1986-1999, (https://rm.coe.int/168071afe8). • United Nations, Human Rights and elections, A Handbook on International Human Rights Standards on Elections, Professional Training Series No. 2/Rev.1, New York and Geneva, 2021. • Paola Gaeta, Jorge E. Viñuales, and Salvatore Zappalá, Cassese's International Law (3rd edn), Oxford University Press, United Kingdom, 2020. • Linda C. Reif, Ombuds Institutions, Good Governance and the International Human Rights System, Second Revised Edition, Publication: 27 Jul 2020. • Luan Omari, Sistemi parlamentar, Tiranë, Botimet "Elena Gjika", 2000. • Max Hirsch, Democracy versus Socialism, New York City, Robert Schalkenbach Foundation, 2020. • Luan Omari, Çështje juridike e shoqërore, Akademia e Shkencave, "Kristalin-KH", Tiranë 2017. • Ligj Nr.10 019, datë 29.12.2008, "Kod i Zgjedhor i Republikës së Shqipërisë", (Ndryshuar me vendimin e Gjykatës Kushtetuese nr. 32, datë 21.6.2010; nr. 28, datë 9.5.2012; me ligjin nr.74/2012, datë 19.7.2012; nr. 31/2015, datë 2.4.2015; nr. 101/2020, datë 23.7.2020; nr. 118/2020, datë 5.10.2020; me vendimin e Gjykatës Kushtetuese nr. 28, datë 30.6.2021; nr. 31, datë 4.10.2021; me ligjin nr.81/2024, datë 26.7.2024; nr. 10/2025, datë 17.2.2025) (i përditësuar). LIGJ Nr. 139/2015 "Për vetëqeverisjen Vendore", (ndryshuar me ligjin nr. 38/2019, datë 20.6.2019). • Përmbledhje e Vendimeve të Gjykatës Europiane për të drejtat e Njeriut kundër Shqipërisë, Vëllimi I, 2010-2014, Botim i Qendrës së Botimeve Zyrtare, Tiranë 2022. • Përmbledhje e Vendimeve të Gjykatës Europiane për të drejtat e Njeriut kundër Shqipërisë, Vëllimi II, 2015-2019, Botim i Qendrës së Botimeve Zyrtare, Tiranë 2022. • Përmbledhje e Vendimeve të Gjykatës Europiane për të drejtat e Njeriut kundër Shqipërisë, Vëllimi III, 2020-2021, Botim i Qendrës së Botimeve Zyrtare, Tiranë 2022. • Përmbledhje e Vendimeve të Gjykatës Europiane për të drejtat e Njeriut kundër Shqipërisë, 2022-2023, Botim i Qendrës së Botimeve Zyrtare, Tiranë 2024. • Përmbledhje e Vendimeve Unifikuese të Gjykatës së Lartë (Të botuara në Fletoret Zyrtare 2013-2018), Botim i Qendrës së Botimeve Zyrtare, Tiranë, 2020. • Vendime të Gjykatës Kushtetuese të Republikës së Shqipërisë, Tiranë, 1998-2025.
Course Outcome	
1	At the end of the subject "Public Law II," students will be able to recognize the notions, content, and elements of the state and public law.

2	Students will argue the main principles and norms of the functioning of the state and its institutions.
3	Students will reason the main forms of state organization and public legal organization.
4	Students will acquire the legal skills and knowledge related to the subject.
5	Students will be able to recognize the public interest, legal norms, democracy, constitutionality, legality, human rights, the legal system, 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