

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
SIMON KUZNETS KHARKIV NATIONAL UNIVERSITY OF ECONOMICS

"ADOPTED"
Deputy Head
(vice-rector on scientific and pedagogical work)



M. V. Afanasiev

CONSTITUTION AND GOVERNANCE
syllabus of the academic discipline

Subject area **28 Public Management and Administration**
Speciality **281 Public Management and Administration**
Educational degree **second (masters degree)**
Educational program **Public Administration**

Type discipline **basic**
Language of teaching, learning and assessment **English**

Head of State Management,
Public Administration and Regional
Economy department



Gavkalova N. L.

МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ХАРКІВСЬКИЙ НАЦІОНАЛЬНИЙ ЕКОНОМІЧНИЙ УНІВЕРСИТЕТ
ІМЕНІ СЕМЕНА КУЗНЕЦЯ

"ЗАТВЕРДЖУЮ"
Заступник керівника
(проректор з науково-педагогічної роботи)

М. В. Афанасьєв

КОНСТИТУЦІЯ ТА ВРЯДУВАННЯ
робоча програма навчальної дисципліни

Галузь знань	28 Публічне управління та адміністрування
Спеціальність	281 Публічне управління та адміністрування
Освітній рівень	другий (магістерський)
Освітня програма	Публічне адміністрування

Вид дисципліни
Мова викладання, навчання та оцінювання

базова
англійська

Завідувач кафедри державного управління,
публічного адміністрування та регіональної
економіки

Гавкалова Н. Л.

Харків
ХНЕУ ім. С. Кузнеця
2019

ADOPTED

by the meeting of State Management, Public Administration and Regional Economy department.

Protocol № 2 of 30 August, 2019

Compiled by:

Gruzd M. V., PhD, associate professor of State Management, Public Administration and Regional Economy department.

Update and re-approval letter
syllabus of the academic discipline

Academic year	Date of department meeting – compiled by author syllabus of the academic discipline	Number of protocol	Signature of head of department

1. Introduction

Annotation of the academic discipline:

Stable development of society and effective development of the state it is necessary to provide balance of national interests with interests of population and territorial communities. It must be attained optimal correlation of decentralization and centralizations of power, the balanced of socio-economic development is provided. The marked tasks are arrived at only at further development of the democratic, social and legal state that results in the increase of role of right in functioning of public and organs of local self-government authorities.

The goal of the academic discipline

By the aim of educational discipline «Constitution and governance» is mastering of the systematized scientific knowledge and forming of professional competent in relation to the mechanism of creation and application of legal norms at state and European level, to responsibility in public administration.

To achieve the goal the following **tasks** are set:

acquaint students the features of the constitutional mode of country and to form ability to mean priorities of development of society by means of instruments of government control at the observance of standards of UK right;

learn to analyze, rationally and critically to estimate the system of constitutional right, effectively to apply the instruments of constitutionally-legal responsibility;

form ability to determine factors that influence on the system of quality in state administration;

forming a competence in relation to planning, forming, realization of estimation of efficiency of events of public skilled policy with the aim of upgrading of grant of administrative services;

learning to take advantage innovative instruments of due of administration during realization of effective local financial management;

forming ability to determine optimal methods and directions of organizational development of local self-government due to using of rational models of public administration at local level;

carry out diagnostics of the use of transparency and clear of power during realization of mechanism of becoming of institute of democracy;

forming a capacity for realization of public administration at the use of innovative instruments of providing proper of administration on local and regional levels.

Academic year	1M	
Semester	1	
Credits ECTS	5	
Classroom studies	lectures	20
	seminar, practical studies	20
Individual work		110
Form of final control	exam	

Structural-logical scheme of studying the academic discipline:

Previous academic disciplines	Following academic disciplines
Theory of administration	State regulation of the economy and economic policy
System of public administration	Territorial management
Administrative management	Public finance
Management in the system of authorities of the state and local self-government	
Political institutions and process	

2. Competences and Learning outcomes of academic discipline:

Competences	Learning Outcomes
1	2
Realize the peculiarities of the constitutional order of the country and analyze the legal constitution on the basis of the main features	apply innovative tools of good governance in implementing the communication model and the interaction of human rights and public administration at the national level; to substantiate the criteria for assessing the effectiveness of the current constitutional order in the country
Rationally and critically evaluate the system of constitutional law, effectively apply instruments of constitutional and legal responsibility	determine the impact of constitutional and legal responsibility on creating an effective interaction between the state and civil society
Use the benefits of national consciousness and select specific tools and tools for the proper implementation of the institution of democratic citizenship	use general scientific and specific scientific methods for studying the introduction of a quality system in public administration; to analyze the direct and reciprocal relationship between public institutions and civil society; identify institutional conflicts in the system of public authorities
Identify appropriate innovative tools for good governance in public administration	to assess the level of state stability on the basis of the fractional index of political parties; apply innovative governance tools in public administration
Plan, formulate, evaluate the quality system in public administration to enhance the professionalism and development of business qualities of employees	to make substantiated conclusions about the state of public administration of the country, directions and prospects for its development; to define the basic indicators characterizing aspects of professionalism and development of business qualities of public servants
Determine the best ways and directions of organizational development of the system of local self-government by conducting advisable reforms	apply different methods for assessing governance at the local and regional levels in the context of the implementation of the European integration policy;

1	2
	to analyze the forms of direct and representative democracy in different models of local self-government; to determine the consequences of the administrative decisions taken on the implementation of a particular model of local self-government; to define forms of participatory democracy at the local level and methods of its realization

3. The program of the academic discipline

Content module 1 Bases of the constitutional state model

Theme 1. Concept, maintenance and functions of constitution

1.1. Concept and functions of constitution

Determination of concepts "constitution" and "legal constitution". Signs of legal constitution. Constitutions on formal and material. Actual constitution. Codified and noncodified constitutions. Proper (constitutional) organization of state power. Constitution as act of constituent power of people.

1.2. Table of constitution contents

Mandatory members of constitution. Fixing of positions of functioning of the state a constitution.

1.3. Functions of constitution

Basic and special functions of constitution. Constitutional fixing of spiritual values.

1.4. Action of constitution

Action of constitution in time, in space and on the circle of persons. Mechanism of action of constitution. Order and methods of acceptance of constitution (referendum. Constituent assemblies). Types of constituent assemblies. Methods of acceptance of constitution by parliament.

1.5. Types of constitutions

Classification of constitutions on different criteria (term of action, method of acceptance, order of change, form of rule, state-political mode, form of the political system).

Theme 2. Constitutionally-legal norms, constitutionally-legal relations and constitutional right responsibility

2.1. Concept, features and types of constitutionally-legal norms

Constitutionally-legal norm. General and specific lines of law of legal norms. Various types of constitutionally-legal norms. Constitutionally-legal institute. Main and initial constitutionally-legal institutes.

2.2. Constitutionally-legal relations and their features

A role of constitutionally-legal relations is in providing of functioning society. Lines of constitutionally-legal relations. Object of constitutionally-legal relations. Specific objects of constitutionally-legal relations. Subjects of constitutionally-legal relations. Right-ability and capability. Legal maintenance of general constitutionally-legal relations. Groups of legal facts.

2.3. Classification of constitutionally-legal relations

Classification of constitutionally-legal relations is on different signs. Constitutional states.

2.4. Responsibility is in a constitutional right

Constitutionally-legal responsibility and her forms. Order of the pre-schedule stopping of plenary powers of public government and their public servants bodies. Order of abolition, stop of acts of public government and their public servants bodies. Imposition on them of veto. Establishment of limitations in relation to realization of separate constitutional rights and freedoms by corresponding constitutional legal subjects. Constituents of grounds of legal responsibility. Constitutionally-legal prohibitions.

Theme 3. Constitution of Ukraine

3.1. Signs of constitution of Ukraine. Constitution and other sources of right

Constitution of Ukraine as normatively-legal act of the greatest legal force. Signs of Constitution of Ukraine. Other normatively-legal acts and their correlations are with Constitution.

3.2. A constitution of Ukraine and her place are in the system of sources of right

Sources of right and place for them Constitutions.

3.3. Order of acceptance, change and abolition of Constitution of Ukraine

Order of acceptance of Constitution of Ukraine. Order of change and possibility of abolition of Constitution of Ukraine.

Content module 2 Governance and its providing instruments

Theme 4. Pre-conditions and innovative instruments of due of governance

4.1. Branches of state power: problem of intercommunications, system of counterbalances and inhibitions.

Branches of state power. Judicial and executive legislature. System of counterbalances and inhibitions of branches of state power.

4.2. Organization of supreme bodies of state power, order of their formation and activity

Supreme bodies of state power. Order of formation of supreme bodies of state power. Activity of supreme bodies of state power.

4.3. Concept and essence of parliament. Constitutional nature and signs of parliament of Ukraine

Concept of parliament. Parliamentary is in Ukraine.

4.4. Concept of executive power and her function. The system of executive bodies is in Ukraine

Executive power. The system of executive bodies is in Ukraine.

4.5. Order of formation, composition and stopping of activity of Cabinet of Ministers of Ukraine. Plenary powers of Cabinet of Ministers of Ukraine

Order of formation, composition and stopping of activity of Cabinet of Ministers of Ukraine. Plenary powers of Cabinet of Ministers of Ukraine.

4.6. Central and local executive bodies in Ukraine: concept, kinds, setting

A concept of central executive bodies is in Ukraine. Kinds and setting of central executive bodies. Local executive bodies.

4.7. Judicial government bodies, their system and plenary powers

System of judicial government bodies. Plenary powers of judicial government bodies.

Theme 5. Governance is in the context of realization of structural reforms in Ukraine

5.1. Concept of public service, service is in the organs of local self-government

A concept of public service of service, service is in the organs of local self-government. Requirements and description of position of public office worker.

5.2. Legal status of public office worker and public servant of organs of local self-government. Public service

Legal status of public office workers and public servants of local self-government : elements and essence of their maintenance. Order and terms of origin and loss of legal status. Position as base description of legal status of office worker of public service.

5.3. Grounds of origin and stopping of official relations

Essence and participants of official relations. Grounds of origin and stopping of official relations. Development of official relations. Training of skilled personnel's is for public service.

5.4. Responsibility of office workers of public organs and organs of local self-government

Types of responsibility of office workers: legal and moral. Concept of criminal, administrative, civil, disciplinary and material responsibility. Grounds of bringing in of office workers are to responsibility.

5.5. Ethics of behavior of office workers

Essence of moral responsibility of public office workers. Ethics of behavior of public office workers and public servants of local self-government. General Rules of behavior civil servants.

5.6. There are issues of the day of reformation of public service, taking into account international experience and political reforms in Ukraine

Subjects of management government service. A role of public authorities is in a management government service. Skilled services of public government bodies. There are issues of the day of reformation of public service, taking into account international experience and political reforms in Ukraine.

Theme 6. Local self-government

6.1. Concept of local self-government

Local self-government as constitutionally-legal institute: concept, nature, essence. Basic theories of local self-government. Models of local self-government. Becoming of institute of local self-government is in Ukraine. European Charter is about local self-government.

6.2. The system of organs of local self-government is in Ukraine

Concept, system and basic principles of local self-government of Ukraine. Legal, organizational, material and financial frameworks of local self-government.

6.3. Changes are in the system of public authorities on local and regional levels

Local referendum. Common collection (stair) of citizens domiciliary. Organs of self-organization of population and other forms of territorial self-organization of citizens. Changes are in the system of public authorities on local and regional levels.

6.4. Redistribution of plenary powers is between the organs of local self-government and local executive bodies

Redistribution of plenary powers is between the organs of local self-government and local executive bodies.

3. Evaluation procedure of learning outcomes

The system of evaluation of the developed competencies of students takes into account such types of learning activities, which according to the curriculum program include lectures, seminar studies, practical studies, as well as individual work. Assessment of the developed competencies of students is carried out using a 100-point accumulation system. In accordance with the Provisional Regulations "On the Procedure of Assessment of the Results of Students' Learning Based on the Accumulated Point-Rating System" S. Kuznets KhNEU, control measures include:

current control, which is performed during the semester on lectures, practical studies, seminar studies, and estimated by the sum of points (the maximum amount is 60 points; the minimum amount that allows to pass the exam is 35 points) (see table below "Distribution of points for weeks");

modular control is carried out in the form of a colloquium as an intermediate mini-exam on the initiative of the teacher, taking into account the current control over the relevant content module; modular control aims to integrate the evaluation of the student's learning outcomes after studying the material from the logically completed part of the discipline - content module;

final / semester control is conducted in the form of a semester exam, according to the schedule of the educational process.

The procedure for ongoing assessment of students' knowledge. Assessment of student's knowledge during seminars and practical's and tasks is carried out according to the following criteria:

the ability to carry out a comparative analysis of the normative legal acts of Ukraine and the provisions of the EU legislation and the operation of the norms of law, the procedure for judicial protection of human and citizen's rights and freedoms; the ability to identify the elements of the rule of law, to perform a comparative analysis of forms of government and forms of government; the ability to substantiate their position, summarize information and draw conclusions; the ability to critically and independently evaluate specific issues; ability to analyze the advantages and disadvantages of public administration; ability to analyze the grounds for election and dismissal of public servants, determine the types of prosecutorial supervision and establish their constitutionality; ability to carry out a comparative analysis of the powers of public servants at different levels; ability to analyze the citizens' proposed appeals in accordance with the procedure of their consideration by the executive authorities, to draft administrative acts and to respond to the acts of the prosecutor.

The general criteria for evaluating students' extra-curricular independent work are: depth and strength of knowledge, level of thinking, ability to systematize knowledge on separate topics, ability to make informed judgments, possession of categorical apparatus, skills and techniques for performing practical knowledge, to carry out its systematization and processing, self-realization at practical and seminar classes.

The **final control** of knowledge and competences of students in the discipline is based on the semester exam, the task of which is to test the student's understanding of the program material in general, logic and relationships between individual sections, the ability to creatively use the accumulated knowledge, the ability to formulate their attitude to a particular problem discipline and more.

The examination paper consists of 15 test tasks and three situational tasks: stereotype, diagnostic and heuristic tasks, which check the master's level of professional competencies in the analysis of public administration legitimacy, assessment of public administration authority and assurance of law and discipline in public administration, the freedoms of the citizen and man, the action of the principles of a democratic society.

The result of the semester exam is evaluated in points (the maximum number is 40 points, the minimum number is 25 points).

The student should be passed if the sum of the points on the results of the final / semester test is equal to or exceeds 60. The minimum points for the current and modular controls during the semester are 35 and the minimum number of points on the exam is 25.

The final score on the discipline is calculated on the basis of the points obtained during the exam and the points obtained during the current control over the accumulation system. The total score in the points for the semester is: "60 and more points are passed", "59 and less points are failed".

Distribution of points by weeks

(specify means of evaluation according to the technological card)

Theme of content module			Lectures	Practical studies	Laboratory practices	Seminar studies	Checking of essay	Presentation	Snap-poll	Testing	Written control work	Colloquium	Total
Content module 1	Theme 1	1 week	0,5	1	–	1		1		–			3,5
		3 week	0,5	1	–					–	2		3,5
	Theme 2	5 week	0,5	1	–				2	–	2		5,5
	Theme 3	7 week	0,5	1	–		2			–	1,5		5
		8 week	0,5	1	–					–	1	10	12,5
Content module 2	Theme 4	9 week	0,5	0,5	–	0,5				–	2		3,5
		11 week	0,5	2	–				2	–			4,5
	Theme 5	13 week	0,5	1	–		2			–	2		5,5
	Theme 6	15 week	0,5	2	–					–	2		4,5
		17 week	0,5	1,5	–					–		10	12
	Examination				–					–			40
Total sum			5	12	–	1,5	4	1	4	–	12,5	20	100

Scores: the national and ECTS scales

Total score for all tasks	ECTS score	The assessment according to the national scale	
		For an exam, term project, training	For a final test
90 – 100	A	excellent	passed
82 – 89	B	good	
74 – 81	C		
64 – 73	D		
60 – 63	E	satisfactory	failed
35 – 59	FX	unsatisfactory	
1 – 34	F		

4. Recommended reading

Main

1. Administrative law: Teaching. manual – 3rd kind. / Z. R. Kisil, R. V. Kisil – K.: Alerta: ZUL, 2016. – 696 p.
2. Administrative Law of Ukraine: Textbook / For Ed. Kolomiece – K.: Truth, 2015. – 480 p.
3. Administrative law: a textbook / Yu. P. Bityak, V. M. Garashchuk, V. V. Bogutsky and others; per community Ed. Yu. P. Bityak, V. M. Garashchuk, V. V. Zoya – Kh.: Law, 2010. – 624 p.

4. Constitutional law of Ukraine: training manual / M. V. Afanasieva, Y.Y. Baltsiy, Y.D. Batan and other. – Одеса : Юридична література, 2017. – 256 p.
5. Sovgyrya O. V., Shuklina N. G. Constitutional law of Ukraine: full course : training manual. / O. V. Sovgyrya, N. G. Shuklina. – Kiev : Yurincom Inter, 2018. – 556 p

Additional

6. The State Executive Power in Ukraine: Formation and Functioning: Coll. – K.: UADU, 2015. – 224 p.
7. General theory of state and law: Teach. manual / Ed. V. V. Kopeychikova. – K.: Yurincom Inter, 2013. – 680 p.
8. Zaychuk O. V., Zaets A. P., Zhuravsky V. S., Kopylenko O. L., Onishchenko N. M. Theory of State and Law. Academic course: Textbook / O. V. Zaychuk – K.: Yurinkom Inter, 2016. – 685 p.
9. Lysenkov S. L., Kolodiy A. M., Tikhomirov O. D., Kovalsky V. S. Theory of State and Law: Textbook / S. L. Lysenkov. – K.: Yurincom Inter, 2015. – 448 p.
10. Jurisprudence: teacher. manual / [V. P. Maruschak, S. O. Kozulin, K. I. Rovinskaya, Ye. O. Lviv and others.]; per community Ed. V. P. Maruschak – Odessa: ORID NAPA, 2016 – 250 p.
11. Public Administration Reform in Ukraine: Challenges, Strategies, Future: Monograph / National Academy of Public Administration under the President of Ukraine; Editor I. A. Grytsak. – K.: "K.I.S.", 2012. – 240 p.
12. Shapoval V. M. Contemporary Constitutionalism. - K.: Yurincom Inter, 2015 - 560s.

Information resources

13. Official site of the Verkhovna Rada of Ukraine. Legislation of Ukraine. – Mode of access: <http://zakon4.rada.gov.ua/laws>.
14. Professional legal system MEGA NAU. – Mode of access: <http://www.nau.kiev.ua/>.
15. Website of the Information Agency LIGABusinessInform. – Access mode: http://http://www.liga.net_
16. Website of personal training system of Simon Kuznets Kharkiv national university of economics. – Access mode: <https://pns.hneu.edu.ua>.