

Droit public

Lecturer

Julien PIERET (Coordinator)

Course mnemonic

DROI-D203

ECTS credits

5 credits

Language(s) of instruction

French

Course period

First term

Campus

Solbosch

Course content

Traditionally, public law covers all the legal rules which, on the one hand, organise the functioning of the State and its bodies and, on the other hand, regulate the relations between the State and its bodies and the people on its territory. The Public Law course will therefore be based on the presentation of these legal rules. More specifically, it aims to extend and deepen the elements of public law taught in the Introduction to Law course, including the sociological aspects of law (DROID103). To this end, most of the material taught will focus on the two major divisions, functional and territorial, which underpin the whole of Belgian public law, i.e. the separation of powers on the one hand, and federalism and the distribution of competences that it implies on the other.

Objectives (and/or specific learning outcomes)

This course and all the associated teaching activities (ex cathedra presentations, commented slides, personal work and reading, supervised exercise sessions, etc.) aim to ensure that, at the end of the course, students are able to:

- To situate the singular place of public law among the different branches of law in general and to understand the conditions under which the Belgian State was legally constituted and has evolved;
- Master the main sources of Belgian public law (Constitution, special laws);
- To distinguish among the different organs of the State those assuming legislative, executive and judicial functions and to explain their respective compositions, competences and modalities of action as well as the mechanisms which allow their collaboration;
- To master the main notions at the basis of administrative and constitutional litigation;

- To understand the singular dynamics of Belgian federalism and its main characteristics;
- Identify which federal, regional or community authority is competent to develop and implement the main public policies;
- Differentiate between the main international organisations to which Belgium belongs and understand the particularities of international law and its place in the hierarchy of norms;
- To understand how the main fundamental rights and public freedoms in force in Belgium are legally enshrined and which national and international institutions are responsible for ensuring their respect.

In addition to these specific learning objectives, this course is also based on the development of transversal and methodological skills. Throughout the course and in preparation for the practical sessions, students will have the opportunity to

- To handle and appropriate the main constitutional and legal sources of Belgian public law;
- To learn how to use the main legal research engines, to locate, obtain and analyse the formal sources of public law;
- To refine their critical sense and their method of analysis by confronting several topics of Belgian political news as well as an overview of the relevant scientific literature in the field.

Pre-requisites and co-requisites

Pre-requisites courses

DROI-D103 | Introduction au droit, y compris les aspects sociologiques du droit | 5 crédits

Required knowledge and skills

DROID103 - Introduction to Law, including sociological aspects of law.

Students are strongly advised not to take the Public Law course without first having completed the Introduction to Law course. The material covered in this introductory course is assumed to be mastered by students taking the Public Law course.

Teaching method and learning activities

The course is based on 24 sessions (2 hours) of lectures.

Each lecture session includes :

- a theoretical presentation of the subject ;
- a presentation of the legal sources related to the subject;
- an exercise on the use and understanding of these sources.

These lecture sessions are accompanied by 10 practical sessions.

Each practical session includes :

- a summary of the main elements taught during the lecture;
- exercises in researching and manipulating legal sources;
- preparation for the exam by carrying out short tests.

Contribution to the teaching profile

As this course is taught in several sections (POLI, SOCA, SHUM, HIST, ...), it is impossible to envisage how it participates in the overall teaching profiles of these different sections. If we take the teaching profile of the political science degree as a reference profile, this course allows students "to acquire, maintain and develop their knowledge in the different fields of social and political science (here, the legal discipline) in order to have a plural reading of a societal phenomenon". In particular, it contributes to the following competences, as set out in the teaching profile for the bachelor in political science:

- › "Analyse power relations in societies
- › Identify the issues at stake in a complex social situation
- › Understand the dynamics of relations between actors in different systems
- › Understand the functioning of institutions and their evolution".

References, bibliography and recommended reading

Each lecture session is accompanied by a series of teaching resources available on the Virtual University:

- › Illustrated slides: these contain a summary of the material taught, references to relevant legal sources and several topical illustrations (e.g. maps, press articles, links to podcasts, etc.).
- › Compulsory readings: these are readings that allow you to keep a written record of the material taught. These are mainly extracts from public law textbooks. The purpose of these texts is to supplement your notes taken during the course.
- › In-depth readings: these are readings that allow you to refine your knowledge and go deeper into the subject matter, generally going further than what has been explained in the slides. More scholarly, conceptual or technical texts are available to satisfy your intellectual curiosity and fuel your thinking, or even enrich your training (most of these texts are related to the disciplines you are studying, sociology, political science or history).

On a regular basis, various tests to be completed online will also be posted to enable students to check their mastery of the subject.

Each session of practical exercises is accompanied by slides presenting a summary of the subject and the answers to the exercises carried out during the session. This documentation is available on the Virtual University.

Basic books :

For those unfamiliar with Belgian law and its institutional system, the following two books are recommended:

- › Pierre Blaise, Jean Faniel, Caroline Sägerser, Introduction à la Belgique fédérale. La Belgique après la sixième réforme de l'État, 2nd ed. Brussels, CRISP Publishing, 2022. 108p. (12 euros). Click here to order it [<https://www.crisp.be/librairie/catalogue/2077-introduction-a-la-belgique-federale-9782870752807.html>].
- › Caroline Sägerser, Legislative, executive and judicial. Les relations entre les trois pouvoirs, Brussels, Dossier du CRISP, 2016. 71p. (7.50 euros). Click here to order it [<https://www.crisp.be/librairie/catalogue/1915-legislatif-executif-judiciaire-relations-trois-pouvoirs-9782870751428.html>].

These are not compulsory works on which the teaching will be based. However, their content is largely relevant to the subject matter to be taught and as such they are valuable guides to refer to.

In addition, the Course Outline provides a series of general bibliographic resources on Belgian public law and institutional architecture. All are available in the ULB libraries.

Course notes

Université virtuelle

Other information

Place(s) of teaching

Solbosch

Contact(s)

Any request for information about this course should be addressed to the holder: Julien Pieret (julien.pieret@ulb.be) / 02.650.21.41

Evaluation method(s)

written examination

Evaluation method(s) (additional information)

The exam is a written exam lasting 3 hours. The questionnaire includes several types of questions:

- › questions on visuosity (basic mastery of the subject)
- › questions on sources (handling of legal sources)
- › research questions (ability to research and provide legal information)
- › case study questions (testing the subject matter)

Questions comparable to those in the examination will be regularly presented and solved in the course of the lectures and practical exercises.

Determination of the mark (including the weighting of partial marks)

The written examination is marked out of /50.

The visitation and source questions are worth 20 points (2 x 10). Research questions and case studies are worth 30 points (2 x 15).

Main language(s) of evaluation

French

Programmes

Programmes proposing this course at the faculty of Philosophy and Social Sciences

BA-POLI | Bachelor in Political Sciences : General | unit 2,
BA-SHUM | Bachelor in Human and Social Sciences | option
Bruxelles/unit 2 and BA-SOCA | Bachelor in Sociology and
Anthropology | unit 2

