

Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
HUK304	Comparative Law II	6	2	0	0	2	2

Prerequisites	
Admission Requirements	

Language of Instruction	French
Course Type	Compulsory
Course Level	Bachelor Degree
Objective	The comparative law course aims to introduce students to the contribution this discipline makes to any analysis or examination of a specific legal system. The course focuses on issues of electoral law. The course covers a broad geographical scope encompassing all of Southern Europe (limiting itself to member states of the Council of Europe). The study focuses primarily on the organization of parliamentary elections (but may also, on a more ad hoc basis, address other types of elections).
Content	<p>CHAPTER 1 - THE STRUGGLE FOR POWER</p> <p>Section 1 - Electoral Systems</p> <p>§ 1 - Characteristics of the Electoral Process</p> <p>A - Fundamental Principles</p> <p>B - Frequency of Elections</p> <p>§ 2 - Determining the Voting System</p> <p>A - Proportional Representation vs. Majority Voting</p> <p>B - Methods of Calculation</p> <p>C - Electoral Districting</p> <p>§ 3 - Diverse Effects</p> <p>A - Overrepresentation</p> <p>B - Governability</p> <p>Section 2 - Setting the Election Date</p> <p>§ 1 - Setting the Date for Regular Elections at the End of a Legislative Term</p> <p>A - The Election Date Set by the Constitution or Electoral Law</p> <p>B - Setting the election date within a strict constitutional or legislative framework</p> <ol style="list-style-type: none"> Determining the authority responsible for setting the election date Determination of the period during which elections must take place Determination of the period during which the announcement of elections must be made <p>C - Setting the election date is left to the discretion of an authority</p> <p>§ 2 - Determination of the date of early elections following the dissolution of parliament</p> <p>A - Early dissolution of parliament</p> <ol style="list-style-type: none"> Dissolution by operation of law under the circumstances provided for by the Constitution Dissolution by decision of Parliament Dissolution by decision of the head of state or government <p>a - Procedural requirements</p> <p>b - Substantive requirements</p> <ul style="list-style-type: none"> - Dissolution as a tool intended to resolve a political crisis related to the election of the president - Dissolution as a tool for resolving a political crisis related to relations between the government and parliament - Dissolution as a tool for resolving a political crisis related to the functioning of parliament - Dissolution as a tool for resolving a conflict between parliament and the people as expressed in a referendum <p>Discretionary power or power more or less regulated by unwritten constitutional law or by constitutional</p>

- Discretionary power or power more or less regulated by unwritten constitutional law or by constitutional conventions

B - Setting the date of elections

Section 3 - Right to participate in the electoral process

§ 1 - Composition of the electorate

A - Compilation of voter rolls

1. Systems for registering voters on the voter roll

2. Creation of supplementary voter rolls

B - Special circumstances

1. Granting non-citizens the right to participate in certain electoral processes

2. Voting rights granted to citizens residing abroad

3. Voting rights of incarcerated persons

§ 2 - The right to stand for election

A - Restrictions on the right to stand for election

1. Suspension of the right to stand for election due to a criminal conviction

2. Submission of signatures

3. Payment of a bond

B - Challenges to the nomination

1. Removal from the ballot

2. Withdrawal of a candidacy

C - Campaign financing

Section 4 - Annulment of Election Results

§ 1 - Legal Grounds for Annulment of Election Results

A - The Vote Counting Process

1. Tabulation of Votes

2. The preparation and transmission of the official records

B - Criteria for annulling election results

C - Identification of the perpetrator of the offense leading to the annulment of the results

D - The scope of the annulment of the results

1. The "geographical" scope of the annulment of the results

2. The personal scope of the annulment of the results

3. The scope of the annulment regarding eligibility

4. Possibility of annulling a mandate after the elected official has taken office

§ 2 - The procedure for annulling election results

A - Who has the authority to declare/annul the election results?

1. Administrative institutions and parliament

2. Judicial bodies

3. Institutions responsible for financial oversight in electoral matters

B - Appeals regarding the proclamation of election results

1. Competent bodies

2. Standing to file an appeal with the competent court

3. Deadline for filing an appeal

4. Deadline for review by the competent court

CHAPTER 2 - THE EXERCISE OF POWER

Section 1 - The Right of Legislative Initiative

§ 1 - Holders of the Right of Legislative Initiative in Europe

A. Legislative Initiative by the Executive Branch

1 - Which Executive Branch?

2 - A Protected Initiative

B. Legislative Initiative by the Legislative Branch

1 - Which legislative branch?

2 - The right to amend

C. Legislative initiative of the judicial branch

<ul style="list-style-type: none"> C. Legislative initiative of the judicial branch D. Legislative initiative of citizens E. Legislative initiative of the constituent parts of a federation and autonomous entities <p>§ 2 - The exercise of the right of legislative initiative</p> <ul style="list-style-type: none"> A - Procedural rules <ul style="list-style-type: none"> 1. At the constitutional level 2. At the infra-constitutional level <ul style="list-style-type: none"> a - The submission of bills or legislative proposals b - The right to amend c - The multiplicity of legislative initiatives B - Drafting requirements <p>Section 2 - The Mandate of Mandate</p> <p>§ 1 - The Negative Perception of the Mandate of Mandate</p> <ul style="list-style-type: none"> A - The Origins of the Mandate of Mandate B - The Mandate of Mandate's Roots in Communist Ideology C - In Western Democracies <p>§ 2 - The Link Between Recall and the Mandate of Mandate</p> <ul style="list-style-type: none"> A - An American Institution B - In Europe <p>§ 3 - Mandates Tied to Political Parties</p> <ul style="list-style-type: none"> A - Political Nomadism B - The Obligation for Members of Parliament to Resign in the Event of a Change in Political Affiliation – The Case of Serbia C - Self-Regulation of Political Parties: The Spanish Practice <p>Section 3 - Regulation of the Opposition</p> <p>§ 1 - The Functions of the Opposition</p> <ul style="list-style-type: none"> A - The Link Between Opposition Organization and Democracy B - The Necessity of a Parliamentary Opposition <p>§ 2 - The Protection of the Opposition</p> <ul style="list-style-type: none"> A - The Meaning of Protection B - The Beneficiary of Protection <ul style="list-style-type: none"> 1. The Protection of Members of Parliament 2. The Protection of Parliamentary Groups 3. The Protection of Qualified Minorities 4. Comprehensive protection of the opposition C - The purpose of protection <ul style="list-style-type: none"> 1. Participation in parliamentary proceedings 2. The right to parliamentary oversight and scrutiny of the executive branch 3. The right to block and postpone decisions made by the majority 4. Review of the constitutionality of laws <p>§ 3 - The responsibilities of the opposition</p>

References

Jean-Pierre Massias, et alii, *Droit constitutionnel des Etats d'Europe de l'Est*, PUF.

Philippe Lauvaux, Armel Le Divellec, *Les grandes démocraties contemporaines*, PUF.

Institute for International Democracy and Electoral Assistance, *International Obligations for Elections – Guidelines for Legal Frameworks*, Stockholm, 346 pages, 2014.

Conseil de l'Europe, *Code de bonne conduite en matière électorale*, 2025.

Theory Topics

Week	Weekly Contents
1	Introduction
2	Characteristics of the electoral system

Week	Weekly Contents
3	Determining the voting system
4	Varied effects
5	Setting the date for regular elections at the end of legislative term
6	Setting the date for early elections following the dissolution of parliament
7	Composition of the electorate
8	The right to stand for election
9	The legal grounds for annulling election results
10	The procedure for annulling election results
11	Those entitled to initiate legislation
12	Exercising the right to initiate legislation
13	The binding mandate
14	Regulations governing the opposition