

COURSE PROGRAM

SYLLABUS

1. General information on the course

Full course name	Legal Protection of Good Governance
Full official name of a higher education institution	Sumy State University
Full name of a structural unit	Faculty of Law. Кафедра міжнародного, європейського права та порівняльного правознавства
Author(s)	Zavhorodnia Vladyslava Mykolaivna
Cycle/higher education level	The First Level Of Higher Education, National Qualifications Framework Of Ukraine – The 6th Level, QF-LLL – The 6th Level, FQ-EHEA – The First Cycle
Duration	one semester
Workload	5 ECTS, 150 hours. For full-time course 50 hours are working hours with the lecturer (26 hours of lectures, 24 hours of seminars), 100 hours of the individual study.
Language(s)	English

2. Place in the study programme

Relation to curriculum	Elective course available for study programme "International Law"
Prerequisites	Constitutional Law, Administrative Law
Additional requirements	There are no specific requirements
Restrictions	There are no specific restrictions

3. Aims of the course

The aim of the academic discipline is to develop in students the ability to apply special knowledge in the field of the legal framework for good governance.

4. Contents

<p>Topic 1 The Concept of Good Governance</p> <p>Good governance refers to the public administration process that maximizes public interest. One of its essential features is that it is a kind of collaborative management of public life performed by the state and the citizens and a new relationship between political state and civil society as well as the optimum state of the two. Good governance can only be achieved in a free and democratic political system, as it cannot emerge without freedom and democracy.</p>

Topic 2 The Rule of Law and Good Governance

The concept of Rule of law. Rule of Law vs Legal State: common features and contradictions. Contemporary European views on the Rule of Law. The main purpose of the principle of the rule of law. The elements of the principle “the rule of law”: legality, division, and balance of powers, independent judicial control, and protection of fundamental rights 3. The relations of the principle “the rule of law” to the concept “good governance”

Topic 3 Democracy and Good Governance

Democracy as a value. The concept of democracy. Dimensions of democracy. Philosophical understanding of democracy. Elements of democracy. History of the development of ideas about democracy. The idea of effective governance is inseparable from democratic reconstruction through new concepts: direct democracy, local democracy, cooperation democracy, etc.

Topic 4 The Principle of Propriety and its Impact for Good Governance

The formal carefulness (hearing as part of natural justice). The abuse of power (abuse of discretion). Rationality (substantial carefulness) and proportionality. The legal certainty, legitimate expectations. The equality and reasoning.

Topic 5 The Principle of Transparency: The Interpretations and Implementation

The Principle of Transparency: the Interpretations and Implementation. Public tasks by the public authorities. The public interest in relation to private institutions.

Topic 6 The Principle of Participation

Governance based on the principle of participation involves: - gradual decentralization and deconcentration of the state management; - open negotiations with numerous civil society actors; - elimination of barriers between public and private spheres, creation of partnership structures, the establishment of public-private partnership.

Topic 7 The Principle of Effectiveness and Efficiency

The Principle of Effectiveness and Efficiency: the notion. Policy, constitutional, and organizing aspects of the administration in the context of good governance. The implementation of the principle of effectiveness and efficiency. The obligation of public authorities to act in accordance with the tasks assigned to them; validity and expediency of administrative decisions and timeliness of actions and decisions of state bodies; the right to a fair trial, a fair trial and equal conditions; supervision over the functioning of the administration and the right to appeal against administrative decisions in court; the possibility of suspension or cancellation of an illegal administrative decision or unjustified measures; responsibility of the state for illegal administrative actions.

Topic 8 The Principle of Accountability

The Principle of Accountability. The accountability of the public authorities The civil and criminal responsibility of persons and institutions in general as a part of accountability in the context of good governance.

Topic 9 The Principle of Human Rights Protection

The term “human rights”. The civil and political rights and their state protection. The economic, social and cultural rights and the government intervention for their protection. The collective rights.

Topic 10 Implementation of the Principles of Good Governance on the National Level

The search for a universal approach to public administration reform. Topical issues of the good governance implementation process. The good governance cases: Netherlands, Albania, Tunisia, Indonesia. Prospects for the implementation of the principles for Ukraine.

5. Intended learning outcomes of the course

After successful study of the course, the student will be able to:

LO1	to understand approaches to defining the concept of "good governance" and define it as a concept
LO2	to interpret and use in professional activities the principles of good governance
LO3	to implement the legal framework for good governance in solving practical cases and to protect the right to good administration.
LO4	to estimate the effectiveness regularly measure and evaluate the quality of governance

8. Teaching and learning activities

Topic 1. The Concept of Good Governance

lect.1 "The Concept of Good Governance" (full-time course)

The origins of the concept of "good governance". Good governance at the international level. Good governance at the national level. The overview of core principles of good governance.

pr.tr.1 "The Concept of Good Governance" (full-time course)

Discussion: the term "good governance" and the evolution of an idea of good governance.

Topic 2. The Rule of Law and Good Governance

lect.2 "The Rule of law" (full-time course)

The concept of Rule of law. Rule of Law vs Legal State: common features and contradictions. Contemporary European views on the Rule of Law.

pr.tr.2 "The Rule of Law and Good Governance" (full-time course)

Presentations: The Rule of Law: Key elements

Seminar1 "The Rule of Law and Good Governance" (full-time course)

The origins of the principle "the rule of law". The elements of the principle "the rule of law": legality, division and balance of powers, independent judicial control and protection of fundamental rights. The relations of the principle "the rule of law" to the concept "good governance"

Topic 3. Democracy and Good Governance

<p>lect.3 "Democracy and Good Governance" (full-time course)</p> <p>Democracy as a value. The concept of democracy. Dimensions of democracy. Philosophical understanding of democracy. Elements of democracy. History of the development of ideas about democracy.</p>
<p>pr.tr.3 "Principles and Dimension of Democracy" (full-time course)</p> <p>Debates: Principles and Dimension of Democracy.</p>
<p>Topic 4. The Principle of Properness and its Impact for Good Governance</p>
<p>lect.4 "The Principle of Properness and its Impact for Good Governance" (full-time course)</p> <p>The formal carefulness (hearing as part of natural justice).The abuse of power (abuse of discretion). Rationality (substantial carefulness) and proportionality. The legal certainty, legitimate expectations. The equality and reasoning.</p>
<p>pr.tr.4 "The Principle of Properness and its Impact for Good Governance" (full-time course)</p> <p>Case study: legal certainty, legitimate expectations in national and European Law</p>
<p>Topic 5. The Principle of Transparency: The Interpretations and Implementation</p>
<p>lect.5 "The Principle of Transparency: The Interpretations and Implementation" (full-time course)</p> <p>The Principle of Transparency: the Interpretations and Implementation. Public tasks by the public authorities. The public interest in relation to private institutions.</p>
<p>pr.tr.5 "The Principle of Transparency: The Interpretations and Implementation" (full-time course)</p> <p>Discussion: The Principle of Transparency in Ukraine: contemporary problems of implementation</p>
<p>Topic 6. The Principle of Participation</p>
<p>lect.6 "The Principle of Participation" (full-time course)</p> <p>The term “public participation”. The motives for public participation in a good governance. The type and the level of participation.</p>
<p>pr.tr.6 "The Principle of Participation" (full-time course)</p> <p>Cases study: the experience of foreign countries when the effectiveness of participatory exercises has been proven.</p>
<p>Seminar2 "The Principle of Participation" (full-time course)</p> <p>The term “public participation”. The motives for public participation in a good governance. The type and the level of participation.</p>
<p>Topic 7. The Principle of Effectiveness and Efficiency</p>

<p>lect.7 "The Principle of Effectiveness and Efficiency" (full-time course)</p> <p>The Principle of Effectiveness and Efficiency: the notion. Policy, constitutional, and organizing aspects of the administration in the context of good governance</p>
<p>lect.8 "The Principle of Effectiveness and Efficiency" (full-time course)</p> <p>The principles of judicial review developed by the courts, the ombudsman or other controlling institutions</p>
<p>pr.tr.7 "The Principle of Effectiveness and Efficiency" (full-time course)</p> <p>Case study: judicial review related to good governance elements or principles developed by the courts and the ombudsman</p>
<p>Topic 8. The Principle of Accountability</p>
<p>lect.9 "The Principle of Accountability" (full-time course)</p> <p>The Principle of Accountability. The accountability of the public authorities The civil and criminal responsibility of persons and institutions in general as a part of accountability in the context of good governance.</p>
<p>pr.tr.8 "The Principle of Accountability" (full-time course)</p> <p>Debating: The ways to improve accountability in Ukrainian administrative law. The experience of EU institution</p>
<p>Topic 9. The Principle of Human Rights Protection</p>
<p>lect.10 "The Principle of Human Rights Protection" (full-time course)</p> <p>The term “human rights”. The civil and political rights and their state protection. The economic, social and cultural rights and the government intervention for their protection. The collective rights.</p>
<p>pr.tr.9 "The Principle of Human Rights Protection" (full-time course)</p> <p>Discussion: The concept of “collective rights” and examples in the context of good governance.</p>
<p>Topic 10. Implementation of the Principles of Good Governance on the National Level</p>
<p>lect.11 "Implementation of the Principles of Good Governance on the National Level" (full-time course)</p> <p>Topical issues of the good governance implementation process. The good governance cases: Netherlands, Albania.</p>
<p>lect.12 "Implementation of the Principles of Good Governance on the National Level" (full-time course)</p> <p>The good governance cases: Tunisia, Indonesia. Prospects for the implementation of the principles for Ukraine.</p>

lect.13 "Implementation of the Principles of Good Governance on the National Level" (full-time course)

Good governance and transitional justice. Comparative legal and historical analysis. Tools and principles of good governance in transitional period,

pr.tr.10 "Implementation of the Principles of Good Governance on the National Level" (full-time course)

The good governance cases: Prospects for the implementation of the principles for Ukraine

9. Teaching methods

9.1 Teaching methods

Course involves learning through:

TM1	Case-based learning
TM2	Practical training
TM3	Project training
TM4	Electronic learning

Case-based learning (TM1) provides students with real and simulated situations related to the functioning of public authorities, which enables them to apply theoretical knowledge to specific governance challenges (LO3). Through the analysis of practical cases, students learn to identify legal problems, interpret the principles of good governance (LO2), and assess the effectiveness of admieducation, also apply knowledge and understanding of the subject area (learning outcome 1). The seminars are complemented by workshops (case study TM3) that give students the ability to use basic categories and the latest theories, concepts in the field of EU law and policy (LO 2 and 3). The use of the debates (TM4) and case methods (TM3) provides students with problem-oriented thinking and management decision-making skills based on the analysis of complex real-life situations, identification of problems and opportunities, the analysis of alternatives, and the choice of the best ones (LO1, LO 3, LO 4).

9.2 Learning activities

LA1	Practical assignments
LA2	E-learning in the MIX system
LA3	Discussion of cases
LA4	Preparation of multimedia presentations
LA5	Participation in discussion (group and pair)

10. Methods and criteria for assessment

10.1. Assessment criteria

Definition	National scale	Rating scale
Outstanding performance without errors	5 (Excellent)	$90 \leq RD \leq 100$
Above the average standard but with minor errors	4 (Good)	$82 \leq RD < 89$

Generally sound work with some errors	4 (Good)	$74 \leq RD < 81$
Fair but with significant shortcomings	3 (Satisfactory)	$64 \leq RD < 73$
Performance meets the minimum criteria	3 (Satisfactory)	$60 \leq RD < 63$
Fail – some more work required before the credit can be awarded	2 (Fail)	$21 \leq RD < 59$
Fail – considerable further work is required	2 (Fail)	$0 \leq RD < 20$

10.2 Formative assessment

	Description	Deadline, weeks	Feedback
FA1 Peer assessment	Peer assessment	1-16	Comments are provided orally based on the results of the completed work and its presentation.
FA2 Interviews and oral comments of the teacher on his results	Interviews and oral comments of the teacher on his results	1-16	Comments are provided orally based on the results of the completed work and its presentation.
FA3 Solving situational problems	Solving situational problems	1-16	Comments are provided orally based on the results of the completed work and its presentation.
FA4 Self-assessment of current testing	Self-assessment of current testing	1-16	Comments are provided orally based on the results of the completed work and its presentation.

10.3 Summative assessment

	Description	Deadline, weeks	Feedback
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SA1 Multimedia presentation (preparation, presentation, defense)	Multimedia presentation (preparation, presentation, defense)	3,7,9,12	Comments are provided orally based on the results of the completed work and its presentation.
SA2 Practical case (preparation, presentation, defense)	Practical case (preparation, presentation, defense)	4,8,10, 14	Comments are provided orally based on the results of the completed work and its presentation.
SA3 Assessment of written works	Assessment of written essay on selected topics	11, 15	Comments are provided on MIX based on the results of the completed work and its presentation.
SA4 Intermediate modular control (test)	Intermediate modular control (test)	8, 16	Comments are provided orally

Form of assessment:

		Points	Можливість перекладання з метою підвищення оцінки
The semester of teaching		100 scores	
SA1. Multimedia presentation (preparation, presentation, defense)		20	
5x4		20	No
SA2. Practical case (preparation, presentation, defense)		25	
5x5		25	No
SA3. Assessment of written works		15	
		15	No
SA4. Intermediate modular control (test)		40	
2x20		40	No

11. Learning resources

11.1 Material and technical support

MTS1	Computers, computer systems and networks
MTS2	Multimedia, video and sound reproduction, projection equipment (video cameras, projectors, screens, smart boards, etc.)
MTS3	Telecommunication networks

11.2 Information and methodical support

Essential Reading	
1	Fereday S. Good Governance Handbook / Healthcare Quality Improvement Partnership and the Good Governance Institute. 2021 ISBN NO 978-1-907561-04-7. URL: https://www.hqip.org.uk/wp-content/uploads/2015/01/FINAL-Good-Governance-Handbook-Jan-21-V9.pdf
2	12 Principles of Good Governance / Council of Europe. 2022. URL: https://www.coe.int/en/web/good-governance/12-principles
3	Protecting the rule of law in the EU Existing mechanisms and possible improvements / European Parliament, 2020. URL: https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642280/EPRS_BRI(2019)642280_EN.pdf
4	Protecting the rule of law in the EU Existing mechanisms and possible improvements / European Parliament, 2020. URL: https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642280/EPRS_BRI(2019)642280_EN.pdf
Supplemental Reading	
1	Lee Yunsoo. Exploring the relationship between trust in government and citizen participation. International Journal of Public Administration. 2019. – 42 (5). P. 405-416. URL: https://www.tandfonline.com/doi/abs/10.1080/01900692.2018.1465956 .
2	Van Meerbeeck J. The Principle of Legal Certainty in the Case Law of the European Court of Justice: From Certainty to Trust. European Law Review. 2016. Vol. 41. P. 275. URL: https://dial.uclouvain.be/pr/boreal/object/boreal%3A177694/datastream/PDF_01/view .
3	Keping, Y. Governance and Good Governance: A New Framework for Political Analysis. Fudan J. Hum. Soc. Sci. 11, 1–8 (2018). https://doi.org/10.1007/s40647-017-0197-4
Web-based and electronic resources	
1	Website of ECHR URL: https://www.echr.coe.int/Pages/home.aspx?p=applicants/ukr&c=

2	Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. Official EN Journal of the European Union. 29.5.2014. L 161/3. URL: https://trade.ec.europa.eu/doclib/docs/2016/november/trado
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COURSE DESCRIPTOR

№	Course Descriptor	Total hours	Classroom work, hours				Independent work of students, hours						
			Total hours	Lectures	Workshops (seminars)	Labs	Total hours	Self-study of the material	Preparation for workshops (seminars)	Preparation for labs	Preparation for assessment	Independent extracurricular tasks	
1	2	3	4	5	6	7	8	9	10	11	12	13	
full-time course													
1	The Concept of Good Governance	5	4	2	2	0	1	0.5	0.5	0	0	0	
2	The Rule of Law and Good Governance	7.5	6	2	4	0	1.5	0.5	1	0	0	0	
3	Democracy and Good Governance	5	4	2	2	0	1	0.5	0.5	0	0	0	
4	The Principle of Properness and its Impact for Good Governance	5	4	2	2	0	1	0.5	0.5	0	0	0	
5	The Principle of Transparency: The Interpretations and Implementation	5	4	2	2	0	1	0.5	0.5	0	0	0	
6	The Principle of Participation	7.5	6	2	4	0	1.5	0.5	1	0	0	0	
7	The Principle of Effectiveness and Efficiency	7.5	6	4	2	0	1.5	1	0.5	0	0	0	
8	The Principle of Accountability	5	4	2	2	0	1	0.5	0.5	0	0	0	
9	The Principle of Human Rights Protection	5	4	2	2	0	1	0.5	0.5	0	0	0	
10	Implementation of the Principles of Good Governance on the National Level	10	8	6	2	0	2	1.5	0.5	0	0	0	
Assesment													
1	Graded Credit	6	0	0	0	0	6	0	0	0	6	0	
Independent extracurricular tasks													
1	extracurricular tasks	81.5	0	0	0	0	81.5	0	0	0	0	81.5	
<i>Total (full-time course)</i>		<i>150</i>	<i>50</i>	<i>26</i>	<i>24</i>	<i>0</i>	<i>100</i>	<i>6.5</i>	<i>6</i>	<i>0</i>	<i>6</i>	<i>81.5</i>	