

Study Unit 1: Introduction to the Constitution and the Bill of Rights

1.2. Key Concepts

- **Constitutionalism:** government derives its powers from the Constitution and be limited in terms of provisions of Constitution.
- **Democracy:** government of people, based on consent of the governed and elected by them to serve their interests.
- **Fundamental human rights:** rights accrue to any human being to protect human dignity.
- **Rule of law:** government should only act in terms of the law, enforced by impartial and independent courts.
- **Separation of powers:** state powers should be divided among several organs to prevent authoritarian rule and to protect human rights.

1.3 Issues

- number of basic principles underlie new constitutional order:
 - o democracy, supremacy of the Const and rule of law
 - o constitutionalism, separation of powers, and checks and balances
 - o fundamental rights

1.3.1 Constitutionalism

- idea that government should derive powers from a written const
- fundamental problem addressed by writing of const is to establish government with enough power to govern but, at the same time, to structure and control that power so as to prevent it being used oppressively
- powers limited to those set out in const
- countries, e.g. Britain, don't have written const – doesn't imply constitutionalism foreign to system
- limitation of power central to idea
- limited in 2 ways:
 - o structural and procedural limitations on exercise of power
 - o substantive limitations imposed, principally through operation of Bill of Rights
- only certain institutions may exercise certain forms of power, and may only do so if specific procedures are followed

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Christine B. Harrington, Lief H. Carter

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resources such as multiple choice questions and updates to the law *Islamic Constitutional and Administrative Law Handbook Volume 1 Basic Laws and Regulations* IBP USA,2013-08 2011 Updated Reprint Updated Annually Islamic Constitutional and Administrative Law and Regulations Handbook *The Right to Privacy in Uganda* Mukisa Joshua William,2025-05-14 This book provides an introduction of the right to privacy in Uganda as stipulated in Article 27 of the Constitution It discusses the right provides case law and is designed to make this accessible for all persons so that they are better placed to defend themselves against the infringement of this sacred right **Constitutional and Administrative Law** Hilaire Barnett,2021-06-16 Hilaire Barnett s Constitutional and Administrative Law has consistently provided students with reliable accessible and comprehensive coverage of the Public Law syllabus Mapped to the common course outline the Fourteenth edition equips students with a thorough understanding of the UK constitution s past present and future by analysing and illustrating the political and socio historical contexts that have shaped the major rules and principles of constitutional and administrative law as well as ongoing constitutional reform This edition has been fully updated and includes discussion of the consequences of the United Kingdom s withdrawal from the European Union including the impact on the legislative supremacy of Parliament and the relationship between EU and domestic law after departure It also features discussion of the 2020 Coronavirus Act with its implications for state power and ahead of the forthcoming new SQE qualification revised multiple choice questions on the Companion Website Ideal for students studying constitutional and administrative law for the first time this is an indispensable guide to the challenging concepts and legal rules in public law

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General Principles and Sector-Specific Rules in European Administrative Laws Giacinto della Cananea,Jean-Bernard Auby,2024-07-04 In the field of administrative law there is no systematic body of rules similar to those characteristic of European civil codes General principles are therefore of fundamental importance This volume the sixth in the series concerning the common core of European administrative laws explores this importance through two strands Firstly it examines in detail the relationship between general principles of law such as due process and sector specific rules established by legislative and regulatory provisions for example in licensing and disciplinary matters Several questions about the nature of general principles emerge through this analysis Are general principles about filling gaps Or do they have a foundational role because they give meaning to the values that are shared by European legal systems such as respect for the rule of law and for fundamental rights Secondly this volume also explores the interaction between commonality and diversity in European administrative law It considers whether there are shared standards of administrative conduct including the duty to give reasons or if there are fundamental differences with regard to non European legal systems such as that of China and

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