

CONSTITUTIONAL DEVELOPMENT AND PRINCIPLES OF GOOD GOVERNANCE

Contribution to the course from the perspective of comparison of laws

Contents

Preliminary remark: At the Faculty of Law of Universitas Gadjah Mada the courses are shared by several lecturers. This table informs about my lectures on 14.02., 19.02., 26.02., 05.03. and 11.03.2025. They complement those of my colleagues *Dr. Andi Omara* and *Dr. Richo Wibowo* from a comparative perspective.

§ 1 Constitutional development by the constitutional courts: phenomenon, legitimacy, merits and limits

- I. What is constitutional development?
- II. How can constitutional law be developed?
- III. The phenomenon of judicial further development of constitutional law
- IV. The legitimacy and the merits of judicial further development of constitutional law
- V. The limits of judicial further development of constitutional law
- VI. Inverse constitutional development: the phenomenon of constitutional revisionism in the USA.

§ 2 The rule of law as a core principle of good governance

- I. The vague concept of principles of good governance
- II. The concept of rule of law
- III. The constitutional basis of the rule of law
- IV. Excursus: Universal or specific Indonesian concept of "negara hukum"?
- V. The elements of the rule of law
 - 1) The subjection of all activity of public institutions to the law
 - 2) The principle of statutory reservation
 - 3) The principle of proportionality
 - 4) The principles of legal certainty and protection of legitimate expectations
 - 5) Principles of fair administrative procedure
 - 6) The principle of state liability for illegal acts of public authorities
 - 7) The guarantee of effective legal protection
 - 8) Principles in the fields of criminal and criminal procedure law and of admin. sanctions
- VI. The rule of law in the legality review of administrative decisions - the example of German administrative law
 - 1) The importance of the legality of administrative decisions in a state based on the rule of law
 - 2) Legality and expediency of administrative decisions
 - 3) Elements of the rule of law as criteria for the legality of administrative decisions

More information on this course contribution at www.thomas-schmitz-yogyakarta.id. For any questions, suggestions and criticism please contact me in my office (Building A, room A.VI.11) or via WhatsApp (+62 812 9824 3441) or e-mail (tschmit1@thomas-schmitz-eu.de).