

Wetgeving 2022-2023

1. Inleiding: het vak Wetgeving

In het vak Wetgeving worden de verschillende juridische aspecten van wetgeving en wettelijke voorschriften behandeld.

Het vak bestaat uit twee delen. Het eerste, meer theoretische deel (hoewel daarin ook allerlei vaardigheden aan de orde komen), wordt afgesloten met een schriftelijk toets. Het tweede deel is meer praktisch van aard: in enkele stappen wordt toegewerkt naar het zelf (in groepen van maximaal 5 studenten) ontwerpen van een wettelijke regeling. Het onderwerp daarvan wordt nog ingevuld.

Voor afstuderen in de richting Jurist en Overheid is het volbrengen van het gehele 12-punts vak (Deel I en II) vereist. Het vak Wetgeving loopt van begin september tot halverwege december.

Het eindcijfer van Wetgeving wordt bepaald door het middelen van de cijfers voor Deel I en II, met dien verstande dat voor beide delen een voldoende moet zijn behaald om een voldoende voor het hele vak Wetgeving te behalen. Voor deelname aan Deel II is vereist dat voor de toets van Deel I een voldoende is behaald (zie verder hierna, bij Opdrachten, toets- en cijferberekening).

2. Inhoud Deel I

Na een inleiding komt de constitutioneelrechtelijke kant van wetgeving aan de orde: de betekenis van de wetsfiguur in het licht van de beginselen van de democratische rechtsstaat. Hierbij wordt kritisch bezien in hoeverre wetten daadwerkelijk (kunnen) voldoen aan hetgeen er traditioneel van wordt verwacht (democratische legitimatie, rechtszekerheid, rechtsgelijkheid, machtscheiding). Hierna wordt aandacht besteed aan de instrumentele functie van wetgeving. Wetten beogen doeleinden te realiseren: bestendiging of juist verandering van gedrag. Hoe los je de files op? Door rekeningrijden, tolpoorten, een vrije baan voor auto's met meerdere personen, subsidies op carpoolen, of door een maximumsnelheid van 80 km/u? En hoe zorg je dat mensen zich aan die maximumsnelheid houden? Bezien wordt welke effecten wetten kunnen hebben en hoe moet worden voorzien in handhaving. Ook wordt u geleerd te denken in alternatieven binnen wetgeving (verbod/gebod, vergunningstelsels, subsidies, strafrechtelijke, bestuursrechtelijke of privaatrechtelijke handhaving) en zelfs in alternatieven voor wetgeving (convenanten, voorlichting). Daarna wordt nauwkeuriger gekeken naar de aard en structuur van rechtsnormen (geboden, verboden, ontheffingen, vergunningen, aanspraken, definities, bevoegdheden, ficties etc.).

De Wetgeving Betreffende Het Onderwijs

Peipei Pang



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Handelingen der Staten-Generaal over onderwijs, kunsten en wetenschappen Netherlands. Kingdom of the Netherlands. Staten-Generaal,1854 The Education Gazette of the Province of the Cape of Good Hope Cape of Good Hope (South Africa). Education Department,1921 *Handelingen der Staten-Generaal over onderwijs, kunsten en wetenschappen 1853-1854* ,1854

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