

**Fundamentals of Public Law**

Code: 101116  
ECTS Credits: 6

Degree	Type	Year	Semester
2500259 Political Science and Public Management.	FB	1	1

**Contact**

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**Use of languages**

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: No

**Prerequisites**

Students must have basic training in social sciences. Since they have never studied any legal matter, and this is an introductory subject to Public Law, no previous legal knowledge is required.

**Objectives and Contextualisation**

The contents of the course will deal with the basic knowledge of the legal concepts and the constitutional organization of the State. A nuclear aspect will be the concept of the rule of law as a guarantee of rights and freedoms. This subject should serve as a basis for the subsequent development of the subjects of Constitutional Law, Administrative Law and Public International Law.

**Skills**

- Demonstrating good writing skills in different contexts.
- Distinguishing the discipline's main theories and different fields: conceptual developments, theoretical frameworks and theoretical approaches underlying the discipline's knowledge and different areas and sub-areas, as well as their value for the professional practice through concrete cases.
- Managing the available time in order to accomplish the established objectives and fulfil the intended task.
- Realising effective oral presentations that are suited to the audience.
- Showing a good capacity for transmitting information, distinguishing key messages for their different recipients.
- Synthesizing and critically analysing information.
- Working autonomously.

**Learning outcomes**

1. Assessing the institutional operations arising from the separation of vertical and horizontal powers.
2. Critically assessing the theoretical basis and operations of the State of Law.
3. Demonstrating good writing skills in different contexts.
4. Describing legal relationships between political power and citizens and also between local authorities, both on State organs and public administration bodies, and the State as subject of international politics.
5. Distinguishing fundamental legal concepts, like rights and freedoms.

6. Explaining the consequences of the rule of law's principle and its relationship with the protection of civil liberties.
7. Explaining the meaning of the constitution being considered the fundamental law of the State.
8. Managing the available time in order to accomplish the established objectives and fulfil the intended task.
9. Realising effective oral presentations that are suited to the audience.
10. Showing a good capacity for transmitting information, distinguishing key messages for their different recipients.
11. Synthesizing and critically analysing information.
12. Working autonomously.

## **Content**

### **PROGRAM PUBLIC FOUNDATIONS OF LAW**

#### **UNIT 1. Law and State**

- 1.1.- Concept and functions of the Law
- 1.2.- Law, morals and social uses. Law and justice.
- 1.3.- Legality and legitimacy: Validity, validity, applicability, effectiveness
- 1.4.- State and Law
- 1.5.- Legal concepts from a gender perspective.

#### **UNIT 2. Legal ordering**

- 2.1.- The ordering as a system of norms.
- 2.2.- The great legal systems: *common law* and *civil law*.
- 2.3.- Criteria for relations between norms and regulatory systems.
- 2.4.- The sources of the law: the norms (types of norms), the customs, the general principles of the law, the jurisprudence.
- 2.5.- The branches of the Right. Public Law

#### **UNIT 3. The Constitution and constitutionalism**

- 3.1.- Theoretical foundations and evolution of constitutionalism
- 3.2.- Historic evolution of constitutionalism
- 3.3.- Concepts of Constitution
- 3.4.- The Spanish Constitution of 1978

#### **UNIT 4. The guarantees of the Constitution**

- 4.1.- The defense of the Constitution: control of constitutionality and reform of the Constitution.
- 4.2.- Constitutional justice. Historical models of constitutional justice: the American system and the European system
- 4.3.- Constitutional justice in Spanish law: the Constitutional Court
- 4.4.- The processes of control of constitutionality: the resource and the question of unconstitutionality

4.5.- The reform of the Spanish Constitution of 1978

#### **UNIT 5. The state form: the social and democratic State of law**

5.1.- The rule of law: concept and manifestations

5.2.- The democratic state and the concepts of democracy and representation. Plotting the Spanish Constitution.

5.3.- The social status. The economic constitution. Regulatory efficiency and social status.

#### **UNIT 6. The Law and the Regulation**

6.1.- Concept of Law.

6.2.- The legislative procedure Type of Law

6.3.- Rules with the rank of law: decree-laws and legislative decrees

6.4.- Concept and classes of Regulation

6.5.- Relations with the law: the control of legality of the Regulations.

#### **UNIT 7. The State of Autonomies**

7.1.- The autonomic principle and the structure of the order.

7.2.- The Statutes of Autonomy.

7.3.- Letters of Article 150 of the Constitution.

7.4.- The regulatory power of the organs of the Autonomous Communities.

#### **UNIT 8. International Law and Community Law**

8.1.- The sources of International Law.

8.2.- The International Treaties. The integration of International Law into the internal legal system.

8.3.- European Union and Community Law. Effects of community law on the Spanish legal system.

#### **UNIT 9. The fundamental rights (I)**

9.1.- Human rights and fundamental rights

9.2.- The configuration of the fundamental rights in the Spanish Constitution of 1978

9.3.- Effectiveness, ownership and exercise of fundamental rights

9.4.- Guarantees of fundamental rights

9.5.- The right to effective judicial protection

#### **UNIT 10. The fundamental rights (II)**

10.1.- The principle of equality. Right not to be subject to discrimination based on sex.

10.2.- Main rights of personal scope: life, personal freedom, thought, privacy

10.3.- Main rights of the public sphere: freedom of expression and information; the right of assembly, association and syndication; The right to participate in public affairs.

10.4.- Main economic, social and cultural rights: property, strike and education. The governing principles of social and economic policy.

## Methodology

Master classes (it is estimated that they will be dedicated from three to five hours per topic).

Seminars for discussion of texts or other materials corresponding to each theme of the Program

Practice, search, study and exercise with legal documentation.

Discussions of legal news.

## Activities

Title	Hours	ECTS	Learning outcomes
<b>Type: Directed</b>			
Seminars for discussion legal texts	20	0.8	1, 3, 5, 9, 8, 10, 11, 2
Theoretical classes	30	1.2	1, 5, 2
<b>Type: Supervised</b>			
Preparation of the practice	4	0.16	3, 8, 11, 12
Read and review a text.	10	0.4	3, 8, 11, 12
Tutoring	1	0.04	
<b>Type: Autonomous</b>			
Reading of texts	26	1.04	8, 12
Study of the syllabus of the subject	51	2.04	8, 12

## Evaluation

The evaluation system will be based on the following evidences:

- Two written tests of knowledge about the subject. The first test if it is exceeded releases the subject evaluated. In the second test you will be able to recover the material from the first case of not being overcome at the time.
- The reading and evaluation of a monographic book on the subject of the course.
- Practical reading of a text prepared at home and will be done in class
- Practice that is prepared at home and will be done in class

There will be control of class assistance and tutorials.

A student is considered "not presented" if he does not do the written tests or does not present any of the three works planned during the course.

## Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Control reading and evaluation of a monographic book	20%	1	0.04	8, 10, 11, 12
Practice in class (Practical case resolution prepared at home)	15%	1.5	0.06	3, 9, 8, 10, 11, 12
Practice in class (reading control of a text)	15%	1.5	0.06	3, 9, 8, 10, 11, 12
Written evidence (first)	25%	2	0.08	4, 7, 2
Written evidence (second)	25%	2	0.08	1, 4, 5, 6, 10, 12

## Bibliography

### A) Bibliografia de l'assignatura

- FOSSAS, E.- PÉREZ FRANCESC, J.LI. Lliçons de Dret Constitucional, Barcelona: Proa
- LATORRE, A. Introducción al Derecho. 1992. Madrid: Ariel. Madrid.
- LÓPEZ GUERRA, L. 1994. Introducción al Derecho Constitucional, València: Tirant Lo Blanch.
- GARRORENA MORALES, A. Derecho Constitucional. Madrid. Centro Estudios Políticos y Constitucionales
- MOLAS BATLLORI, I. 2004. Derecho Constitucional. Madrid: Tecnos.
- RODRIGUEZ RUIZ, BLANCA. 2017. Género y Constitución, Mujeres y Varones en el Orden Constitucional Español, Lisboa: Editorial Juruá.

### B) Manuals de referència

- APARICIO PÉREZ, M.A. (dir.) i BARCELO, M. (coord). Manual de Derecho Constitucional, Atelier, Barcelona.
- BALAGUER CALLEJÓN, F (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.
- LOPEZ GUERRA, L. (y otros) Derecho Constitucional, 2 vols. Tirant lo Blanc, Valencia.
- PÉREZ ROYO, J. Curso de Derecho Constitucional, Marcial Pons, Madrid.

### C) Obres de consulta

- ARAGÓN REYES, M. (ed.) Temas básicos de Derecho Constitucional, Civitas, Madrid
- Enciclopedia Jurídica bàsica, Civitas, 1994
- Enciclopedia Jurídica española, Seix
- Diccionario del sistema jurídico español, Akal, 1984

### D) Comentaris a la Constitució

- CASAS BAAMONDE, M.E.- RODRIGUEZ-PIÑERO, M., Comentarios a la Constitución, Wolters Kluwer, 2008
- GARRIDO FALLA, F. (dir.) Comentarios a la Constitución. Civitas, Madrid.
- ALZAGA VILLAAMIL, O. Comentarios a la Constitución Española Edersa, Madrid.

### E) Textos legals

- CARRERAS SERRA, F.- GAVARA, J.C. Leyes políticas, Aranzadi, Pamplona.
- ALBERTÍ, E- GONZALEZ, M. Leyes políticas del Estado, Civitas, Madrid.

### F) Enllaços Web

- <http://www.vlex.com>
- <http://www.todoelderecho.com>
- <http://www.noticias.juridicas.com>

-<http://www.congreso.es> (portal de la Constitución)

-<http://www.europa.eu>

G) Obres monogràfiques a llegir per ser avaluades (s'indicarà a cada grup quina monografia cal llegir).

- FIORAVANTI, M.: Los derechos fundamentales: apuntes de historia de las constituciones. Trotta 1998

- JIMENEZ ASENSIO.R.: El Constitucionalismo: proceso de formación y fundamentos del derecho Constitucional. Marcial Pons. 2005