

Constitutional Law

Code: 101120
ECTS Credits: 6

| Degree | Type | Year | Semester |
|--|------|------|----------|
| 2500259 Political Science and Public Management. | OT | 3 | 2 |
| 2500259 Political Science and Public Management. | OT | 4 | 0 |

Contact

Name: Josu de Miguel Barcena
Email: JesusMaria.DeMiguel@uab.cat

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

Teachers

Tomas Gil Márquez

Prerequisites

The students already have a basic training in social sciences since it is a subject that is studied in the second part of the undergraduate studies. Since they have studied the subject of Fundamentals of Public Law, no other legal knowledge than those acquired by passing this subject is required.

Objectives and Contextualisation

The content of the course will deal with basic knowledge related to the constitutional organization of the State. A nuclear aspect will be the study of constitutional bodies, and especially the territorial organization of the State, the Autonomous Communities and the political institutions of the Generalitat of Catalonia.

Skills

Political Science and Public Management.

- 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.
- Identifying sources of data and conducting bibliographic and documentary searches.
- 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.
- Working in teams and networking, particularly in interdisciplinary conditions.

Learning outcomes

1. Critically analysing and assessing the legal elements of the relations between the political power and its citizens and generally, in the political processes.
2. Demonstrating good writing skills in different contexts.
3. Describing basic elements of the parliamentary monarchy in Spain.
4. Describing the theoretical foundations and historical evolution of the European and North American constitutionalism.
5. Explaining the concept and sources of the Administrative Law, as well as the laws and regulations.
6. Explaining the concept of Constitution and basic constitutional principles and the State of Law and social and democratic state principles.
7. Identifying sources of data and conducting bibliographic and documentary searches.
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.
13. Working in teams and networking, particularly in interdisciplinary conditions.

Content

Part I. Constitutional institutions.

Topic 1. Form of government

1.1.- Democratic forms of government: presidential system and parliamentary system 1.2.- Constitutional institutions.

1.3.- Monarchy and democratic principle: the parliamentary monarchy

Topic 2. Constitutional Institutions I

2.1.- The Head of State: the Crown.

2.2.- The Spanish parliamentary system: the Cortes Generales.

2.3.- The Government and the Administration.

2.4.- Government-General Cortes relations

Topic 3. Constitutional Institutions II

3.1.- The Judicial Power.

3.2.- The General Council of the Judicial Power

3.2.- The Constitutional Court

3.3.- Other institutions: the Ombudsman, the Court of Accounts

Part II autonomous communities

Topic 4. The territorial organization of the Spanish State

4.1.- The vertical division of powers: theoretical models and evolution

4.2.- The model of the Constitution of 1978: the State of the autonomies 4.3.- The constitutional principles of the State of the autonomies. 4.4.- The autonomic process

4.5.- Local autonomy

Topic 5. The institutional and competence organization of the autonomous communities

5.1.- The autonomous political institutions

5.2.- The distribution of competences between the autonomous communities and the State

5.3.- Relations between the State and the autonomous communities.

Part III Political Institutions of Catalonia

Topic 6. Defining elements of the autonomy of Catalonia

6.1.- The Generalitat as an institution of self-government of Catalonia.

6.2.- The political condition of Catalan: the rights and duties of citizens.

6.3.- The language

6.4.- The symbols

Topic 7. The Parliament of Catalonia

7.1.- The Generalitat as a parliamentary system.

7.2.- The composition of the parliament and the statute of the members of Parliament

7.3.- The autonomy and organization of the Parliament.

7.4.- The functioning and functions of the Parliament.

Topic 8. The President of the Generalitat, the Executive Council and other institutions

8.1.- The President of the Generalitat: his position in the institutional system of Catalonia. The functions and attributions.

8.2.- The investiture and the appointment of the President.

8.3.- The Executive Council or government. The functions of the Government.

8.4.- The personal status of the Chairman and the directors. The political responsibility of the President and the Government.

8.5.- Institutions of statutory relevance: the Council of Statutory Guarantees, the *Síndic de Greuges* and the Audit Office.

Topic 9. The powers of the Generalitat (I)

9.1.- Statutory powers: typology. The territory as an area of competence exercise.

9.2.- Extra-statutory competences.

9.3.- Royal Decrees of transfers.

9.4.- Conflict of powers

Topic 10. The powers of the Generalitat (II)

10.1.- Economic activity.

10.2.- Territorial planning, urban planning and housing. Natural spaces and environment.

10.3.- Infrastructures.

10.4.- Health and Social Security.

10.5.- Teaching.

10.6.- Social services.

10.7.- Culture and media.

10.8.- Justice.

10.9.- Public security.

10.10.- The regional financing

Methodology

Master classes (it is estimated that it will be allocated about three hours for subject).

Seminar discussions of texts corresponding to each Theme of the Program.

Practice: search, study and exercise with legal documentation

Activities

| Title | Hours | ECTS | Learning outcomes |
|------------------------------------|-------|------|---------------------|
| Type: Directed | | | |
| Text discussion seminar | 20 | 0.8 | 2, 4, 6, 9, 7, 11 |
| Theoretical classes | 30 | 1.2 | 1, 3, 4, 6 |
| Type: Supervised | | | |
| Preparation of the practical class | 4 | 0.16 | 1, 8, 7, 11, 12 |
| Reading and recension of text | 10 | 0.4 | 1, 3, 4, 10, 11, 12 |
| Tutorial class | 1 | 0.04 | 8 |
| Type: Autonomous | | | |
| Reading of text | 26 | 1.04 | 1, 8, 7, 11, 12 |
| Study of the subject | 51 | 2.04 | 1, 8, 7, 10, 11, 12 |

Evaluation

The evaluation system will be based on the following evidences:

a) Attendance and participation in class (20%)

- b) Practical exercises prepared at home, presented and discussed in class (40%)
- c) Preparation of a monographic theme of the program and oral presentation in class (40%)

There will be a control of class attendance and tutorials.

Evaluation activities

| Title | Weighting | Hours | ECTS | Learning outcomes |
|---|-----------|-------|------|------------------------------|
| Class practises (resolution of practices carried out at home) | 20% | 1.5 | 0.06 | 1, 2, 5, 9, 8, 7, 11, 12, 13 |
| Control de lectura | 20% | 1 | 0.04 | 1, 3, 6, 10, 11, 12 |
| Oral test | 10% | 2 | 0.08 | 1, 3, 6, 8, 7, 11, 12 |
| Oral test | 30% | 2 | 0.08 | 4, 6, 8, 10, 11, 12 |
| Practices in class (control of reading a text) | 20% | 1.5 | 0.06 | 1, 4, 8, 7, 11, 12 |

Bibliography

Bibliography of the subject

- FOSSAS, E.- PÉREZ FRANCESC, J.LI. Lliçons de Dret Constitucional, Barcelona: Proa
- LÓPEZ GUERRA, L. 1994. Introducción al Derecho Constitucional, València: Tirant Lo Blanch. - MOLAS BATLLORI, I. 2004. Derecho Constitucional. Madrid: Tecnos.
- BARCELÓ, M.- VINTRÓ, J (coord.), Dret Públic de Catalunya, Barcelona, Atelier
- ALBERTÍ, E. i altres: Manual de Dret Públic de Catalunya. Barcelona, IEA

Handbooks

- ÁLVAREZ CONDE, E. Curso de Derecho Constitucional, 2 vols, Tecnos, Madrid.
- BALAGUER CALLEJÓN, F (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.
- FERNÁNDEZ SEGADO, F.: El sistema constitucional español. Dykinson, Madrid, 1992.
- GÓMEZ SÁNCHEZ, Y. Introducción al régimen constitucional español, Sanz y Torres, Madrid. - GARCÍA PELAYO, M., Derecho Constitucional comparado, Alianza, Madrid, 1999
- LOPEZ GUERRA, L. (y otros) Derecho Constitucional, 2 vols. Tirant lo Blanc, Valencia.
- PÉREZ ROYO, J. Curso de Derecho Constitucional, Marcial Pons, Madrid.

Gender bibliography

- RODRÍGUEZ RUIZ, B. Constitución y género. Mujeres y Varones en el Orden constitucional español, Juruá, Lisboa, 2017.