

Constitutional Law I

Code: 102216
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

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: Yes

Teachers

Juan Carlos Gavara de Cara
Jordi Freixes Armengol
Daniel Capodiferro Cubero
Roger Cots Valverde

Prerequisites

The subject Constitutional Law I does not require some knowledge or prerequisites to be a subject of the first year of the Degree in Law. It is recommended, however, to review knowledge and acquired in the subject Constitutional Organization of the State.

Objectives and Contextualisation

Constitutional Law I is a subject that is taught in the second semester of the first year of the Degree in Law. It is a subject that serves for the student to acquire basic knowledge about the functioning of the legal system and the Autonomous Communities. This course serves as an introduction to other topics that will later be developed in other areas of the Degree in Law.

From the perspective of student preparation, Constitutional Law I aims to achieve the following objectives:

- To identify, know and apply the basic and general principles of the legal system.
- To understand the unitary nature of the legal system and the interdisciplinary vision of legal problems.
- To know the main public institutions of the Autonomous Communities, as well as the origin and functioning of the autonomous system as a whole.

Skills

- Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).

- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must prove they know and comprehend the main public and private institutions in its genesis and as a whole.

Learning outcomes

1. Acquiring a sensible and critical analysis methodology from a legal-constitutional perspective.
2. Analysing the content of legal standards from a constitutional perspective.
3. Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).
4. Consolidating the role developed by the Constitution as the foundation of the whole legal system.
5. Contextualizing the configuration given by the Statute of Autonomy of Catalonia to the Autonomous Community.
6. Critically comprehending the budgets and constitutional fundamentals as a starting point of any legal analysis.
7. Drawing up and formalising works, reports, documents, rulings.
8. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
9. Establishing the constitutional and statutory rules of operation, composition, limits and control of the several autonomic institutions.
10. Identifying the different regulatory local, autonomic, state and European levels.
11. Identifying the mechanisms for the control of the performance of the Autonomous Communities.
12. Integrating in every carried out analysis an integrated vision of the complexity of legal regulations that includes a joint and systematic perspective of autonomic, state and European standards.
13. Knowing the constitutional foundations of territorial distribution of power.
14. Knowing the constitutional foundations of the legal system.
15. Knowing the interrelation, separation and cooperation rules, between the several powers and institutions of the different autonomic, state and European areas.
16. Knowing the legal system and the system of sources of Law of state, autonomic, community and international order, as well as the rules of their implementation.
17. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
18. Producing a constitutional legitimacy parameter as a reference to carry out every legal analysis.
19. Understanding the constitutional and statutory role of autonomic public authorities and its relation to the state and European authorities.
20. Understanding the constitutional rules for the validity and constitutionality of the legal standards, how they interrelate, limit and complement each other.

Content

Constitutional Law I. Part one. The legal system

Lesson 1. The legal system and the system of norms

Legal norms: general notions. - The legal order: the rules of relation between norms and between ordinances. - The custom, the general principles and the jurisprudence. - The principle of juridical security.

Lesson 2. The Constitution as a legal norm.

The democratic legitimacy of the State.- The legal value of the Constitution.- The types of constitutional norms.- Relations of the Constitution with the rest of the juridical order.- The derived constituent power: the reform of the Constitution.

Lesson 3. The control of constitutionality of laws and the Constitutional Court

The constitutional justice.- The procedures of control of constitutionality of the laws.- The constitutional interpretation.

Lesson 4. The law. The concept and general characteristics of the law to the Constitution. - The legislative procedure. - The organic law.

Lesson 5. The normative acts of the Government with the rank of law.

Characterization of the legislative power exercised by the Government.- The decree-law.- The legislative decree.

Lesson 6. The regulation. Concept of regulation.- The regulatory power.- Classes and form of the regulations.- Control of the regulations.

Lesson 7. Treaties and community law. The treaty as an international norm and its internal efficacy.- The control of the constitutionality of the treaties.- The European Community and the European Union.- The European community order and domestic law.

Part two. The territorial organization

Lesson 8. The principles of the territorial organization of the State.

The models of territorial organization of the state.- The dispositive principle: the right to autonomy.- The principle of unity, - The principle of autonomy.- The principle of solidarity.

Lesson 9. The autonomous legal system. The statute of autonomy.- The regulatory power of the Autonomous Communities.- The relations between the

State and autonomous ordination.- The laws of Article 150 CE.

Topic 10. The institutional organization of the autonomous communities. The political institutions. - The distribution of competences between the autonomous communities and the State. - The relations between the State and the autonomous communities.

Methodology

The learning process focuses on the student's work, who learns to work under the teacher's guide. The teacher's mission is to help the student in this task by providing information and showing the sources where knowledge can be achieved. Teaching on this subject and training of the student is based on the following activities:

1. Directed activities:

1.1 Master classes: the student reaches the conceptual bases of the subject and its legal normative and jurisprudential framework. The master classes are the activities in which less student interactivity is required. These lectures are conceived as an essential method knowledge transfer from the teacher to the student.

1.2. Practical lessons: the students analyze and solve with the professor practical cases previously prepared. The basis of this practical work is the understanding and critical application of the norms and

jurisprudence related to the essential content explained in the theoretical classes.

1.3. **Supervised activities:** activities that students develop in the classroom, under tuition of the lecturer. It is based on the making of practical cases in the classroom, fact-sheets of case-law and / or law, written schemes and other papers on complementary lectures of authorities and articles.

Autonomous activities

1.1. Preparation of papers for practical lessons: papers made by students will be analyzed in the classroom. These are practical cases given before by the teacher or critical reviews of books or case-law or law factsheets and films.

1.2. Search of bibliography and instrumental jurisprudence for the resolution of practical cases. Students must in some case search autonomously documentation and case-law.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Discussion and resolution of practices, text comments, debates and seminars	22.5	0.9	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 17, 18, 9, 8, 10, 11, 7, 12
Practical classes	4	0.16	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 18, 9, 8, 10, 11, 3, 7, 12
Theoretical classes	18.5	0.74	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 18, 9, 10, 11, 12
Type: Autonomous			
To study. Writing of works. Reading of texts. Search of documents and bibliography	65	2.6	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 18, 9, 8, 10, 11, 3, 7, 12

Evaluation

The competences of these subject can be evaluated through (1) exams, (2) the presentation of individual and groupal work that can be orally or written under teacher criteria and (3) practical cases and (4) papers .

The evaluation system will take into account:

- Carrying out of practical cases (reports, reviews, legal writings, opinions ...) that will have a global weight between 30% and 40%.
- The realization of papers (and a possible public defense) that will have an approximate global weight between 20% and 40%.
- Written exams will have an approximate global weight between 30% and 50%. Among them, a final exam of the whole subject will be done on the judgment of the professor to verify the overall acquisition of competences, abilities and knowledge). But the subject can not be passed by means of a solely global test.

Each teacher at the beginning of the course will clarify and program the system of continuous evaluation (campus virtual moodle) and the percentage assigned to each one of these activities, as well as the system of reassessment of the failed activities.

The reevaluation can only be carried out if the student has followed the continuous assessment.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Realization of practices: correction and evaluation of the classroom. Continuous evaluation	30-40%	20	0.8	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 17, 18, 9, 8, 10, 11, 3, 7, 12
Realization of work or review of books	20-40%	16	0.64	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 17, 18, 9, 8, 10, 11, 3, 7, 12
Written test - Final Exam	30-50%	2	0.08	20, 1, 2, 6, 19, 4, 5, 14, 13, 16, 15, 18, 9, 10, 11, 12
Written test - Partial Exam	30-50%	2	0.08	20, 1, 2, 6, 19, 4, 5, 14, 13, 15, 18, 9, 10, 11, 12

Bibliography

- * ÁLVAREZ CONDE, Enrique *Curso de Derecho Constitucional*, 2 vols, Tecnos, Madrid.
- * ARAGÓN REYES, Manuel (ed.) *Temas básicos de Derecho Constitucional*, Civitas, Madrid.
- * APARICIO PÉREZ, Miguel Angel. (dir.)- BARCELÓ, Merce., *Manual de Derecho Constitucional*, Atelier, Barcelona.
- * BALAGUER CALLEJÓN, Francisco (y otros) *Derecho Constitucional*, 2 vols., Tecnos. Madrid.
- * FOSSAS, Enric.- PÉREZ FRANCESC, Joan Lluís, *Lliçons de Dret Constitucional*, Proa, Barcelona.
- * MOLAS, Isidre. *Derecho Constitucional*, Tecnos. Madrid.
- * PÉREZ ROYO, Javier. *Curso de Derecho Constitucional*, Marcial Pons, Madrid.