

**Constitutional Law**

Code: 100490  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	1

**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**

Joan Lluís Pérez Francesch  
Tomas Gil Márquez  
Bettina Steible

**Prerequisites**

As a subject of the first year of the Degree in Labour Relations, Constitutional Law does not require any previous knowledge or prerequisites. Anyway, it is recommended students make a review of the baccalaureate's Social Sciences subjects related to current historic, legal or political issues.

**Objectives and Contextualisation**

This is a subject located in the first half of the first year and, consequently, a basic one. Its content is developed from the Spanish Constitution of 1978 and its consideration as supreme law of our legal system. The Constitution has been studied from different disciplines, such as Political Science, Philosophy, Sociology or History. For its part, Constitutional Law makes a legal methodological approach that includes the study of: the Constitution as supreme Law, the sources of Law, the government institutions, the citizens' rights and liberties and the State structure.

The subject provides the basic knowledge about the construction of our democratic system from the normative point of view. Within this framework, the objective is make students able to understand critically the constitutional structure of the political system and the legal system around three basic concepts: who has the power (the legitimacy of the people), how is the power (the division of powers) and for which power is exercised (the defence and guarantee of citizens' rights).

Therefore, the objectives of the subject are:

- a) To provide a basic knowledge of the Spanish Constitutional Law.
- b) To understand the historical genesis of the Constitution and its contribution to the implementation of democracy in Spain.

- c) To contextualize the Spanish Constitution in Comparative Law, in particular the European framework.
- d) To obtain a theoretical knowledge about the legitimacy of power, division of powers, its exercise and the guarantee of the citizens' rights and the territorial structure of the State.
- e) To demonstrate theoretical knowledge through written work and oral presentations.

## Competences

- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Organising and managing the available time.
- Verbally communicating and defending a project.
- Working autonomously.
- Working effectively in teams.

## Learning Outcomes

1. Analysing and solving the problems and situations of the constitutional system of fundamental rights (configurational elements, defence and guarantee mechanisms mechanisms).
2. Identifying the main structural principles of the State as a Social and Democratic State of Law.
3. Organising and managing the available time.
4. Verbally communicating and defending a project.
5. Working autonomously.
6. Working effectively in teams.

## Content

### Lesson 1: The constitutional State

The State: concept and core elements. The Constitution: concept and historical evolution. The Spanish Constitution of 1978: elaboration procedure and general characteristics. The structural principles: The social and democratic State of Law

### Lesson 2: The sources of Law (I)

Concept of legal sources and structure of the legal system. Principles of relationship between rules and principles of relation between law systems. The autonomy of individuals in the creation of the Law.

### Lesson 3: The sources of Law (II)

The Constitution as a rule: supremacy and guarantees. The law. The other primary legislation: the decree-law and the legislative decree. The administrative regulations. The international Treaties. The Community law

### Lesson 4: The constitutional bodies (I)

General characteristics of the Spanish institutional system. The crown. The Parliament. The President and the Government.

### Lesson 5: The constitutional bodies (II)

The Constitutional Court: composition, functions, procedures and resolutions. The Judicial Power: functions and constitutional principles of the Administration of Justice, position and statute of judges, the General Council of the Judicial Power. The Public Prosecutor.

### Lesson 6: The State of Autonomies

The territorial model of the State. The Statutes of Autonomy and the distribution of competencies: special reference to competencies in labour matters. The sources of Law of the Autonomous Regions. The institutional system of the Autonomous Regions. Relations between the State and the Autonomous Regions and between the Autonomous Regions: the conflict of competence.

#### Lesson 7: Fundamental Rights

Evolution, characterization and classification. Ownership, beneficiaries and object of protection. Regulation, exercise and limits. The effectiveness of rights before public authorities and individuals. The rights and freedoms in the workplace.

#### Lesson 8: The guarantee of Fundamental Rights

The Ombudsman and regional equivalents. The ordinary judicial protection. The constitutional complaint. The international protection.

### Methodology

The learning process focuses on the work of the student, who learns by working, being the teacher's mission to help in this task by providing information and showing the sources where it can be obtained.

The development of the teaching of the subject and the training of the student is based on the following activities:

#### 1. Directed activities:

Lectures: the student reaches the conceptual bases and sets the normative and jurisprudential legal framework. The master classes are the activities in which less interactivity is required and are conceived as a one-way method of transmitting the teacher's knowledge to the student.

Practical classes: where the students analyze and solve together with the teacher practical cases previously elaborated. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained in the theoretical classes.

#### 1. Supervised activities:

These are activities that students will develop in the classroom, with the supervision and support of the teacher. It is about the elaboration of some practical supposition in classroom: analysis of sentences and realization of schemes of the subject and summaries of doctrinal articles or books.

#### 1. Autonomous activities:

Preparation of practical activity documents that will be delivered and analyzed in the classroom. These are practical cases proposed in advance by the professor, critical reviews of books or readings of jurisprudence or regulations.

Search of bibliography and instrumental jurisprudence for the resolution of practical cases. In some cases students must perform the autonomous search of the documentation.

### Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Discussion and resolution of practices, text comments, debates and seminars	22.5	0.9	1, 4, 2, 3, 5
Practical classes	4	0.16	1, 4, 2, 3, 5

Theoretical classes	18.5	0.74	1, 4, 2, 3, 5
Type: Autonomous			
To study. Writing of works. Reading of texts. Search of documents and bibliography	65	2.6	1, 4, 2, 3, 5

## Assessment

The skills of these subjects can be evaluated through: (1) exams, (2) the presentation of individual and group work that can be oral or written and (3) the performance of papers and (4) practical cases.

The evaluation system will take into account:

The realization of practical cases (reports, reviews, legal writings, opinions ...) will have a global of 20%.

The realization of works (and the possible public presentation) will have an approximate global weight of 20%.

The written tests will have an approximate overall weight of 60%. Among them, there will be a final exam of the whole subject to check the global acquisition of skills, abilities and knowledge). You can not pass the subject through a single global test.

Each teacher at the beginning of the course will establish the system of continuous evaluation (campus virtual/moodle) and the percentage assigned to each of the activities, as well as the system of reevaluation of the suspended activities. The reevaluation can only be done if the student has followed the continuous evaluation.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Realization of practices: correction and evaluation of the classroom. Continuous evaluation	20%	20	0.8	1, 4, 2, 3, 5
Realization of work or review of books	20%	16	0.64	1, 4, 2, 3, 5, 6
Written test - Final Exam	30%	2	0.08	1, 4, 2, 3, 5
Written test - Partial Exam	30%	2	0.08	1, 4, 2, 3, 5

## Bibliography

- ÁLVAREZ CONDE, E. Curso de Derecho Constitucional, 2 vols., Tecnos, Madrid.
- ARAGÓN REYES, M. (ed.) Temas básicos de Derecho Constitucional, Civitas, Madrid.
- APARICIO PÉREZ, M.A. (decir.)- BARCELÓ, M., Manual de Derecho Constitucional, Atelier, Barcelona.
- BALAGUER CALLEJÓN, F (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.
- FOSSAS, @E.- PÉREZ FRANCESC, J.II. Lecciones de Derecho Constitucional, Proa, Barcelona.

- MOLAS, I. Derecho Constitucional, Tecnos. Madrid.
- PÉREZ ROYO, J. Curso de Derecho Constitucional, Marcial Pons, Madrid.