

**Constitutional Law**

Code: 100490  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	1

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

**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: Yes

**Teachers**

Joan Lluís Pérez Francesch  
Tomas Gil Márquez  
Jorge Pedemonte Marino

**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 working individually and in groups, the mission of the teaching staff being to help them in this task by providing information and showing them the techniques and sources where it can be obtained.

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

#### 1. Directed activities:

1.1. Lectures classes/ theoretical classes: where students achieve through the transmission of knowledge of the teacher the conceptual bases of the subject and assume the legal, regulatory and jurisprudential framework.

1.2. Seminar / practical classes: as a learning space where students assume a preferably active role, together with the teacher, to analyze and interpret previously elaborated questions, issues or cases in order to develop and consolidate the essential content explained in the theoretical classes.

2. Supervised activities: These are activities that students will develop in the classroom, with the supervision and support of the teacher. It is the solution of some practical assumption in the classroom, the elaboration of some records of sentences and / or regulations, or the realization of outlines or written drafting of some epigraphs of the subject or of complementary readings of monographs or doctrinal articles.

3. Autonomous activities: these are activities in which the student organizes time and effort autonomously, either individually or in groups.

#### 3.1 Study of the subject.

3.2 Preparation of documents of practical activities: which will be delivered and analyzed in the classroom. These are practical cases proposed in advance by the teacher or the preparation of critical reviews of books and readings or files of jurisprudence, regulations, or films.

3.3 Search of bibliography, jurisprudence, and materials for the resolution of practical cases, complementing theoretical questions

3.4. Preparation of course work, reports, etc

The teaching of the subject will be mixed: The Lectures classes/ theoretical classes will be virtual, and the seminars / classroom practices will be face-to-face.

Attendance at seminars, except in justified cases, will be compulsory for students

The teaching methodology and the evaluation may have some modification depending on the circumstances and especially on the restrictions to the attendance established by the health authorities.

## 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

### Evaluation

The competences of these subjects may be evaluated through: (1) exams; (2) the preparation of works whose presentation may be oral or in writing at the teacher's discretion; (3) resolution of practical activities or cases and (4) active class participation.

The evaluation system will take into account:

- Written exams will have a maximum of up to 50% of the final grade. Among them, there will be a final exam. There may be a partial exam. The subject cannot be passed through a single global exam.
- The realization of practical activities or cases (reports, reviews, legal writings, opinions ...) individual or in groups will have a global weight between 20% and 40%.  
The individual or group realization of course work on a subject matter related with the subject and assigned by the teachers team (and the possible public presentation) will have an approximate global weight between 10% and 30%.
- Attendance and participation in class. It is about active participation throughout the subject, of quality, legally grounded, adequate and relevant to the topics covered, and different from that carried out in the seminars. It may have an overall weight between 0 and 10%.
- Preparation of recensions, reviews, book reviews, case files, regulations, videos or movies. They may have an overall weight of between 0 and 10%.

The coordinating teacher of each group at the beginning of the course will present the program of the subject provided in this guide, indicating the topics to be touched on. It will also present the schedule of teaching and practical activities, and will specify the continuous evaluation system and set the percentage assigned to each of the selected activities, as well as the re-evaluation system for suspended activities. The reevaluation can only be carried out if the student has followed the continuous evaluation. Such indications will be exposed in the virtual campus / Moodle.

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper or practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participation and quality of interventions in class, tutoring, debates and discussions different from that carried out in seminars / practices	0-10%	4	0.16	1, 4, 2, 3, 5, 6
Preparation of recensions, book reviews, review, cases, regulations, videos or movies files.	0-10%	7	0.28	1, 4, 2, 3, 5
Realization of Individual or group course work on a topic related to the subject and assigned by the teacher's group (and the possible public presentation)	10-30%	10	0.4	1, 4, 2, 3, 5, 6
Realization of individual or group practices: Continuous evaluation	20-40%	15	0.6	1, 4, 2, 3, 5
Written Exam - Final Exam	0-50%	2	0.08	1, 4, 2, 3, 5
Written test - Partial Exam (optional at the discretion of the teachers of each group)	0-25%	2	0.08	1, 4, 2, 3, 5

## Bibliography

### A) Handbooks:

- \* ARAGÓN REYES, Manuel. (ed.) *Temas básicos de Derecho Constitucional*, Civitas, Madrid.
- \* APARICIO PÉREZ, Miguel Angel. (dir.)- BARCELÓ, M., *Manual de Derecho Constitucional*, Atelier, Barcelona.
- \* BALAGUER CALLEJÓN, Francisco (y otros) *Derecho Constitucional*, 2 vols., Tecnos. Madrid.
- \* CASTELLÀ, Josep María (ed.): *Derecho constitucional básico*, Hygens, Barcelona.
- \* FOSSAS, E.- 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.

### B) Legal Texts:

- \* ALBERTÍ, Enoch - GONZALEZ, Markus. *Leyes políticas del Estado*, Civitas, Madrid.

### C) Comments to the Constitution

- \* CASAS BAAMONDE, María Emilia- RODRIGUEZ-PIÑERO, Manuel. *Comentarios a la Constitución*, Wolters Kluwer, 2008
- \* GARRIDO FALLA, Francisco (dir.) *Comentarios a la Constitución*. Civitas, Madrid.
- \* ALZAGA VILLAAMIL, Oscar. *Comentarios a la Constitución Española* Edersa, Madrid.

### Web pages

<http://www.der.uva.es/constitucional/verdugo/matriz.htm> Materials de Dret Constitucional. <http://www.iustel.com>  
Informació normativa, jurisprudencial i doctrinal.

[www.westlaw.es](http://www.westlaw.es). Base de dades westlaw.