

**Fundamentals of Public Law**

Code: 101116  
ECTS Credits: 6

Degree	Type	Year	Semester
2500259 Political Science and Public Management	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.

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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.

### Competences

- 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

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
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Type: Directed			
Seminars for discussion legal texts	20	0.8	1, 3, 5, 9, 8, 10, 11, 2
Theoretical classes	30	1.2	1, 5, 2
Type: Supervised			
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	
Type: Autonomous			
Reading of texts	26	1.04	8, 12
Study of the syllabus of the subject	51	2.04	8, 12

## Assessment

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

The evaluation system will take into account:

- Carrying out of practical cases (reports, reviews, legal writings, opinions ...) will have an global weight between 20% and 40%.
- The realization of papers(and the possible public presentation) will have an approximate global weight between 10% and 40%.
- Written exams will have an approximate global weight of up to 50%. Among them, a final exam of the whole subject will be done at the teacher's criteria to to verify the acquisition of skills, abilities and knowledge. There may be a partial exam. The subject cannot be passed through a single global exam.
- Attendance and participation in class. The participation will must be active participation throughout the subject, of quality, legally grounded, adequate and pertinent to the topics and developed lessons covered, and to be different from that carried out in the practical classes. It may have an global weight between 0 and 10%

Each teacher at the beginning of the course will present the program of the subject, indicating the topics to develop; So also will present the schedule of teaching activities and practices the system of continuous evaluation and the percentage assigned to each one of these activities. It will also indicate the system for reevaluation of the failed activities.

The reevaluation can only be carried out if the student has followed the continuous assessment. All these indications will be exposed in the virtual campus / Moodle.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participation and quality of intervention in debates and discussions. Participation different from that carried out in the seminars/practices	0 - 10 %	1	0.04	9, 8, 10, 11, 12

Final Exam	0 - 50 %	2	0.08	1, 4, 5, 6, 10, 12
Partial Exam (optional at the discretion of the Teachers of each Group)	0 - 25 %	2	0.08	4, 7, 2
Realization of practices: correction and evaluation of the classroom. Continuous evaluation	20 - 40 %	1.5	0.06	3, 9, 8, 10, 11, 12
Realization of work on a topic of the subject or review (recension) of books, Reading control	10 - 40 %	1.5	0.06	3, 9, 8, 10, 11, 12

## Bibliography

### A) Bibliografia de l'assignatura

- FOSSAS, Enric.- PÉREZ FRANCESC, Joan.Lluís. Lliçons de Dret Constitucional, Barcelona: Proa
- LATORRE, Angel. Introducción al Derecho. 1992. Madrid: Ariel. Madrid.
- LÓPEZ GUERRA, Luís. 1994. Introducción al Derecho Constitucional, València: Tirant Lo Blanch.
- GARRORENA MORALES, Angel. Derecho Constitucional. Madrid. Centro Estudios Políticos y Constitucionales
- MOLAS BATLLORI, Isidre. 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, Miguel.A. (dir.) i BARCELO, Mercè. (coord).Manual de Derecho Constitucional, Atelier, Barcelona.
- BALAGUER CALLEJÓN, Francisco (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.
- LOPEZ GUERRA, Luis (y otros) Derecho Constitucional, 2 vols. Tirant lo Blanc, Valencia.
- PÉREZ ROYO, Javier 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, María Emilia- RODRIGUEZ-PIÑERO, Miguel, Comentarios a la Constitución, Wolkers Kluwer, 2008
- GARRIDO FALLA, Fernando (dir.) Comentarios a la Constitución. Civitas, Madrid.
- ALZAGA VILLAAMIL, Oscar Comentarios a la Constitución Española Edersa, Madrid.

### E) Textos legals

- CARRERAS SERRA, Francesc- GAVARA, Juan Carlos Leyes políticas, Aranzadi, Pamplona.
- ALBERTÍ, Enoch- GONZALEZ,Markus 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, Maurizio: Los derechos fundamentales: apuntes de historia de las constituciones. Trotta 1998
- JIMENEZ ASENSIO, Rafael: El Constitucionalismo: proceso de formación y fundamentos del derecho Constitucional. Marcial Pons. 2005