

**Constitutional Law I**

Code: 102216  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

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**

Name: José Carlos Remotti Carbonell  
Email: JoseCarlos.Remotti@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**

Mercè Barceló Serramalera  
Enric Fossas Espadaler  
Juan Carlos Gavara de Cara  
Abel del Carmelo Andrade Ortiz  
Roger Cots Valverde  
José Algarrada Mengual  
Jorge Pedemonte Marino  
Ricard Brotat Jubert  
Mercè Sales Jordi

**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.

## Competences

- 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.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- 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.
- Use different information and communication technologies.

## 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. Consolidating the role developed by the Constitution as the foundation of the whole legal system.
4. Contextualizing the configuration given by the Statute of Autonomy of Catalonia to the Autonomous Community.
5. Critically comprehending the budgets and constitutional fundamentals as a starting point of any legal analysis.
6. Drawing up and formalising works, reports, documents, rulings.
7. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
8. Establishing the constitutional and statutory rules of operation, composition, limits and control of the several autonomic institutions.
9. Explaining how the several elements of the legal standard system are interrelated and self-limited, forming a system.
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. Knowing the role of the Constitution as a democratic framework of cohabitation and as a basis and foundation of the legal system.
18. Managing bibliographic and documentary resources: databases, browsing, etc.
19. Producing a constitutional legitimacy parameter as a reference to carry out every legal analysis.
20. Understanding the constitutional and statutory role of autonomic public authorities and its relation to the state and European authorities.
21. Understanding the constitutional rules for the validity and constitutionality of the legal standards, how they interrelate, limit and complement each other.
22. Understanding the diversity and complexity of the system of legal standards in the local, autonomic, state and European levels.
23. Use different information and communication technologies.

## **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 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.

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	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 18, 10, 11, 6, 12
Practical classes	4	0.16	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 10, 11, 6, 12, 23
Theoretical classes	18.5	0.74	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 10, 11, 12
Type: Autonomous			
To study. Writing of works. Reading of texts. Search of documents and bibliography	65	2.6	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 10, 11, 6, 12, 23

## 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:

- The 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 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 o 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	21, 1, 2, 5, 3, 4, 14, 13, 17, 15, 9, 19, 22, 8, 7, 18, 10, 11, 6, 12, 23
Preparation of recensions, reviews, book reviews, case, regulations, videos or movies files	0-10	7	0.28	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 18, 10, 11, 6, 12, 23
Realization individual or group practices: Continuous evaluation	20-40%	15	0.6	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 18, 10, 11, 6, 12, 23
Realization of Individual or group course work on a topic related to the subject and assigned by the teacher's team (and the possible public presentation)	10-30%	10	0.4	21, 1, 2, 5, 20, 3, 4, 14, 13, 15, 19, 8, 7, 18, 10, 11, 6, 12, 23
Written Exam - Partial Exam (optional at the discretion of the teachers of each group)	0-25%	2	0.08	21, 1, 2, 5, 20, 3, 4, 14, 13,

				15, 19, 8, 10, 11, 12
Written exam - Final Exam	0-50%	2	0.08	21, 1, 2, 5, 20, 3, 4, 14, 13, 16, 17, 15, 19, 8, 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.