

Constitutional Organisation of the State

Code: 102299
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	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

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

Joan Lluís Pérez Francesch
María Jesús García Morales
José Carlos Remotti Carbonell
Abel del Carmelo Andrade Ortiz
José Algarrada Mengual
Jorge Pedemonte Marino
Ricard Brotat Jubert
Mercè Sales Jardi

Prerequisites

The subject Constitutional Organization of the State does not need previous knowledge because it is a subject of the first year of the Degree in Law. However, it is advisable to review knowledge acquired in school, such as historical, political, and legal matters in the field of Social Sciences.

Objectives and Contextualisation

The subject Constitutional Organization of the State, has the character of basic and obligatory. It is a subject that contributes to the integral formation of the student by allowing him to know the organization and the limits of the different organs and public powers. For this purpose, the subject has been structured in two large parts that are detailed later in the program.

In the first part, the State will be analyzed in an introductory way (emergence, causes, evolution purposes and functions). Then the Constitution will be studied as a normative framework of democratic coexistence and the structural principles of the State (social and democratic state of law, decentralized and integrated in Europe).

In the second part, the structure, composition and functions of the different public powers will be studied. Among them, we highlight the State Headquarters, the Parliament, the Government, the relations between the

Parliament and the Government, the Judicial Power and the Constitutional Court. All this studied from the consideration of the State as a complex constitutional entity.

Constitutional Organization of the State aims to achieve the following achievements:

- Identify, know and apply the basic, structural and general principles of the constitutional and legal system.
- Define the constitutional foundations of the State's institutional organization.

Competences

- Defending and promoting the essential values of the social and democratic State of Law.
- 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.
- Integrating the importance of Law as a regulatory system of social relations.
- 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 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. Assessing the democracy, constitutional values and fundamental rights as a foundation for the legal and political order.
2. Critically assessing about the State's future as a form of organization of society.
3. Critically understanding the constitutional budgets and foundations of the institutional organization.
4. Defending the role played by the higher values on the configuration and functioning of public authorities.
5. Defining the constitutional foundations of the institutional organization of the State, in their local, autonomic, state and European levels.
6. Defining the developed functions and the ones currently being developed by the State.
7. Defining the structure and function of the Constitution, constitutional values and principles, its regulative efficacy as well as the contents of the Social and Democratic State of Law.
8. Describing the evolution of the State to the present day.
9. Describing the origins of the State, the characteristics that differentiate it from other forms of political organization, the different forms the State can assume and the several functions that carries out.
10. Describing the role of the constitution as a democratic framework of coexistence.
11. Differentiating the different legal position of constitutional values, principles, and regulations.
12. Drawing up and formalising works, reports, documents, rulings.
13. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
14. Explaining the State configuration as a Social and Democratic State of Law and its involvement in the transformation of the State.
15. Explaining why not every political organization of a society implies the existence of a State.
16. Exposing the functioning of the different powers and public institutions from a constitutional legal-democratic perspective.
17. Identifying and describing the constitutional regulations about the structure, composition, limits, regulations, functions, and democratic functioning of the different bodies, institutions and public authorities both from state order and autonomic territorial order.
18. Identifying the constitutional role being developed by every of the public authorities in their different levels.
19. Identifying which ones are the elements that form the state and which ones differ from other political organisations of society.

20. Integrating in every carried out analysis the institutional and legal complexity from an autonomic, state and European perspective.
21. Interpreting the interrelation, separation and cooperation rules, between the several powers and institutions of the different autonomic, state and European areas.
22. Interpreting the legal-institutional complexity that integrates local, autonomic, state, and European interrelating and self-limited bodies.
23. Knowing the role developed by the higher values of the legal order as opening and closing clauses of the legal and political system.
24. Managing bibliographic and documentary resources: databases, browsing, etc.
25. Understanding the needs of every society to provide themselves with a concrete political organization that guarantees some minimums of coexistence.
26. Use different information and communication technologies.
27. Using a sensible and critical analysis methodology from a legal-constitutional perspective.

Content

Part one. - Constitutional principles

Lesson 1. The State The historical origins of the State and the theoretical foundations of the liberal-democratic State. - The State as a form of political organization. - The elements of the State

Lesson 2. Constitutionalism and Constitution. - Origin and evolution of constitutionalism: from the liberal state to the democratic and social state. - Concept and typologies of Constitution. - The Constituent Power.

Lesson 3. Historical framework of the Spanish Constitution. - The Spanish historical constitutionalism. - The political transition and the constituent process. - The meaning of the 1978 Constitution: comparative influences.

Lesson 4. The structural principles of the Constitution. -The form of State: the Social and Democratic State of Law. - Territorial organization: the State of the autonomies - Constitutional implications of integration in the European Union.

Part two. -The constituional powers.

Lesson 5. The crown. The parliamentary monarchy as a form of government. - Democratic Legitimacy of the Crown. - The legal status of the Crown. - The functions of the King.

Lesson 6. The democratic State and political participation. -Democratic and direct democracy. - The political parties. - The representative mandate and the right electoral. - The forms of direct democracy: the referendum.

Lesson 7. The Parliament. The bicameral structure: the composition of the Congress and the Senate. - Parliamentary autonomy and standing orders. - The statute of parliamentarians. - The organization and operation of the cameras. - The functions: legislative, budgetary and control and government impulse.

Lesson 8. The Government. -The executive power and the Government. - The Government as a constitutional body and its functions. - The Government and the Public Administration. - Relations between the Parliament and the Government: the relationship of trust, political responsibility and parliamentary control. - The dissolution of the cameras.

Lesson 9. The judicial power. -The jurisdiction and the resolution of conflicts. - The judicial power as an organ. - The judicial power as a function: the jurisdictional power. - The government of Justice: the General Council of the Judiciary.

Lesson 10. The Constitutional Court. -Composition, organization and operation of the Constitutional Court. - The functions of the Constitutional Court. - Conflicts between constitutional bodies of the State.

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	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 24, 19, 20, 22, 12, 27, 2, 1
Lecture / Theoretical classes	18.5	0.74	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 19, 20, 22, 27, 2, 1

Seminar	4	0.16	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 19, 20, 22, 12, 26, 27, 2, 1
Type: Autonomous			
Study. Writing of papers. Reading texts. Search for documents and bibliography. Preparation of recensions, book reviews and readings or to elaborate files of jurisprudence, law or movies.	65	2.6	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 19, 20, 22, 12, 26, 27, 2, 1

Assessment

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 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 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	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 19, 20, 22, 27, 2, 1
Carrying out individual or group practices: Continuous evaluation	20-40%	15	0.6	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 24, 19, 20, 22, 12, 26, 27, 2, 1
Preparation of recensions, reviews, book reviews, cases,	0-10%	7	0.28	3, 23, 4, 7, 6, 9, 8,

regulations, videos or movies files.				10, 11, 14, 15, 16, 13, 24, 19, 20, 22, 12, 27, 2, 1
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	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 24, 19, 20, 22, 12, 26, 27, 2, 1
Written exam - Final Exam	0-50%	2	0.08	3, 25, 23, 4, 5, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 24, 17, 18, 19, 20, 22, 21, 12, 26, 27, 2, 1
Written test - Partial Exam (optional at the discretion of the teachers of each group)	0-25%	2	0.08	3, 23, 4, 7, 6, 9, 8, 10, 11, 14, 15, 16, 13, 24, 19, 20, 22, 12, 26, 27, 2, 1

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.
- * LÓPEZ GUERRA, Luis, ESPÍN, Eduardo, (y otros) *Derecho Constitucional*, Tiant lo Blanch, Valencia, vol 1 y vol II
- * 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*, Wolkers 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. Base de dades westlaw.