

Constitutional Law

Code: 101120
ECTS Credits: 6

Degree	Type	Year	Semester
2500259 Political Science and Public Management	OT	3	2
2500259 Political Science and Public Management	OT	4	0

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: No

Prerequisites

As the student has studied the subject of Fundamentals of Public Law, no other legal knowledge than those acquired by passing this subject is required.

Objectives and Contextualisation

The content of this subject is approached around two thematic axes: on the one hand, the structure and organization of constitutional institutions from the perspective of the multilevel distribution of power (both horizontally and territorially). On the other hand, the fundamental rights as objective and subjective elements of the constitutional system.

Competences

- Political Science and Public Management
- 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.
 - Identifying sources of data and conducting bibliographic and documentary searches.
 - 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.
 - Working in teams and networking, particularly in interdisciplinary conditions.

Learning Outcomes

1. Critically analysing and assessing the legal elements of the relations between the political power and its citizens and generally, in the political processes.
2. Demonstrating good writing skills in different contexts.
3. Describing basic elements of the parliamentary monarchy in Spain.
4. Describing the theoretical foundations and historical evolution of the European and North American constitutionalism.
5. Explaining the concept and sources of the Administrative Law, as well as the laws and regulations.
6. Explaining the concept of Constitution and basic constitutional principles and the State of Law and social and democratic state principles.
7. Identifying sources of data and conducting bibliographic and documentary searches.
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.
13. Working in teams and networking, particularly in interdisciplinary conditions.

Content

CONSTITUTIONAL LAW PROGRAM

Part I. The organization of public powers

Topic 1. Introduction.

- 1.1.- The Constitution as the supreme legal norm
- 1.2.- Structure and function of the Constitution
- 1.3.- The configuration of the multilevel constitutional system

Topic 2. The horizontal organization of public power

- 2.1.- The organic structure of the State
- 2.2.- Constitutional institutions and Institutions of constitutional relevance
- 2.3.- The conflict of powers between constitutional institutions of the State

Topic 3. Constitutional institutions I

- 3.1.- The Head of State: the Crown
- 3.2.- The Spanish parliamentary system: the Cortes Generales.
- 3.3.- The Government and the Administration
- 3.4.- Government-Cortes Generales relations

Topic 4. Constitutional institutions II

- 4.1.- The judiciary. The General Council of the Judiciary
- 4.2.- The Constitutional Court
- 4.3.- Other institutions : the Ombudsman, the Court of Accounts

Topic 5. The territorial organization of the State

- 5.2.- The model of the 1978 Constitution: the State of the autonomies
- 5.3.- The constitutional principles of the Autonomous State.
- 5.4.- Local autonomy
- 5.5.- The European Union

Topic 6. The institutional and competence organization of the Autonomous Communities

- 6.1.- The institutional structure of the Autonomous Communities
- 6.2.- The internal organization of the Autonomous Communities: legislative, executive and other autonomous bodies
- 6.3.- The competence framework of the State and the Autonomous Communities.

Topic 7. Relations between the State and territorial entities

- 7.1.- The means of conflict resolution between the State and the Autonomous Communities. Conflict of competences.
- 7.2.- Conflicts in defense of local autonomy
- 7.3.- Conflicts with the European Union

Part II The recognition of rights in the Constitution

Topic 8.- Human dignity as the foundation of fundamental rights.

- 8.1.- Rights as the foundation of the democratic system
- 8.2.- The double dimension, subjective and objective, of fundamental rights
- 8.3.- Fundamental rights in the Constitution, in the European Convention on Human Rights, in European Union Law and in other systems for the protection of rights.
- Topic 9.- Current cases regarding fundamental rights and freedoms
- 9.1.- Cases regarding personal freedom
- 9.2.- Cases regarding participation
- 9.3.- Cases regarding economic, social and cultural rights

Methodology

1. Directed activities: Master or Seminar classes

- 1.1. Master classes: where students acquire through the transmission of knowledge from the professor the conceptual bases of the subject and establish the normative and jurisprudential legal framework.
- 1.2. Seminar debates: as a learning space where students, together with the teacher, analyze questions and 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 about the solution of some practical assumption in the classroom.
- 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 practical activity documents: which will be delivered and presented in the classroom. These are practical cases proposed in advance by the teacher or the preparation of critical reviews of books, readings or regulations.
- 3.3 Search of bibliography, jurisprudence and materials to solve practical cases and complement theoretical questions

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Text discussion seminar	20	0.8	2, 4, 6, 9, 7, 11
Theoretical classes	30	1.2	1, 3, 4, 6
Type: Supervised			
Preparation of the practical activities	4.5	0.18	1, 8, 7, 11, 12
Research work preparation	10	0.4	1, 3, 4, 10, 11, 12
Tutorial class	1	0.04	8
Type: Autonomous			
Reading of text	26	1.04	1, 8, 7, 11, 12
Study of the subject	51	2.04	1, 8, 7, 10, 11, 12

Assessment

The competences of these subjects will be evaluated in base of the following activities:

- Two written tests: partial and final test. With a total value of up to 40%.
- Two practices. With a total value of up to 30%. A written practice of individual preparation, with an assessment of 10%, and another group-type practice, with an assessment of 20%.
- Elaboration of a research work and presentation of an oral synthesis in class. With a valuation of 30%.

At the beginning of the course, an explanation of the syllabus of the subject provided for in this guide will be presented, as well as the schedule of activities, the evaluation system, and the system of re-evaluation of the failed activities. The reassessment can only be performed if the student has followed the continuous assessment. A resum of these explanations will also be displayed on the virtual / Moodle campus.

Students who copy or attempt to copy in a written test will have a 0 on the exam. Students who submit a practice in which there is plagiarism will get a 0, and will receive a warning. In case of repetition of the behavior, the student will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final test	20%	1	0.04	1, 2, 3, 6, 8, 7, 10, 11, 12
Practical activity (1)	10%	1.5	0.06	1, 2, 3, 4, 6, 5, 9, 8, 7, 10, 11, 12, 13
Practical activity (2)	20%	2	0.08	1, 2, 3, 4, 6, 5, 9, 8, 7, 10, 11, 12, 13
Research work	30%	2	0.08	1, 2, 3, 4, 6, 5, 9, 8, 7, 10, 11, 12, 13
partial test	20%	1	0.04	1, 2, 3, 6, 8, 10, 11, 12

Bibliography

Bibliography of the subject

- FOSSAS, E.- PÉREZ FRANCESC, J.LI. Lliçons de Dret Constitucional, Barcelona: Proa
- LÓPEZ GUERRA, L. 1994. Introducció al Derecho Constitucional, València: Tirant Lo Blanch. (*Este libro se encuentra disponible en la Biblioteca Digital UAB*)
- MOLAS BATLLORI, I. 2004. Derecho Constitucional. Madrid: Tecnos.
- BARCELÓ, M.- VINTRÓ, J (coord.), Dret Públic de Catalunya, Barcelona, Atelier
- ALBERTÍ, E. i altres: Manual de Dret Públic de Catalunya. Barcelona, IEA

Handbooks:

- ÁLVAREZ CONDE, E. Curso de Derecho Constitucional, 2 vols, Tecnos, Madrid.
- BALAGUER CALLEJÓN, F (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.
- FERNÁNDEZ SEGADO, F.: El sistema constitucional español. Dykinson, Madrid, 1992.
- GÓMEZ SÁNCHEZ, Y. Introducció al régimen constitucional español, Sanz y Torres, Madrid.
- GARCÍA PELAYO, M., Derecho Constitucional comparado, Alianza, Madrid, 1999
- LOPEZ GUERRA, L. (y otros) Derecho Constitucional, 2 vols. Tirant lo Blanc, Valencia.
- PÉREZ ROYO, J. Curso de Derecho Constitucional, Marcial Pons, Madrid.

-RODRÍGUEZ RUIZ, B. Constitución y género. Mujeres y Varones en el Orden constitucional español, Juruá, Lisboa, 2017.

Web links:

-<http://www.vlex.com>

-<http://www.noticias.juridicas.com>

-<http://www.casareal.es>

-<http://www.congreso.es> (portal de la Constitución)

-<http://www.senado.es>

-<http://www.lamoncloa.gob.es>

-<http://www.poderjudicial.es>

-<http://www.tribunalconstitucional.es>

-<http://gencat.cat>

-<http://institutions.politiques.com>

Software

This subject does not require any specific software