

Constitutional Law I

Code: 102216
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

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

Juan Carlos Gavara de Cara
Antoni Roig i Batalla
Damià del Clot Trias
Susana Ortiz Hernandez
José Algarrada Mengual
Jorge Pedemonte Marino
Ricard Brodat Jubert

External teachers

Diana Mampel i Alandete
Rosa María Català Fernández
Valentina Maglietta

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.

Constitutional Law I

Grup 01 - Dr. Juan Carlos Gavara - Spanish

Subgrup 11: Dra. Valentina Maglietta - Spanish

Subgrup 12: Sr. Jorge Pedemonte - Spanish

Subgrup 13: Sra. Rosa M. Català - Catalan

Grup 02 - Dr. Antoni Roig - Catalan

Subgrup 21: Dr. Antoni Roig - Catalan

Subgrup 22: Dra. Lector -

Subgrup 23: Dr. Damià del Clot - Catalan

Grup 51 - Dr. Ricart Brotat - Catalan

Subgrup 51: Sra. Susana Ortiz - Spanish

Subgrup 52: Sr. José Algarrada - Spanish

Subgrup 53: Sra. Diana Mampel - Catalan

Grup 70 (ADE+Dret) - Dr. Juan Carlos Gavara- Spanish

Subgrup 70: Dr. Juan Carlos Gavara - Spanish

Subgrup 71: Dra. Valewntina Maglieta - Spanish

Subgrup 72: Sr. José Algarrada - Spanish

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

- 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. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
7. Establishing the constitutional and statutory rules of operation, composition, limits and control of the several autonomic institutions.
8. Explaining how the several elements of the legal standard system are interrelated and self-limited, forming a system.
9. Identifying the different regulatory local, autonomic, state and European levels.
10. Identifying the mechanisms for the control of the performance of the Autonomous Communities.
11. 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.
12. Knowing the constitutional foundations of territorial distribution of power.
13. Knowing the constitutional foundations of the legal system.
14. Knowing the interrelation, separation and cooperation rules, between the several powers and institutions of the different autonomic, state and European areas.
15. 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.
16. Knowing the role of the Constitution as a democratic framework of cohabitation and as a basis and foundation of the legal system.
17. Managing bibliographic and documentary resources: databases, browsing, etc.
18. Producing a constitutional legitimacy parameter as a reference to carry out every legal analysis.
19. Understanding the constitutional and statutory role of autonomic public authorities and its relation to the state and European authorities.
20. Understanding the constitutional rules for the validity and constitutionality of the legal standards, how they interrelate, limit and complement each other.
21. Understanding the diversity and complexity of the system of legal standards in the local, autonomic, state and European levels.
22. 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, special reference to the system of norms of Catalonia.- 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, special reference to the autonomous institutions of Catalonia. - 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.

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			
Discussion and resolution of practices, text comments, debates and seminars	19.5	0.78	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 6, 17, 9, 10, 11
Theoretical classes	19.5	0.78	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 9, 10, 11
Type: Autonomous			
Assessment	5	0.2	20, 2, 19, 3, 4, 13, 12, 15, 16, 14, 8, 18, 21, 7, 9, 10, 11
To study. Writing of works. Reading of texts. Search of documents and bibliography	66	2.64	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 6, 9, 10, 11, 22

Assessment

Evaluation

The competences of these subjects will be evaluated continuously through the following activities:

- Final Exam to be carried out on the date officially indicated by the Academic Secretary. You will receive a maximum 50% of the note. The teaching team corresponding to each of the groups will indicate the format of this exam.

- A minimum of two other evaluation activities whose a minumum weight in the grade will be the remaining 50%: For these purposes in each of the groups of this subject the respective teaching team must select at least two different evaluation activities (determining the weight of each one of them in the percentage of the qualification within the present 50%). An example of these possible activities, only by way of example, we point out: Partial exam, practical cases, reports, reviews, legal writings, opinions, preparation of research papers, reviews, book reviews, case law files, regulations, videos or movies, or developing projects, among other activities. The selected activities may be carried out, as provided by the teaching team, individually or in groups.

At the beginning of the course, the teaching team of each group will present the program of the subject foreseen in this guide, explaining the topics that will be discussed. In this way, it will also present the schedule

of teaching activities (theory and seminars), specify the continuous evaluation system that it has selected and establish the percentage assigned to each of the selected activities and its date of completion, as well as the system for re-evaluation of the 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.

Within these activities to be evaluated, the teaching team will also be able to assess attendance and participation in class. It is about active participation throughout the course, of quality, legally based, adequate and relevant to the topics covered, and different from that carried out in the seminar / practical classes. In this case, the teaching team of each group will determine the corresponding percentage.

Students who copy or attempt to copy on a final exam will have a 0 on the exam. Students who present a practice in which there is plagiarism will obtain a 0 and receive a warning. In case of repetition of the conduct, the student will suspend 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	20, 1, 2, 5, 3, 4, 13, 12, 16, 14, 8, 18, 21, 7, 6, 17, 9, 10, 11, 22
Preparation of recensions, reviews, book reviews, case, regulations, videos or movies files	0-25%	7	0.28	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 6, 17, 9, 10, 11, 22
Realization individual or group practices: Continuous evaluation	0-50%	15	0.6	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 6, 17, 9, 10, 11, 22
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)	0-30%	10	0.4	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 6, 17, 9, 10, 11, 22
Written Exam - Partial Exam (optional at the discretion of the teachers of each group)	0-25%	2	0.08	20, 1, 2, 5, 19, 3, 4, 13, 12, 14, 18, 7, 9, 10, 11
Written exam - Final Exam	0-50%	2	0.08	20, 1, 2, 5, 19, 3, 4, 13, 12, 15, 16, 14, 18, 7, 9, 10, 11

Bibliography

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 - * APARICIO PÉREZ, Miguel Angel. (dir.)- BARCELÓ, Merce., *Manual de Derecho Constitucional*, Atelier, Barcelona.
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 - * CARRERAS SERRA, Francesc de - GAVARA, Juan Carlos *Leyes políticas*, Aranzadi, Pamplona.
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 - * CASAS BAAMONDE, Maria Emilia- RODRIGUEZ-PIÑERO, Miguel, *Comentarios a la Constitución*, Wolters Kluwer, 2008
 - * GARRIDO FALLA, Fernando (dir.) *Comentarios a la Constitución*. Civitas, Madrid.
 - * ALZAGA VILLAAMIL, Oscar, *Comentarios a la Constitución Española* Edersa, Madrid.
- <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.

Software

The subject does not require any specific software