

Constitutional Organisation of the State

Code: 102299
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

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Use of Languages

Principal working language: spanish (spa)
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

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.

Group 01: Dr. José Carlos Remotti - Spanish

Seminars:

- Subgroup 11: Sr. José Algarrada - Spanish
- Subgroup 12: Dr. José Carlos Remotti - Spanish
- Subgroup 13: Sr. Marcel Mateu - Catalan

Grupo 02: Dr. Joan Lluís Pérez Francesch - Catalan

Seminars:

- Subgroup 21: Sra. Esther Padró - Catalan
- Subgroup 22: Dr. Joan Lluís Pérez Francesch - Catalán
- Subgroup 23: Sr. Damià del Clot - Catalán

Grupo 51: Dr. José Carlos Remotti - Spanish

Seminars:

- Subgroup 511: Sr. Abel Andrade - Spanish
- Subgroup 512: Dr. José Carlos Remotti - Spanish
- Subgroup 513: Dr. Ricard Brotat - Catalan

Grupo 70: Dra. María Jesús García Morales - Spanish.

Seminars:

- Subgroup 70: Dra. María Jesús García Morales - Spanish
- Subgroup 71: Sra. Laura Camacho - Spanish
- Subgroup 72: Sr. Damià del Clot - Catalan

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.
- 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.
- Present information in a way that is appropriate to the type of audience.
- 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. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
13. Explaining the State configuration as a Social and Democratic State of Law and its involvement in the transformation of the State.
14. Explaining why not every political organization of a society implies the existence of a State.
15. Exposing the functioning of the different powers and public institutions from a constitutional legal-democratic perspective.
16. 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.
17. Identifying the constitutional role being developed by every of the public authorities in their different levels.
18. Identifying which ones are the elements that form the state and which ones differ from other political organisations of society.
19. Integrating in every carried out analysis the institutional and legal complexity from an autonomic, state and European perspective.
20. Interpreting the interrelation, separation and cooperation rules, between the several powers and institutions of the different autonomic, state and European areas.
21. Interpreting the legal-institutional complexity that integrates local, autonomic, state, and European interrelating and self-limited bodies.
22. Knowing the role developed by the higher values of the legal order as opening and closing clauses of the legal and political system.
23. Managing bibliographic and documentary resources: databases, browsing, etc.
24. Present information in a way that is appropriate to the type of audience.
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.

Attendance at seminars, except in justified cases, will be compulsory for students.

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	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 27, 2, 1
Lecture / Theoretical classes	19.5	0.78	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 18, 19, 21, 27, 2, 1
Type: Autonomous			
Evaluation	5	0.2	3, 25, 22, 4, 5, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 16, 17, 18, 19, 21, 24, 26, 27, 2, 1
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.	66	2.64	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 18, 19, 21, 26, 27, 2, 1

Assessment

Evaluation

The competences of these subjects will be evaluated for a continuous evaluation system through the following activities:

- Final Exam to be carried out on the date officially indicated by the Academic Secretary. This exam will receive 50% of the note. The teaching team corresponding to each of the groups will indicate the format of this exam.
- A minimum of other two evaluation activities with a weight in the final grade will be 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 and book critical, case law files, regulations, videos or movies, or developing projects, among other activities. The selected activities may be carried out, as established 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	00-10%	4	0.16	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 18, 19, 21, 24, 27, 2, 1
Carrying out individual or group practices: Continuous evaluation	00-40%	15	0.6	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 26, 27, 2, 1
Preparation of recensions, reviews, book reviews, cases, regulations, videos or movies files. or to do legal papers	00-40%	7	0.28	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 24, 27, 2, 1
Realization of Individual or group course work on a topic related to the subject and assigned by the teacher's team	00-40%	10	0.4	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 26, 27, 2, 1
Written exam - Final Exam	50%	2	0.08	3, 25, 22, 4, 5, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 16, 17, 18, 19, 21, 20, 26, 27, 2, 1
Written test - Partial Exam (optional at the discretion of the teachers team of each group)	00-40%	2	0.08	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 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. This book is available at the UAB digital library.
- * 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*, Wolters 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.

Software

The subject does not require any specific software