

**Constitutional Organisation of the State**

Code: 102299  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

## Contact

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## Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

## Teachers

Enric Fossas Espadaler

Juan Luis Perez Francesch

Jose Carlos Remotti Carbonell

Alfredo Ramirez Nardiz

## 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: Prof. Dr. José Carlos Remotti

Seminars:

- Subgroup 1.1. Prof. Dra. Valentina Maglietta

- Subgroup 1.2. Prof. Dr. José Carlos Remotti

- Subgroup 1.3. Por determinar

Group 02: Prof. Dr. Joan Lluís Pérez Francesch

Seminars:

- Subgroup 2.1. Prof. Dr. Alfredo Ramirez Nardiz

- Subgroup 2.2 Prof. Dr. Joan Lluís Pérez Francesch

- Subgroup 2.3. Prof. Damià del Clot

Group 03: Prof. Dr. Alfredo Ramirez Nardiz.

Seminars:

- Subgroup 3.1. Por determinar
- Subgroup 3.2. Prof. Dr. Alfredo Ramirez Nardiz
- Subgroup 3.3. Por determinar

Group 51: Prof. Dr. José Carlos Remotti

Seminars:

- Subgroup 51.1. Prof. Abel Andrade
- Subgroup 51.2. Prof. Dr. José Carlos Remotti
- Subgroup 51.3 Prof. Dr. Ricard Brotat.

Group 70: Prof. Dr. Enric Fossas Espadaler

Seminars:

- Subgroup 70.1. Prof. Dr. Alfredo Ramirez Nardiz
- Subgroup 70.2. Prof. Dr. Enric Fossas Espadaler
- Subgroup 70.3. Por determinar.

## **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 constitutional 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

#### 1. Continuous 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 School of Law. It exam will receive to 50% of the note. The teaching team corresponding to each of the groups will indicate the format of final exam and may establish that, in order to pass the subject, the students must achieve a minimum mark in the final exam, which in no case may be less than 4/10. In this case, if this minimum mark is not reached in the final exam will fail the subject regardless of the marks obtained in the other parts of the evaluation, corresponding to the final grade obtained in the exam.
- The assessment of the activities carried out in the Seminars and/or carrying out practical activity or activities with a weight of 25% of the final grade.
- A minimum of another evaluation activity whose weight in the note of 25%: The teaching team in each of the groups of this subject will select at least another different evaluation activities in order to cover 25% of the note. Example of this or these possible activities, by way of example only, we indicate: Exam or partial exams, practical cases, reports, reviews, legal writings, opinions, preparation of research papers, reviews, analysis and criticism of books and other texts or documents, jurisprudence files, regulations, videos or films, or develop projects, among other activities. The teaching teams will be able, in each group, to assess the attendance and participation in class. It is about active participation throughout the subject, of quality, legally based, adequate and relevant to the topics covered, and different from that carried out in seminar / practical classes.

The seminars and/or practical activities and the other selected activities, may be carried out, as provided by the teaching team of each group, individually or in groups.

The teaching team of each group at the beginning of the course will present the program of the subject provided in this guide, explaining the topics that will be covered. In this way, it will also present the schedule of teaching activities (theory and seminars), specify the way to evaluate the work carried out in the seminars or the practical activities, as well as the evaluation activities that have been selected for the third part of the evaluation. It will also indicate the date of the activities, as well as of the reevaluation system for suspended activities. The reevaluation can only be carried out if the student has followed the continuous evaluation. Such indications will also be displayed on the virtual campus /Moodle.

#### 2. Single evaluation

The teaching team of each group will establish the single evaluation system and the activities that will be applicable to the students who have applied for and been granted this single assessment system. This unique evaluation will consist of three parts and seeks that the students can certify having achieved the objectives and learning results, and the skills and competencies established for the subject. The first part will consist of a exam of the entire subject with similar characteristics to the one carried out in the final test of the continuous evaluation. The exam will have the weight of 50% of the grade. The second part will refer to what was done in the seminars or a practical activity with a weight of 25% of the final grade. The third part will be around one or more of the activities carried out in accordance with the list indicated above with a weight of 25%.

This unique evaluation will have a difficulty similar to that required in the continuous evaluation.

As in the continuous evaluation, the teaching team of each group may establish that, in order to pass the subject, the students who chooses the single evaluation must obtain a grade equal to or greater than 4 in the test or final exam. regardless of the marks obtained in the otherparts of the evaluation.

The specific indications about the single evaluation will also be given at the beginning of the course and will be displayed on the virtual campus of the subject of each group.

In any case, students who cheat or try to cheat in a final exam will have a 0 on the exam. Students who present a practice or activities in which there is plagiarism will get a 0 and receive a warning. In case of reiteration of the behavior, the student will fail the subject.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assessment of activities carried out in the seminars or carrying out individual or group practices.	25%	18	0.72	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 partial test, or to do legal papers or juridical research	25%	20	0.8	3, 22, 4, 7, 6, 9, 8, 10, 11, 13, 14, 15, 12, 23, 18, 19, 21, 24, 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

## 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](http://www.westlaw.es). Base de dades westlaw.

## **Software**

The subject does not require any specific software