UAB
Universitat Autònoma de Barcelona

Fundamentals of Public Law

Code: 106739
ECTS Credits: 6

2025/2026

Degree	Type	Year
Political Science and Public Management	OB	2

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Teachers

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Teaching groups languages

You can view this information at the end of this
document.

Prerequisites

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Students must have a basic background in social sciences. Since they have never studied any legal subject,
and it is an introductory subject to Public Law, no previous legal knowledge is required.

Objectives and Contextualisation

The content of the course will deal with the basic knowledge of legal concepts and the constitutional
organization of the State. A nuclear aspect will be the concept of the rule of law as a guarantee of rights and
freedoms. This subject should serve as a basis for the subsequentdevelopment of the subjects of
Constitutional Law, Administrative Law and Public International Law.

Competences

- Act with ethical responsibility and respect for fundamental rights and duties, diversity and democratic
  values.
- Assess the social, economic and environmental impact when acting in this field of knowledge.
- Develop critical thought and reasoning and be able to communicate them effectively, both in your own
  language and second or third languages.
- Develop strategies for autonomous learning.

- Make changes to the methods and processes of the area of knowledge to provide innovative responses to the needs and wishes of society.
- Take sex- or gender-based inequalities into consideration when operating within one's own area of knowledge.

Learning Outcomes

1. Act with ethical responsibility and respect for fundamental rights and duties, diversity and democratic values.
2. Assess the social, economic and environmental impact when acting in this field of knowledge.
3. Develop critical thought and reasoning and be able to communicate them effectively, both in your own language and second or third languages.
4. Develop strategies for autonomous learning.
5. Make changes to the methods and processes of the area of knowledge to provide innovative responses to the needs and wishes of society.
6. Take sex- or gender-based inequalities into consideration when operating within one's own area of knowledge.

Content

FOUNDATIONS OF PUBLIC LAW

UNIT 1. Law and the State

1.1.- Concept and functions of Law
1.2.- Law, morality, and social customs. Law and justice
1.3.- Legality and legitimacy: validity, enforceability, applicability, and effectiveness
1.4.- The State and the Law

UNIT 2. The Legal System

2.1.- The legal system as a system of norms
2.2.- Major legal traditions: common law, civil law, global law
2.3.- Criteria for relationships between norms and normative systems
2.4.- Sources of Law: norms (types of norms), custom, general principles of law, case law
2.5.- Branches of Law. Public Law. Current interrelations

UNIT 3. The Constitution and Constitutionalism

3.1.- Theoretical foundations and evolution of constitutionalism
3.2.- Historical development of constitutionalism
3.3.- Concepts of Constitution
3.4.- The Spanish Constitution of 1978

UNIT 4. Constitutional Guarantees

4.1.- The defence of the Constitution: constitutional review and constitutional amendment
4.2.- Constitutional justice. Historical models of constitutional justice: the American and the European systems
4.3.- Constitutional justice in the Spanish legal system: the Constitutional Court
4.4.- Constitutional review processes: constitutional appeal and preliminary question of unconstitutionality

UNIT 5. Forms of the State

5.1.- The Rule of Law: concept and manifestations
5.2.- The democratic State and the concepts of representative democracy
5.3.- The social State. The economic Constitution. Regulatory effectiveness and the social State.

Environmental justice and ecological transition
5.4.- The political form of the State

UNIT 6. Law and Regulations

6.1.- Concept of Law. Regulatory quality
6.2.- The legislative procedure. Types of law
6.3.- Norms with the force of law: decree-laws and legislative decrees
6.4.- Concept and types of regulation
6.5.- Relationship with law: legality control of regulations
6.6.- Regulatory transparency and citizen participation

UNIT 7. The State of Autonomies and Local Autonomy

7.1.- The principle of autonomy and its legal development
7.2.- Statutes of Autonomy
7.3.- Distribution of competences and jurisdictional conflicts
7.4.- Legislative powers of the Autonomous Communities' institutions
7.5.- The institutional system of the Generalitat of Catalonia
7.6.- Local autonomy

UNIT 8. International Law and European Union Law

8.1.- Public international law: subjects and sources
8.2.- Integration of international law into the domestic legal system
8.3.- European Union and EU Law. Effects ofEU law on the Spanish legal system

UNIT 9. Fundamental Rights (I)

9.1.- Human rights and fundamental rights
9.2.- Configuration of fundamental rights in the Spanish Constitution of 1978
9.3.- Effectiveness, holders, and exercise of fundamental rights
9.4.- Guarantees of fundamental rights
9.5.- The right to effective judicial protection
9.6.- Digital rights

UNIT 10. Fundamental Rights (II)

10.1.- The principle of equality and non-discrimination. Gender perspective and intersectionality as developments of the right to equality and non-discrimination
10.2.- Main rights in the personal sphere: life, personal freedom, thought, privacy, and data protection
10.3.- Main rights in the public sphere: freedom of expression and information; the right of assembly, association, and trade union membership; the right to participate in public affairs
10.4.- Main economic, social, and cultural rights: property, strike, and education. Guiding principles of social and economic policy
10.5.- The 2030 Agenda and sustainable development as a rights-based framework

UNIT 11. Fundamental Rights (III): Special Reference to the Right to Political Participation

11.1.- The right to vote and stand for election. Constitutional recognition and límits

11.2.- The Spanish electoral system: proportional representation and electoral districts. Political parties

11.3.- Guarantees of the electoral process: rules, actors, procedures, and judicial oversight

11.4.- Political participation beyond elections: referendums, legislative initiatives, and digital participation

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Tutorials	66	2.64	1, 6, 2, 4, 3, 5
Type: Autonomous			
Autonomous activities	76	3.04	1, 6, 2, 4, 3, 5

The learning process focuses on the work that the student must do, the mission of the teaching staff is to help him in this task by providing information and showing him the techniques and sources from which to obtain it.

The development of the teaching of the subject and the training of the student is based on the following activities:

1. Tutorials: Through the transmission of the teacher's knowledge, the students reach the conceptual foundations of the subject and the normative and jurisprudential legal framework is consolidated.2. Actividades autónomas: Se trata de actividades donde el estudiante se organiza el tiempo y el esfuerzo de forma autónoma ya sea de forma individual o grupal.

2.1. Study of the subject.

2.2. Preparation of documents of practical activities: which will be delivered and analyzed. These are practical cases proposed sufficiently in advance by the teacher or the preparation of reviews, criticism of books and readings or files on jurisprudence, regulations or films.

23. Search of bibliography, jurisprudence and materials for the resolution of the practical cases, complement the theoretical questions.

2.4. Preparation of course work, reports, etc.

The teaching methodology and the evaluation may undergo some modification depending on the circumstances and especially the restrictions on 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.

Assessment

Continuous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Exams	50%	2	0.08	1, 6, 2, 4, 3, 5
homeworks and case studies	50%	6	0.24	1, 6, 2, 4, 3, 5

The completion of work or practical cases (and the possible oral presentation) will have an overall weight of 50%.

Written exam-type tests will have an overall weight of 50%. Among them, there will be a final exam for the whole subject to check the overall acquisition of skills, abilities and knowledge. There may be partial exams.

The coordinating teacher of each group at the beginning of the course will present the schedule of teaching and practical activities, and specify the continuous evaluation system and set the percentage assigned to each of the selected activities, also the revaluation system suspended activities The revaluation can only be carried out if the student has followed the continuous assessment. These instructions will be displayed on the virtual campus /Moodle.

A student who copies or tries to copy in an exam will get a 0 in the exam. A student who submits an assignment in which plagiarism has occurred will receive a 0 and a warning. In case of repetition of the behavior, the student will suspend the subject.

Single evaluación: it will consist of a theoretical exam with a value of 50% of the grade, the resolution of a practical case with a value of 25% of the grade and the presentation and, where applicable, oral defense of a work , with a value of 25% of the grade.

A student will be considered non-assessable when they have not provided the minimum required evidence to apply the established evaluation criteria.

Specifically, a student will be recorded as non-assessable if:

Under the continuous assessment system, they have submitted less than30% ofthe scheduled assessment activities, or have not participated in any written exams, practical assignments, or individual/group work.

Under the single assessment system, they have not completed any of the required components (theoretical exam, practical case resolution, or written/oral presentation of the final assignment).

This status will be determined by the course coordinator based on the actual participation and submission of the required assessment tasks throughout the course.

For this course, the use of Artificial Intelligence (AI) technologies is restricted. Specifically, AI may be used as a support tool for:

- Bibliographic or general information searches,
- Spell-checking and grammar correction of texts,
- Occasional translations,
- Preliminary organization of ideas in the preparation of assignments and practical cases, always under the student's critical supervision.

The use of AI to automatically generate complete responses to practical cases, assignments, presentations, or exams is not permitted.

Students must clearly identify which parts of the activity have been generated or assisted by AI, specify the tools used, and include a critical reflection on how these technologies have influenced the process and final outcome.

Failure to transparently disclose the use of AI will be considered a breach of academic integrity, and may result in partial or total penalties for the assessed activity, or more serious sanctions in severe cases.

Bibliography

A) Bibliography of the subject

GAVARA DE CARA, J.C. (coord.) Constitución. Desarrollo, rasgos de identidad y valoración en el XXV aniversario (1978-2003). 2004. Barcelona: J.M. Bosch i Institut de Ciències Polítiques i Socials

DÍEZ PICAZO, L. M. Temas básicos de Derecho Constitucional. Tomo I. 2001. Madrid: Civitas

FOSSAS, Enric. PÉREZ FRANCESCH, Joan Lluís. Lliçons de Dret Constitucional, Barcelona: Proa

GALATORRE, Angel. Introducción al Derecho. 1992. Madrid: Ariel. Madrid.

GARCÍA DE ENTERRRÍA, E. Legislación delegada, potestad reglamentaria y control judicial (2a. ed.). 1998. Madrid; Civitas

GARRORENA MORALES, Angel. Derecho Constitucional. Madrid. Centro Estudios Políticos y Constitucionales

LÓPEZ GUERRA, Luís. 1994. Introducción al Derecho Constitucional, València: Tirant Lo Blanch.

MOLAS BATLLORI, Isidre. 2004. Derecho Constitucional. Madrid: Tecnos.

RODRIGUEZ RUIZ, Blanca.2017. Género y Constitución, Mujeres y Varones en el Orden Constitucional Español, Lisboa: Editorial Juruá.

B) Reference manuals

APARICIO PÉREZ, Miguel.A. (dir.) i BARCELO, Mercè. (coord). Manual de Derecho Constitucional, Atelier, Barcelona.

BALAGUER CALLEJÓN, Francisco (y otros) Derecho Constitucional, 2 vols., Tecnos. Madrid.

LOPEZ GUERRA, Luis (y otros) Derecho Constitucional, 2 vols. Tirant lo Blanc, Valencia.- PÉREZ ROYO, Javier Curso de Derecho Constitucional, Marcial Pons, Madrid.

C) Reference works

ARAGÓN REYES, M. (ed.) Temas básicos de Derecho Constitucional, Civitas, Madrid

Diccionario del sistema jurídico español, Akal, 1984

Enciclopedia Jurídica básica, Civitas, 1994

Enciclopedia Jurídica española, Seix

D) Comments to the Constitution

ALZAGA VILLAAMIL, Oscar Comentarios a la ConstituciónEspañola Edersa, Madrid.

CASAS BAAMONDE, María Emilia- RODRIGUEZ-PIÑERO, Miguel, Comentarios a la Constitución, Wolkers Kluwer, 2008

GARRIDO FALLA, Fernando (dir.) Comentarios a la Constitución. Civitas, Madrid.

E) Legal texts

ALBERTÍ, Enoch- GONZALEZ, Markus Leyes políticas del Estado, Civitas, Madrid

CARRERAS SERRA, Francesc- GAVARA, Juan Carlos Leyes políticas, Aranzadi, Pamplona. .

F) Web Links

-http://www.vlex.com

-http://www.todoelderecho.com

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

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

-http://www.europa.eu

F) Monographic works to be read to be evaluated (each group will be told which monograph to read).

- FIORAVANTI, Maurizio: Los derechos fundamentales: apuntes de historia de las constituciones. Trotta 1998

- JIMENEZ ASENSIO. Rafael: El Constitucionalismo: proceso de formación y fundamentos del derecho Constitucional. Marcial Pons. 2005

Software

Not needed

Groups and Languages

Please note that this information is provisional until 30 November 2025. You can check it through this link. To consult the language you will need to enter the CODE of the subject.

Name	Group	Language	Semester	Turn
(PAUL) Classroom practices	1	Catalan	first semester	morning-mixed
(PAUL) Classroom practices	51	Catalan	first semester	afternoon
(TE) Theory	1	Catalan	first semester	morning-mixed
(TE) Theory	51	Catalan	first semester	afternoon