

29000 - Basic principles of constitutional law

Información del Plan Docente

Academic Year	2017/18
Faculty / School	228 - Facultad de Empresa y Gestión Pública
Degree	429 - Degree in Public Management and Administration
ECTS	12.0
Year	1
Semester	Annual
Subject Type	Basic Education
Module	---

1.General information

1.1.Introduction

1.2.Recommendations to take this course

1.3.Context and importance of this course in the degree

1.4.Activities and key dates

2.Learning goals

2.1.Learning goals

2.2.Importance of learning goals

3.Aims of the course and competences

3.1.Aims of the course

3.2.Competences

4.Assessment (1st and 2nd call)

4.1.Assessment tasks (description of tasks, marking system and assessment criteria)

5.Methodology, learning tasks, syllabus and resources

5.1.Methodological overview

The learning process that has been designed for this course is based on the following:

1. Participation of the student in the keynote sessions and discussion of the conceptual framework subject to explanation in "Fundamentals of Constitutional Law".

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2. Practical teaching based on model cases, exhibition and discussion of students.
3. Individualized and group tutoring.
4. Personal study.
5. Indicative basic bibliography.

5.2.Learning tasks

- 1: Exhibition activities and systematisation of knowledge in charge of the teacher.
- 2: Dynamic activities of teacher and students: resolution of cases and practical cases.
- 3: Reading books and specialized monographs, whose content you will notice the teacher through any of the formulas outlined above.
- 4: Personal study of the student, group and individual tutoring.
- 5: Extraordinary optional courses or seminars.

5.3.Syllabus

FIRST PART (first semester)

Lesson 0.

Introduccion constitutional law: Theory of the Constitution. Concept of Constitucion.

Leccion 1.

Main lines of the Spanish constitutionalism. The Spanish Constitution of 1978: the constitutional process. General characters and influences. Higher values and constitutional principles. The formula of the social and democratic State of law.

Lesson 2.

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Social and democratic State of law. (I). Meaning and manifestations of the rule of law: the guarantee of fundamental rights; the division of powers; and the rule of law. The Social State and its constitutional implications. Economic Constitution: the economic model of the Constitution.

Lesson 3.

Social and democratic State of law. (II). The State Democratic: sovereignty, pluralism and participation. Forms of participation of citizens: direct democracy and representative democracy. Political parties as fundamental subjects of the participation. Elections: the general electoral regime. Forms of direct participation: legislative popular initiative and referendum.

Lesson 4.

Constitutional system of sources of law. The Constitution as supreme law and rule of law. Reform constitutional. Legal sources; organic laws; ordinary laws; other laws; rules of the Government with value of law: decree-laws and legislative decrees. The autonomy principle and the system of sources. The European Union law and international treaties..

Lesson 5.

The Constitutional Court (I). Defense jurisdictional of the Constitution. Nature, composition, status of the judges. Structure and functioning of the Constitutional Court.

Lesson 6.

The Constitutional Court (II). The appeal of unconstitutionality. The question of unconstitutionality. The remedy of amparo. Conflicts of competences and powers. Conflict in defence of local self-government. Provisions without force of law challenge. The value of constitutional jurisprudence.

Lesson 7.

Fundamental rights (I). The constitutionalization of rights and freedoms. Concept and nature; fundamental rights in the Constitution of 1978. Efficacy, limits, ownership, exercise and interpretation of fundamental rights.

Lesson 8.

Fundamental rights (II). The guarantees of fundamental rights General guarantees: direct application, reservation of law and respect for the essential content. Jurisdictional guarantees: the ordinary judicial protection and the remedy of amparo constitutional. Organic guarantees: the Defender of the People. Guarantees of the guiding principles of economic and social policy. The suspension of fundamental rights.

Lesson 9.

Fundamental rights (III): Systematic analysis of the rights and fundamental freedoms. Principle of equal. Personal rights. Participation and political rights. Economic and social rights. The guiding principles of economic and social policy. Fundamental duties.

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SECOND PART (second semester)

Lesson 10.

Introducción. Division of powers and forms of Government. The vertical division of power and forms of State.

Lesson 11.

The Crown as head of State. The parliamentary monarchy in the Spanish Constitution. The constitutional arrangement of the Crown; the King; inviolability and irresponsibility of the person of the King; the Royal family; the House of the King. The functions of the King. The endorsement of the acts of the King. The succession to the Crown. The Regency and guardianship of the minor King.

Lesson 12.

The Cortes Generales (I). Nature and meaning of the Cortes Generales. Suspension of the Cortes Generales: the bicameral system. The composition of Congress and Senate and their electoral systems. The autonomy of the Chambers: in particular, the parliamentary regulations. Political representation and parliamentary mandate. Legal status of parliamentarian; the parliamentary mandate: acquisition, suspension and loss of parliamentary status. Rights and duties; ineligibilities and incompatibilities; the prerogatives of the parliamentarian: inviolability, immunity and special jurisdiction.

Lesson 13.

The Cortes Generales (II). The Organization of the Chambers; governing or managing bodies: the President, the Bureau and the Board of spokespersons; operating bodies: the Plenary and the Committees. Parliamentary Groups: legal nature; requirements for their constitution; organization and functions. The operation of camera: the parliamentary work management; validity of parliamentary acts requirements. Parliamentary continuity: the Permanent Deputation. The dissolution of the Chambers: assumptions.

Lesson 14.

The Cortes Generales (III). The legislative function of the Cortes Generales; phases of the parliamentary legislative procedure. The specialties in the legislative procedure. The financial function of the Cortes Generales; the tax authority; the budgetary stability; the budgetary authority; control of the implementation of the budget: the Court of Auditors. The parliamentary control of the Government and its modalities. The requirement of political responsibility of the Government. Other features of the Cortes Generales.

Lesson 15.

The Government. The Government's position in the Spanish constitutional system. Composition and functioning of the Government; individual organs; colleges; organs of collaboration and support. The functions of the Government; the function of political leadership of the State. Statute of members of the Government. The President of the Government:

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appointment and leadership functions. The cessation of the Government and the incumbent Government. Public Administration: constitutional principles.

Lesson 16.

The Judiciary. Constitutional setup of the Judiciary; fundamental principles: popular origin of Justice; independence; jurisdictional unity; submission to the law. The General Council of the Judiciary. Judiciary and regional principle. The Jury as Institute of citizen participation in the Administration of Justice. The Department of public prosecutions.

Lesson 17.

The territorial organization of the State (I). The constitutional option in favor of a decentralized State. Basic principles of regional planning of the State: unit; territorial pluralism; principle device; solidarity and cooperation. The local autonomy. The formation of the Autonomous Communities; access roads to the autonomy and Statutes approval procedures.

Lesson 18.

The territorial organization of the State (II). The Statutes of Autonomy: nature, content, and reform. Institutional organization of the Autonomous Communities. The constitutional system of the distribution of powers. The financing of the Autonomous Communities: constitutional principles and legal development. New Statutes and evolution of the Autonomous State.

Each teacher in charge will inform at the beginning of the course about the number and thematic sequence of the case studies perform.

Also, each teacher will offer at the beginning of the course listing of books or considered specialized monographs of interest to the education of the student in any of the matters of discipline. Among them, the student must select at least one for, where appropriate, further reading and comment.

5.4.Course planning and calendar

Calendar of sessions and presentation of works.

To work defined learning outcomes and competencies and overcome the subject, it is proposed indicative of the following content development during the course.

The calculations have been considering 30 weeks (15 for each semester).

Training and evaluation activities

Distribution

Credits

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CLASS ACTIVITIES	120 h.	4,8
Theoretical classes	Sessions of 2.5 hours per week	3,0
Practical classes	Sessions of 1.5 hours per week	1,8
SELF-STUDY	180 h.	7,2
Attendance at tutorials	16 activities of 2 hours	1,28
Exams	2 exams, 4 hours	0,16
Personal work (includes the preparation of tests)	144 hours	5,76

5.5. Bibliography and recommended resources

[BB: Basic bibliography / BC: Complementary bibliography]

BB	Derecho constitucional. Vol. I, El ordenamiento constitucional, derechos y deberes de los ciudadanos / Luis López Guerra ... [et al.]. - 9ª ed. Valencia : Tirant lo Blanch, 2013
BB	Derecho constitucional. Vol. II, Los poderes del Estado, la organización territorial del Estado / Luis López Guerra ... [et al.]. - 9ª ed. Valencia : Tirant lo Blanch, 2013
BB	Lecciones de derecho constitucional. II / coordinadores Paloma Biglino ... [et al.] ; autores, Alfredo Allué ... [et al.] . 1ª ed. Valladolid : Lex Nova, 2013
BB	Manual de derecho constitucional. Vol. I, Constitución y fuentes del Derecho, Derecho constitucional europeo, Tribunal Constitucional, Estado autonómico / Francisco Balaguer Callejón (coordinador) ... [et al.]. 10ª ed. Madrid : Tecnos, 2015
BB	Manual de derecho constitucional. Vol. II, Derechos y libertades fundamentales, deberes constitucionales y principios rectores, instituciones y órganos constitucionales / Francisco Balaguer Callejón (coordinador) ... [et al.]. 10ª ed. Madrid : Tecnos, 2015
BB	Molas, Isidre : Derecho constitucional /

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- Isidre Molas . - 4ª ed. (reimpr.) Madrid : Tecnos, 2011
Temas básicos de derecho constitucional. Tomo I, Constitución, Estado
- BB** constitucional y fuentes del derecho / Manuel Aragón Reyes (director) ; César Aguado Renedo (codirector) . - 2ª ed. Cizur Menor (Navarra) : Civitas, 2011
- Temas básicos de derecho constitucional. Tomo II, Organización general y territorial del Estado / Manuel Aragón Reyes
- BB** (director) ; César Aguado Renedo (codirector). - 2ª ed. Cizur Menor (Navarra) : Civitas, 2011
- Temas básicos de derecho constitucional. Tomo III, Derechos fundamentales y su protección / Manuel Aragón Reyes
- BB** (director) ; César Aguado Renedo (codirector) . - 2ª ed. Cizur Menor (Navarra) : Civitas, 2011
- Aja Fernández, Eliseo. El Estado autonómico : federalismo y hechos diferenciales / Eliseo Aja . 2ª ed., 1ª reimpr. Madrid : Alianza Editorial, 2007
- BC**
- Aja Fernández, Eliseo. Estado autonómico y reforma federal / Eliseo Aja Madrid : Alianza, 2014
- BC**
- Álvarez Conde, Enrique : Curso de derecho constitucional. Vol. I, El Estado constitucional ; El sistema de fuentes ; Los derechos y libertades / Enrique Álvarez Conde . - 6ª ed., reimpr. Madrid : Tecnos, 2009
- BC**
- Álvarez Conde, Enrique : Curso de Derecho constitucional. Vol. II, Los órganos constitucionales ; El estado autonómico / Enrique Álvarez Conde . - 6ª ed. reimpr. Madrid : Tecnos, 2009
- BC**
- Derecho público aragonés / Antonio Embid Irujo (director) ; [autores] Rafael Alcázar Crevillén ... [et al.] . 5ª ed. Zaragoza : El Justicia de Aragón, 2014
- BC**
- España. Tribunal Constitucional. Constitución y jurisprudencia constitucional : (selección) / José Antonio Portero Molina . 7ª ed. corr. y aum. con jurisprudencia Valencia : Tirant lo Blanch, 2012
- BC**
- García de Enterría, Eduardo. La constitución como norma y el Tribunal Constitucional / Eduardo García de Enterría . 4ª ed. Cizur Menor (Navarra) : Civitas, 2006
- BC**
- García-Pelayo Alonso, Manuel. El estado de partidos / Manuel García-Pelayo Madrid : Alianza, D.L. 1986
- BC**
- García-Pelayo Alonso, Manuel. Las transformaciones del Estado
- BC**

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- contemporáneo / Manuel García-Pelayo . -
[2a. ed., 8a. reimp.] [Madrid] : Alianza,
1994
- BC** Garrorena Morales, Ángel. Derecho
constitucional : teoría de la constitución y
sistema de fuentes / Ángel Garrorena
Morales . Madrid : Centro de Estudios
Políticos y Constitucionales, 2011
- BC** Loewenstein, Karl. Teoría de la
Constitución / Karl Loewenstein ;
traducción y estudio sobre la obra por
Alfredo Gallego Anabitarte . - 2a. ed., 4a.
reimp. Barcelona : Ariel, 1986
- BC** Muñoz Machado, Santiago. Derecho
público de las Comunidades Autónomas /
Santiago Muñoz Machado . 2ª ed. Madrid :
Iustel, 2007
- BC** Pérez Royo, Javier. Curso de derecho
constitucional / Javier Pérez Royo . 13ª ed.
/ rev. y puesta al día por Manuel Carrasco
Durán Madrid [etc.] : Marcial Pons, 2012
- BC** Torres del Moral, Antonio. Principios de
derecho constitucional español. T. I,
Sistema de fuentes, sistema de los
derechos / Antonio Torres del Moral . - 5ª
ed. Madrid : Servicio de Publicaciones,
Facultad de Derecho, Universidad
Complutense, 2004
- BC** Torres del Moral, Antonio. Principios de
derecho constitucional español. T. II,
Instituciones políticas / Antonio Torres del
Moral . - 5ª ed. Madrid : Servicio de
Publicaciones, Facultad de Derecho,
Universidad Complutense, 2004
- BC** Tratado de derecho público aragonés /
José Bermejo Vera, Fernando López
Ramón, directores . 1ª ed. Cizur Menor
(Navarra) : Civitas, 2010