

Academic Year/course: 2021/22

29000 - Basic principles of constitutional law

Syllabus Information

Academic Year: 2021/22

Subject: 29000 - Fundamentos de derecho constitucional

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

2. Learning goals

3. Assessment (1st and 2nd call)

4. Methodology, learning tasks, syllabus and resources

4.1. Methodological overview

The methodology followed in this course is oriented towards the achievement of the learning objectives. In the learning process, different teaching methodologies will be used depending on whether the modality of face-to-face or distance learning is used. The indicated teaching methodologies allow the involvement of the student in their learning process and allow the teachers to solve the problems and doubts that may arise.

The teaching methodologies for the face-to-face students are the following:

1. **Theory and practice sessions.** The presentation of contents by the teacher, including practical exercises on the blackboard.
2. **Workshop.** Supervised session where students work individually or in groups and receive assistance and guidance when necessary.
3. **Problem-based learning.** Educational approach oriented to learning and teaching in which the students solve real problems in small groups and under the supervision of a tutor.

The teaching methodologies for distance students are the following:

1. **The study materials prepared by the faculty,** which will consist of at least one didactic guide for the preparation of the theoretical contents, the elaboration of the continuous assessment tests, the offer of training activities on the Moodle platform and evaluation systems.
2. **Workshop.** Supervised session where students work individually or in groups and receive assistance and guidance when necessary.
3. **Problem-based learning.** Educational approach oriented to learning and teaching in which the students solve real problems in small groups and under the supervision of a tutor.

4.2. Learning tasks

This course is organized as follows:

A. Training activities for the face-to-face students:

1. Teaching sessions. This part consists on the 40% of the workload of this course. It includes the interaction of students with teaching teams through:

- Lectures. The teacher or external experts explain the contents to the students.
- Practice sessions. Practical exercises, problems and cases solved by the students.
- Assignments.
- Field work or visits (visits to institutions, companies, etc.).
- Face-to-face tutorials, in which specific orientations will be offered on the different topics, additional contents for a deeper study of the course, tips for a better approach to the course and assessment tasks.

2. Autonomous work. This part consists on the 60% of the workload of this course. It includes:

- The individual study of the topics proposed by the teaching staff.
- The preparation of team and individual assignments. Preparation of activities to present or hand in in the practice sessions or assessment sessions.
- Mandatory readings.
- Autonomous work on the practical activities proposed by the teacher in the continuous assessment.
- Assessment tasks and exams.

B. Training activities for distance students:

1. Distance learning activities. This part consists on the 20% of the workload of this course. It includes the interaction of students with teaching teams through:

- Working sessions with Zoom, Google Meet and Microsoft Teams Videoconferencing platforms that allow classes, lectures and expository techniques to be carried out through the internet. In addition, it allows all the participants to share the desktop, so they can see the screen e.g. presentations, software, etc.
- Face-to-face/online tutorials, in which specific orientations will be offered on the different topics, additional contents for a deeper study of the course, tips for a better approach to the course and assessment tasks.
- Virtual work in networks or activities on the Moodle platform. Collaborative work that starts from a virtual space (Teaching Digital Ring, specifically Moodle platform), designed by the teacher and of restricted access, in which documents can be shared to work on them simultaneously and new ones can be added. It also contains the classes and lectures, both theoretical and virtual practical activities. It also allows the student to communicate in a synchronous and asynchronous manner, and participate in all the discussions.

2. Autonomous work training activities. This part consists on the 80% of the workload of this course. It includes:

- The individual study of the topics proposed by the teaching staff.
- The preparation of team and individual assignments. Preparation of activities to present or hand in in the practice sessions or assessment sessions.
- Mandatory readings.
- Autonomous work on the practical activities proposed by the teacher in the continuous assessment.
- Assessment tasks and exams.

4.3. Syllabus

Teachers of the course will inform at the beginning of the course about the number and thematic sequence of the case studies to be done. Furthermore, teachers will offer a list of relevant books and/or specialized monographs to the students. Among the readings, the student must select at least one for further reading and commentary.

The course will address the following topics:

SECTION 1 (first semester)

- **Topic 0.** Constitutional law introduction: Theory of the Constitution. Concept of Constitution.
- **Topic 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.
- **Topic 2.** 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.
- **Topic 3.** Social and democratic State of law. (II). The Democratic State: 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.

- **Topic 4.** Constitutional system of sources of law. The Constitution as supreme law and rule of law. Constitutional Reform. Legal sources; organic laws; ordinary laws; other laws; rules of the Government with the status of law: decree-laws and legislative decrees. The autonomy principle and the system of sources. The European Union law and international treaties..
- **Topic 5.** The Constitutional Court (I). Defense jurisdictional of the Constitution. Nature, composition, status of the judges. Structure and functioning of the Constitutional Court.
- **Topic 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.
- **Topic 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.
- **Topic 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.
- **Topic 9.** Fundamental rights (III): Systematic analysis of the rights and fundamental freedoms. Principle of equality. Personal rights. Participation and political rights. Economic and social rights. The guiding principles of economic and social policy. Fundamental duties.

SECTION 2 (second semester)

- **Topic 10.** Introduction. Division of powers and forms of Government. The vertical division of power and forms of State.
- **Topic 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.
- **Topic 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 parliamentarians; the parliamentary mandate: acquisition, suspension and loss of parliamentary status. Rights and duties; ineligibilities and incompatibilities; the prerogatives of the parliamentary: inviolability, immunity and special jurisdiction.
- **Topic 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.
- **Topic 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.
- **Topic 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: appointment and leadership functions. The cessation of the Government and the incumbent Government. Public Administration: constitutional principles.
- **Topic 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.
- **Topic 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.
- **Topic 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.

4.4. Course planning and calendar

Further information concerning the timetable, classroom, office hours, assessment dates and other details regarding this course will be provided on the first day of class or please refer to the Facultad de Empresa y Gestión Pública website and Moodle.

Provisional course planning

Training activities for the face-to-face students:	Hours
1.a. Face-to-face training activities: Lectures	60
1.b. Face-to-face training activities: Practice sessions	40
1.c. Face-to-face training activities: Assignments	5
1.d. Face-to-face training activities: Field work and visits (visits to institutions, companies, etc.).	5
1.e. Face-to-face training activities: Face-to-face tutorials	10
2.a. Autonomous work training activities: Individual study	75
2.b. Autonomous work training activities: The preparation of team and individual works	20
2.c. Autonomous work training activities: Mandatory readings	12
2.d. Autonomous work training activities: Autonomous work on the practical activities proposed by the teacher in the continuous assessment	65
2.e. Autonomous work training activities: Assessment tasks and exams.	8
Training activities for distance students	Hours
1.a. Distance learning activities: Working sessions with Videoconferencing Platforms	30
1.b. Distance learning activities: Face-to-face tutorials and / or online tutorials	10
1.c. Distance learning activities: Virtual work in networks or activities in the Moodle platform	20
2.a. Autonomous work training activities : Individual study	100
2.b. Autonomous work training activities: The preparation of team and individual works	30
2.c. Autonomous work training activities: Mandatory readings	12
2.d. Autonomous work training activities : Autonomous work on the practical activities proposed by the teacher in the continuous assessment	90
2.e. Autonomous work training activities: Assessment tasks and exams.	8