

## 27712 - Constitutional Law II

### Syllabus Information

**Academic year:** 2023/24

**Subject:** 27712 - Constitutional Law II

**Faculty / School:** 102 - Facultad de Derecho

**Degree:** 421 - Degree in Law

**ECTS:** 9.0

**Year:** 2

**Semester:** First semester

**Subject type:** Compulsory

**Module:**

### 1. General information

In order to give coherence and unity to the conventional division of the contents of our discipline in the three subjects foreseen in the Law Degree Plan, the subject "Constitutional Law II" has as its objective the knowledge of the political organization of the State, starting from the Crown as the symbolic instance of the State and institute of legal formalization, continuing with the institutions and powers of the State, endowed with legislative, executive and judicial functions, up to the explanation and understanding of the structure of the territorial distribution of power between the State and the Autonomous Communities.

The aim is to provide the student with a general perspective of the legal-political organization of the Spanish State according to the constitutional text of 1978, in whose regulation some of its structural principles are concretized, such as the parliamentary monarchy as a political form, the democratic principle or the right to the autonomy of the nationalities and regions that comprise it.

This subject is directly related to SDG 16: Peace, Justice and Strong Institutions

### 2. Learning results

1. Distinguishes the functions of the Head of State and explains the legal-constitutional status of the Crown.
2. Characterizes the parliamentary form of government adopted in the 1978 Constitution and distinguishes the organization and functions of the Congress, the Senate and the Government.
3. Identifies the basic principles of the territorial organization of the State and is able to explain the organization of the Autonomous Communities and the constitutional regime of distribution of competences.
4. Know how to search and organize the different normative sources according to the principles of hierarchy and competence and the jurisprudential sources related to the organization of powers, applying them to the resolution of legal-constitutional conflicts.

### 3. Syllabus

1. The Crown. Parliamentary monarchy. Functions of the King. Endorsement. The King's statute. The succession, the Regency and the guardianship of the minor King.

2. The Cortes Generales. Election, structure and composition of the Cortes. The status of parliamentarians.

Autonomy and organization of the Chambers. Parliamentary rules of procedure. Operation of the Chambers. Functions of the Cortes: the legislative function, the budgetary function, the function of political control and impulse. The demand for political responsibility. Dissolution of the Chambers.

3. The Government: Constitutional configuration of the Government. Statute of its members. Formation and termination of the Government.

The functions of the Government.

4. The Judiciary. The constitutional principles that inform justice. The statute of Thursdays and magistrates. The General Council of the Judiciary. Citizen participation in justice.

5. The autonomous State. The territorial organization of the State in the Constitution. Constitutional principles and the formation of the autonomous State. The Statutes of Autonomy. The organization of the Autonomous Communities. The constitutional distribution of competences.

6. The Statute of Autonomy of Aragon. Statutory principles and rights. The forms of political participation in the Autonomous Community of Aragon.

7. The institutions of the Autonomous Community: the President, the Cortes de Aragón, the Government and the Justicia de Aragón.

### 4. Academic activities

Lecture activities and systematization of knowledge by the teacher.

Dynamic activities of teacher and students: resolution of cases and practical assumptions.

Reading of specialized books and monographs, whose content will be reported to the teacher by means of one of the formulas indicated above

Personal study of the student, individual and group tutoring.

Seminars or optional extraordinary courses.

## 5. Assessment system

In order to pass the subject, students must demonstrate the acquisition of sufficient knowledge of its contents . For this purpose, they will take a **final exam** in which they will have to answer several questions about the lessons of the Program. In the evaluation of this theoretical test, the knowledge acquired will be evaluated , taking into account the capacity of argumentation, exposition and even theoretical-practical relation. The value of the test will be 70% of the final grade. In order to pass the subject the student must have obtained, at least a passing grade in this exam.

In order to obtain the 9 credits corresponding to Constitutional Law II, students must also pass, , the **practical part** of the subject, which represents 30% of the final grade. To this end, the students should proceed to the realization of various practical activities and, where appropriate, also to the realization of recommended readings or research work. It will also be possible to pass the practical part of the subject by means of a practical test in the final exam, which will have the effect of a global test.

The completion of the practical activities and, where appropriate, of the readings or research work throughout the term, will be evaluated by the teacher based on 1) the active, continuous and quality participation of the student, 2) the fluency in the handling of the normative, jurisprudential and doctrinal materials of the Constitutional Law and 3) the expository, argumentative and critical reflection capacity. Such assessment may give rise to an anticipated grade of the practical part of the subject which, if applicable, frees the student from the need to take the practical test in the final test. This grade will be 30% of the final grade.

In case the theoretical test is not passed, in the assessment of the call, the passing grade or higher obtained in the continuous assessment will not be added.

The students who have not passed the practical part of the subject by means of an advanced grade will obtain a grade of 30% of the overall grade by solving one or more practical cases in the final exam. Such assumption or assumptions will be solved with the help of normative sources and for their correction will be taken into account 1) the ability and fluency in the handling of the sources of the constitutional discipline and 2) the expository, argumentative and critical reflection capacity.

Students who have not attended class regularly must sufficiently accredit in the global test the acquisition of all the competencies and learning results expected

In the extraordinary call, students will be examined on the same subject that they examined, or could have examined, in the first call of the term. That is to say, if an advanced grade is obtained for 30% of the final grade, it will be kept until the July exam.