

30500 - Constitutional Law I

Syllabus Information

Academic year: 2023/24

Subject: 30500 - Constitutional Law I

Faculty / School: 102 - Facultad de Derecho

Degree: 432 - Joint Law - Business Administration and Management Programme

ECTS: 6.0

Year: 1

Semester: First semester

Subject type: Basic Education

Module:

1. General information

Constitutional Law, as an academic discipline, has the task of establishing and studying the position, content and functions of the Constitution in the legal system of the Rule of Law. The Spanish Constitution of 1978 ensures the political unity of the State and of the legal system and, therefore, is materially supreme and hierarchically superior to the rest of the legal norms. The Constitution is the source of normative production, legitimizes and limits the exercise of power and guarantees freedom. It is the fundamental legal order of the community, and this distinguishes it from the rest of the sources of law. The subject Constitutional Law I, aims to give students an account of these normative qualities of the Constitution of 1978, of the singularities of Constitutional Law as Law, of its object, which integrates the dualism of State and Society, and of its particular scientific methodology.

It is also intended to provide students with an account of the main trends and problems afflicting some of the most important institutions and instruments of political participation and integration, such as the electoral system, political representation, political parties and the Constitutional Court.

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

2. Learning results

- 1.- Is able to distinguish the models and forms of the State and explain the functions of political integration performed by the modern constitutional State
- 2.- Know how to explain the concept of the Constitution, its various manifestations, its basis in the idea of constituent power, its functions and normative content, the relationship of the Constitution with the rest of the legal system and, finally, its guarantees against threats and violations of the normative program incorporated into it.
- 3.- Distinguish the different stages of Spanish constitutionalism and identifies its main features.
- 4.- Know and understands the meaning of the normative functions of the Spanish Constitution of 1978.
- 5.- Know how to search, understand and organize the different normative, documentary and jurisprudential sources related to the subject matter constitutional law, using new technologies.
- 6.- Know, interpret and apply to legal-constitutional conflicts the Constitution, the legislation of development and the constitutional jurisprudence
- 7.- Know the organizing principles of the constitutional system.

3. Syllabus

1. Concept of the State and its historical evolution. Forms of State.
2. The concept and content of the Constitution.
3. Spanish historical constitutionalism.
4. The 1978 Constitution: general characteristics, structural principles and superior values. The Social and Democratic State of Law.
5. The constitutional system of sources of law: the Constitution, constitutional reform, legal sources, European Union Law and International Treaties, the principle of autonomy and the system of sources and constitutional jurisprudence.
6. Pluralism and participation; political parties; the general electoral regime, forms of direct participation.
7. Constitutional jurisdiction: nature, composition and functions of the Constitutional Court.

4. Academic activities

1. Lecture activities and systematization of knowledge by the teacher.
2. Dynamic activities of teacher and students: resolution of cases and practical assumptions.
3. Reading of specialized books and monographs, the contents of which will be reported to the teacher by means of one of the

above mentioned formulas.

4. Personal study of the student, individual and group tutoring.

5. 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 assessment of this theoretical test, the knowledge acquired will be assessed, weighing 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 test.

In order to obtain the 6 credits corresponding to Constitutional Law I, students must also pass the practical part of the subject, which represents 30% of the final grade. To this end, students must proceed to reading and subsequent commentary of a book, to the resolution of various practical assumptions in the schedule provided through the use of regulatory and jurisprudential sources and, where appropriate, to the resolution of a practical assumption in the final exam, which will have the effect of a global test in accordance with Article 9 of the Rules of Learning Assessment of the University of Zaragoza.

The assessment of the reading of a book from among those selected by the teacher will be carried out, according to the criteria set by the teacher responsible at the beginning of the term, by means of a written review to be handed in before the final test or by means of the written answers to questions on the book formulated by the teacher.

The practical cases presented throughout the year will also be assessed by the lecturer on the basis of 1) the active and continuous participation of the students in the debates, 2) the ability and fluency in the handling of the sources of Constitutional Law and 3) the capacity for exposition, argumentation and critical reflection. This assessment, together with the assessment of the reading of the book, may give rise to an anticipated qualification of the practical part of the subject that, in its case, frees the student from the need to solve a practical case in the final test. This advance grade will represent 30% of the final grade.

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

Students who have not passed the practical part of the subject by means of an early grade will obtain the grade of 30% of the overall grade through the resolution of one or more practical cases in the final test. Said assumption or assumptions will be solved with the help of normative sources and their correction will take into account 1) the capacity 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 test, students will be examined on the same subject that they examined, or could have examined, in the first test of the term. That is to say, if a grade of 30% of the final grade has been obtained in advance, this grade will be kept until the July test.