

30504 - Constitutional Law II

Syllabus Information

Academic year: 2023/24

Subject: 30504 - Constitutional Law II

Faculty / School: 102 - Facultad de Derecho

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

ECTS: 9.0

Year: 1

Semester: Second semester

Subject type: Compulsory

Module:

1. General information

The aim of the subject Constitutional Law II is the knowledge of the rights and freedoms recognised constitutionally and of the political organisation of the State, starting with the Crown as the symbolic body of the State and institute of formalisation, continuing with the central organs of the State endowed with legislative, executive and judicial functions, up to the explanation and understanding of the structure of territorial distribution of power between the State and the Autonomous Communities.

The aim is thus to offer the student a general perspective of the system of rights and the legal-political organisation of the Spanish State according to the constitutional text of 1978, in whose regulation some of its fundamental principles are specified, such as the subjection of public powers to constitutional rights, the parliamentary Monarchy as a political form, the democratic principle and the right to autonomy of the nationalities and regions.

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

2. Learning results

1. Is able to explain the content, limits and guarantees of constitutionally proclaimed rights and freedoms.
2. Identify the functions of the Head of State and explain the legal status of the Crown.
3. It characterize the parliamentary form of government adopted in the 1978 Constitution and distinguishes the organization and functions of the Congress, the Senate and the Government.
4. Identify 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.
5. know how to search for and organise the different normative sources according to the principles of hierarchy and competence and the sources jurisprudential sources relating to the system of rights and the organisation of powers, applying them to the resolution of legal-constitutional conflicts. .

3. Syllabus

1. Fundamental rights: concept, effectiveness and limits; systematic analysis of rights and freedoms; guarantees of rights; suspension of rights.
2. The Crown. Parliamentary monarchy. Functions of the King. Endorsement. The King's statute. The succession, the Regency and the tutelage of the minor King.
3. 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 Houses.
4. The Government: Constitutional configuration of the Government. Statute of its members. Formation and termination of the Government. The functions of the Government.
5. The Judiciary. The constitutional principles that inform justice. The status of judges and magistrates. The General Council of the Judiciary . Citizen participation in justice.
6. 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.

4. Academic activities

Key activities of the subject are the identification of fundamental rights and freedoms and the explanation of the defining features of the Head of State, the parliamentary system of government and the territorial distribution of power in Autonomous Communities. Likewise, the selection and management of the legal norms of development of the mentioned issues and the application of the most important constitutional jurisprudence in this regard will be fundamental activities.

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 test 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 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, students should proceed to the completion of various practical activities and, where appropriate, also to the completion of recommended readings and / or research work. It will also be possible to pass the practical part of the subject by taking a practical test at the final exam, which will have the effect of a global test in accordance with Article 9 of the Learning Assessment Standards of the University of Zaragoza.

The completion of the practical activities and, where appropriate, of the readings and/or research work throughout the term, will be assessed 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 Constitutional Law and 3) the expository capacity, argumentative and critical reflection. 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, the grade obtained in the continuous assessment or in the practical test will not be added in the assessment of the call.

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 call 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 call.