

30500 - Constitutional Law I

Syllabus Information

Academic year: 2024/25

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

To pass the course, students must demonstrate the acquisition of sufficient knowledge of its contents. To this end, they will take a final exam in which they must answer various questions about the lessons in the syllabus. In the evaluation of this theoretical test, the knowledge acquired will be assessed, taking into account the ability to argue, present, and even relate theory to practice. The value of the test will be 70% of the final grade. To pass the course, the student must have obtained at least a passing grade on this exam.

Students must also pass the practical part of the course, which represents 30% of the final grade. To this end, students must proceed to read and subsequently comment on a book, solve various practical cases during the scheduled hours using normative and jurisprudential sources, and, if applicable, solve a practical case in the final exam, which will serve as a comprehensive test in accordance with Article 9 of the University of Zaragoza's Learning Assessment Regulations.

The evaluation of the reading of a book selected by the professor will be carried out—according to the criteria set by the responsible professor at the beginning of the course—either through a written review to be submitted before the final test or through written answers to questions about the book posed by the professor.

The completion of practical cases presented throughout the course will also be evaluated by the professor, considering 1) the active and continuous participation of students in discussions, 2) the ability and fluency in handling Constitutional Law sources, and 3) the expository, argumentative, and critical reflection skills. This evaluation, together with the evaluation of the book reading, may lead to an early grade for the practical part of the course, which, if applicable, will exempt the student from the need to solve a practical case in the final test. This early grade will account for 30% of the final grade.

Students who have not passed the practical part of the course through early grading will obtain the mentioned 30% of the overall grade by solving one or more practical cases in the final exam. This case or cases will be solved with the help of normative sources, and the correction will consider 1) the ability and fluency in handling the discipline's sources and 2) the expository, argumentative, and critical reflection skills.

Students who have not attended class regularly must sufficiently demonstrate in the comprehensive test that they have acquired all the competencies and learning outcomes expected.

In the supplementary session, students will be examined on the same material they were examined on, or could have been examined on, in the first session of the course. That is, if an early grade for 30% of the final grade was obtained, it will be retained until the July session.