

## 30504 - Constitutional Law II

### Syllabus Information

**Academic year:** 2024/25

**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

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 evaluating this theoretical test, the acquired knowledge will be assessed, considering the ability to argue, present, and even relate theory to practice. The test will account for 70% of the final grade. To pass the course, the student must have obtained at least a passing grade on this exam.

To obtain the 9 credits corresponding to Constitutional Law II, students must also pass the practical part of the course, which represents 30% of the final grade. To this end, students must carry out various practical activities and, if applicable, also complete recommended readings or research projects. The practical part of the course can also be passed by taking a practical test in the final exam, which will serve as a comprehensive test.

The completion of practical activities and, if applicable, the readings or research projects throughout the course will be evaluated by the professor, considering 1) the student's active, continuous, and quality participation, 2) the fluency in handling normative, jurisprudential, and doctrinal materials specific to Constitutional Law, and 3) the expository, argumentative, and critical reflection skills. This evaluation may result in an early grade for the practical part of the course, which, if applicable, will exempt the student from the need to take the practical test in the final exam. 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 sources specific to the constitutional discipline, 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 expected competencies and learning outcomes.

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.