

Academic Year: ( 2020 / 2021 )

Review date: 16-07-2020

Department assigned to the subject: Public State Law Department

Coordinating teacher: LOPEZ RUBIO, DANIEL

Type: Compulsory ECTS Credits : 6.0

Year : 2 Semester : 1

**OBJECTIVES**

The specific aims of the subject constitutional law regarding academic competences, or as regards the acquisition of basic knowledge, are the following:

1. To learn the significance of the democratic principle as a basis of the Constitutional Organization and the various instruments which allow the participation in the public affairs
2. Knowledge of the legal elements of the process of formation of power in a democracy: the right to vote, election, political parties, direct democracy.
3. Knowledge of constitutional settings of the Crown as head of State.
4. Knowledge of the role of the Cortes Generales as Parliament: mode of election, structure and organization, status of their members, functions.
5. Knowledge of the constitutional position of the Government: establishment, operation, structure functions and cessation.
6. Knowledge of the function of the Spanish parliamentary system: parliamentary control, political responsibility requirement, dissolution of the Parliament.
7. Knowledge of the role of the judiciary in the constitutional system
8. Knowledge of the main rules of the territorial organization of the State: territorial autonomy, distribution of powers State-Autonomous Communities.

**DESCRIPTION OF CONTENTS: PROGRAMME****Lesson 1.- Political participation and elections**

1. Popular sovereignty and representative democracy.
2. Right to political participation.
3. Institutions of direct democracy.
4. Electoral Law: voting rights and electoral process.

**Lesson 2.- Political parties**

1. Constitutional position on political parties: a specific type of association.
2. Law on political parties: foundation; organization and functioning; activities; financing.

**Lesson 3.- The Crown**

1. Constitutional regulation of the Head of the State.
2. Personal status of the King. Immunity and countersigning.
3. Functions of the King
4. Succession and regency.

**Lesson 4.- Cortes Generales [I]**

1. General characteristics of the Parliament.
2. Bicameral Parliament.
3. Composition of the Congress of Deputies and Senate.

**Lesson 5.- Cortes Generales [II]**

1. Autonomy of the houses of Parliament: regulatory; budgetary; organizational.
2. Statute of the representatives, ius in officium as fundamental right and individual prerogatives.

### 3. Internal organization and general procedural rules of the houses.

#### Lesson 6.- Cortes Generales [III]

1. Legislative function: ordinary legislative procedure and special legislative procedures.
2. Financial function: taxing power and budgetary power.
3. Control function (reference)
4. Role of political guidance.

#### Lesson 7.- The Government

1. Constitutional position of the Government.
2. Composition and structure of the executive power.
3. Functioning of the Government and statute of its members.
4. Formation of the Government: appointment of the President and election of the Ministers.
5. Functions of the Government.
6. Cessation of the Government and acting Government.

#### Lesson 8.- Relations between the Government and the Cortes Generales

1. Parliamentary control and political responsibility.
2. Means of parliamentary control.
3. Requirement of political responsibility: motion of censure and vote of confidence.
5. Dissolution of the Parliament.

#### Lesson 9.- Judiciary power

1. Constitutional principles of organization and functioning of the courts.
2. Statute of judges and magistrates.
3. Government of the judiciary.

#### Lesson 10.- General principles and distribution of competences

1. Territorial organization of the State and principle of autonomy.
2. Constitutional foundations of the local autonomy.
3. The development of the autonomic process.
4. General criteria for the distribution of competences between the State and the Autonomous Communities.
5. Methods of assuming competences. Types of competences.

#### Lesson 11.- The internal organization of the Autonomous Communities

1. General characteristics of the institutional regime of the Autonomous Communities.
2. Legislative Assemblies of the Autonomous Communities: electoral law, organization and functions.
3. Executive bodies of the Autonomous Communities: appointment and functions of the president and the executive body.
4. Other regional bodies. Territorial organization of the Autonomous Communities. 4. Otros órganos autonómicos.

#### Lesson 12.- Relations between the State and the Autonomous Communities.

1. General principles for the relation between the State and the Autonomous Communities.
2. Cooperative relations: coordination and collaboration.
3. Problem-solving methods: jurisdictional and non jurisdictional methods.

#### LEARNING ACTIVITIES AND METHODOLOGY

**METHODOLOGY:** The methodology is a coherent set of techniques and activities, logically coordinated, to address learning process towards certain aims. The techniques mentioned below, can be used in either of the teaching units or lessons mentioned in the previous paragraph, and their objectives are specified in line with their descriptions.

**LECTURES:** The lectures are oral presentations by teachers. The lecturers will explain relevant

information about the theoretical foundations of lessons of the subject. These classes will be held no notes, and the teacher in advance will indicate some texts or papers that need to be read prior to the class in order to keep exposure adequately.

**SEMINARS:** The seminars are academic sessions in which specific legal problems will be solved. The students must have previously assimilated knowledge related to one or more lessons of the subject if they can be able to solve them. The lessons will ordinarily go through facts that will be well in advance sent to the students. There is a chance of the practical lessons to also be used to:

- discuss a working document: the student will receive well in advance a document (a doctrinal document, a ruling, a legislative document, a press article,...) which should be analysed and reflected upon.
- write an opinion or judgement: the student will receive well in advance a description of facts that depicts a problematic situation. Instead of answering specific questions (as it happens in the ordinary practical lessons), the student will have to write a general opinion or judgment that will include a legal opinion and solutions.
- discuss by teams: the students will receive well in advance a description of a problematic issue. The positions in favour or against the concrete idea will be assigned to the different groups randomly. The groups will discuss the issue throughout the class.
- hand over research papers: eventually, a small research paper on the contents of any unit of the syllabus may be required. These papers are to be elaborated individually or in groups and will be presented orally to the rest of the class.
- do multiple choice tests: the students will regularly do multiple choice tests in relation to the contents of the syllabus that have been previously explained in lectures.

## ASSESSMENT SYSTEM

The students' evaluation will take into account the activities carried out and the result of the tests undergone in the small groups along the term (40% of the final grade) as well as a comprehensive exam to be passed at the end of the term (60% of the final grade).

In order to pass the subject, a minimum grade (2.5 out of 6) in the final exam shall be required.

<b>% end-of-term-examination:</b>	60
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	40

## BASIC BIBLIOGRAPHY

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- CASTELLÀ ANDREU, Josep María Derecho constitucional básico, Huygens, 2018
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## ADDITIONAL BIBLIOGRAPHY

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