

Academic Year: (2021 / 2022)

Review date: 15-07-2021

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: CUENCA GOMEZ, PATRICIA

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

General Theory of Human Rights

OBJECTIVES

- * To deepen the study of human rights from the philosophical and legal methodology
- * To present some of the most important problems that the incorporation of fundamental rights to legal systems arises in the theory of law.
- * Provide different theories about the meaning of the incorporation of rights to the Constitutions (natural law, positivist, alternatives)
- * Analyze the role of human rights in the legal system
- * Analyze the impact of rights on the question of the validity and legal interpretation.

DESCRIPTION OF CONTENTS: PROGRAMME

- I. THE LEGAL SYSTEM, FUNDAMENTAL RIGHTS AND CONSTITUTIONAL STATE
 - 1.1. Rule of law and Constitutional State
 - 1.2. Constitutionalism as a paradigm for the Philosophy of Law
 - 1.3. The legal system of the Constitutional State
 - 1.4. Constitutional State and normative production
 - 1.5. Tensions of the constitutionalism
2. CONCEPTIONS OF LAW AND FUNDAMENTAL RIGHTS
 - 2.1. Natural law, positivism and theories of fundamental rights.
 - 2.2. Principlist theories and fundamental rights
 - 2.3. Positivist theories and fundamental rights
 - 2.4. Mixed systems and fundamental rights.
 - 2.5. Critical theories and fundamental rights
3. LEGAL INTERPRETATION AND FUNDAMENTAL RIGHTS
 - 3.1. Theories of legal interpretation
 - 3.2. The projection of the rights in the legal interpretation
 - 3.3. The specificity of the interpretation of fundamental rights.
 - 3.4. The valid and correct interpretation of fundamental rights.
 - 3.5. Fundamental rights, legal reasoning and due process.

LEARNING ACTIVITIES AND METHODOLOGY

The course will combine the system of lectures, discussions and activities on the more controversial topics of the program.

In the theoretical explanations the basics concepts of each item will be developed. Compulsory materials (book chapters and academic articles) will be available in Aula Global.

ASSESSMENT SYSTEM

During the course, students will choose between this options:

- 1) Brief essays on the issues of the program.
 - 3) Development of a written final work of individual character.
- Attendance and participation in discussion improve the note until 10%.

The students who fail this system, must present a new work of individual character in the extraordinary call. This work will have a weight of the 100% of the evaluation.

% end-of-term-examination:	0
% of continuous assessment (assignments, laboratory, practicals...):	100