

Constitutional organization of government

Academic Year: (2023 / 2024)

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Department assigned to the subject: Public State Law Department

Coordinating teacher: GOMEZ LUGO, YOLANDA

Type: Compulsory ECTS Credits : 6.0

Year : 1 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Constitution and Sources of law system

OBJECTIVES

The contents of this course are a cluster of subjects encompassed into the Constitutional Law, by means of which the students are expected to reach a reasonable knowledge of the fundamental State Constitutional Organization regulations.

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. To learn the position of the diverse State Central Institutions and the map of the connections among them (Crown, Cortes Generales or Parliament and the Judicial Power)
3. To learn the rules of composition and the peculiarities of the statute of the members of the State Central Institutions.
4. To learn the diverse regulations that governs the organization and functioning of the State Central Institutions.
5. To learn the State Central Institutions functions.
6. To learn the basis of the territorial organization of the State, giving special attention to the Autonomous Communities: organization, competencies distribution, relations with the State...

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

Lectures developping the matter program will be given to the big groups.

Other type of acitivities will be carried out in small groups, such as solving practical cases, students' presentations, working papers dicussion, debates or presentation of working projects of initiation to the research, without excluding the execution of periodic controls on the contents developped along the term.

The objective of this set of working methods is the development of the students' capacities and competencies stablished as a goal for this degree.

ASSESSMENT SYSTEM

% end-of-term-examination/test:	60
% of continuous assessment (assigments, laboratory, practicals...):	40

1. Ordinary call.

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 mínimum grade (2.5 out of 6) in the final exam shall be required.

2. Extraordinary call.

The student will opt between the rating system of the ordinary call and the 100% of the final grade

BASIC BIBLIOGRAPHY

- BALAGUER CALLEJÓN, Francisco (coord.) Manual de Derecho Constitucional, Madrid, Tecnos, 2018
- BIGLINO, Paloma; BILBAO, Juan María; REY, Fernando; MATIA, Javier; VIDAL, José Miguel (coord.) Lecciones de Derecho Constitucional II, Thomson Reuters, 2018
- LÓPEZ GUERRA, Luis; ESPÍN, Eduardo; GARCÍA MORILLO, Joaquín; PÉREZ TREMPs, Pablo; SATRÚSTEGUI, Miguel Derecho Constitucional, Valencia, Tirant lo blanch, 2018
- PÉREZ ROYO, Javier; CARRASCO DURÁN, Manuel Curso de Derecho Constitucional, Madrid, Marcial Pons, 2018
- REVIRIEGO PICO, F., Y SALVADOR MARTINEZ, M., (coord.) La organización del poder público en la Constitución española, Madrid, Marcial Pons, 2021

ADDITIONAL BIBLIOGRAPHY

- AJA, Eliseo Estado autonómico y reforma federal, Madrid, Alianza, 2014
- ARAGÓN, Manuel Dos estudios sobre la Monarquía parlamentaria en la Constitución española, Madrid, Civitas, 1990
- BLANCO VALDÉS, R. Los partidos políticos, Madrid, Tecnos, 1990.
- DÍEZ-PICAZO, L. M. "El régimen constitucional del poder judicial", Madrid, Civitas, 1991.
- GARCÍA FERNÁNDEZ, J. "Estudios sobre el Gobierno", Madrid, Instituto Nacional de la Administración Pública, 2007.

- SANTAOLALLA, F. "Derecho Parlamentario español", Dykinson, 2019
- SANTOLAYA, Pablo Procedimiento y garantías electorales, Cizur Menor, Civitas, 2013
- SOLOZÁBAL, J.J. "Nación y Constitución : soberanía y autonomía en la forma política española", Madrid, Biblioteca Nueva, 2006.