



## Information about the subject

**Degree:** Bachelor of Arts Degree in Law

**Faculty:** Faculty of Legal, Economic and Social Sciences

**Code:** 311105 **Name:** Constitutional Law

**Credits:** 6,00 **ECTS Year:** 1 **Semester:** 1

**Module:** Constitutional and Administrative Law

**Subject Matter:** Public Law **Type:** Basic Formation

**Field of knowledge:** Social and Legal Sciences

**Department:** -

**Type of learning:** Classroom-based learning

**Languages in which it is taught:** Spanish

### Lecturer/-s:

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## Module organization

### Constitutional and Administrative Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Public Law	30,00	Administrative Law I	6,00	1/2
		Administrative Law II	6,00	2/1
		Administrative Law III	6,00	2/2
		Constitutional Law	6,00	1/1
		Economic Administrative Law	6,00	3/2

## Recommended knowledge

No specific prior knowledge is required

## Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 The student identifies the institutions of the constitutional State and its basic elements and procedures.
- R2 The student identifies the legal-constitutional conflicts and proposes argued solutions, both from a material and procedural perspective.
- R3 The student identifies the powers and limits of fundamental rights and public liberties and resolves the conflicts that arise in relation to these in the framework of the different systems of guarantees.
- R4 The student expresses himself/herself with terminological correctness in texts and oral interventions on matters of Constitutional Law.



## Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL	Weighting			
	1	2	3	4
CG1 Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.			X	
CG2 Analysis and synthesis capacity				X
CG3 Capacity for organization and planning				X
CG4 Problem-solving capacity.				X
CG5 Computer skills related to the field of knowledge.	X			
CG6 To be able to effectively obtain information from books and specialized journals, and from other sources.			X	
CG7 Critical reasoning when analysing information.				X
CG8 Ethical commitment to information management.			X	
CG9 Oral and written communication skills in their native language in relation to the Science of Law.				X
CG11 Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.	X			
CG12 To be able to develop audiovisual presentations.	X			
CG13 Information management capacity.			X	
CG14 Ability to work as a team and collaborate effectively with others.			X	
CG15 Ability to work in interdisciplinary teams.			X	



CG16 Ability to develop and maintain one's own competencies, skills and knowledge according to the standards of the profession.

X

## SPECIFIC

## Weighting

1 2 3 4

CE1 To become aware of the Law as an orderly system of legal norms regulating social relations.

X

CE2 Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated.

X

CE3 Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.

X

CE4 Ability to understand and know how local, regional, state, community, and international institutions work, in their genesis and as a whole, and to identify the competent institution or administration in each case as well as the sectoral law applicable in each case.

X

CE7 Ability to incorporate and manage legal entities and manage their rights and obligations and give legal form to their acts of will.

X

CE14 Ability to lodge appeals against acts of the different bodies of the various administrations or institutions.

X

CE16 Acquisition of a critical conscience in the analysis of the legal system and acquisition of values and ethical principles.

X

CE18 To learn how to use the existing legal bibliographic information.

X

CE19 Ability to handle the different legal sources (legal, jurisprudential and doctrinal).

X

CE20 Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).

X

CE21 Ability to read and interpret legal texts.

X

CE22 Ability to make legal arguments.

X

CE23 Ability to write legal texts. Basic knowledge of legal argumentation.

X



CE25 Development of the ability of working in teams.

X

CE26 Assumption of the necessary interdisciplinary vision of legal problems.

X

CE27 Capacity for negotiation and conciliation.

X

CE29 Ability to legally articulate projects, agreements, or disagreements.

X



## Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
	40,00%	Practical tests
	20,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
	40,00%	Written theoretical tests

### Observations

#### ASSESSMENT OF THE DIFFERENT LEARNING ELEMENTS

##### PRACTICAL TESTS

The evaluation of the works presented (developed at home) will be carried out taking into account the structure of the work, the quality of the documentation, the spelling and the presentation.

**IMPORTANT:** in the 2nd call, only the practices carried out and delivered within the deadlines set before the 1st call will be assessed.

##### ATTENDANCE AND ACTIVE PARTICIPATION

In relation to the concept of "attendance, active participation and favorable attitude in the subject" (15%), the mere attendance or physical presence at the classes will compute a maximum of 5%, while the remaining 10% will derive from the attitude favorable in the subject shown in one of the following ways:

- 1.The interventions of the students in the classes themselves (face-to-face or online), with the corresponding records or annotations.
- 2.Attendance and participation in the conferences and seminars recommended by the teaching staff of the subject.
- 3.Virtual tutorials through the UCVnet virtual Campus or online sessions through Teams developed as a group or individual tutorial.
4. Interventions in the forum created, where appropriate, on the UCVnet platform to raise and answer questions on the agenda.
5. Emails or messages received raising questions about the subject matter.

Excused **absence** from class sessions must be documented to the teacher within 7 calendar days following the absence: if this is not done, the student will be considered as absent.

At the **2nd call**, attendance and active participation during the course will be valued.

##### FINAL WRITTEN TESTS

It is essential to obtain a minimum of 5 out of 10 in the final written tests to be able to take the average and compute or evaluate the other two evaluation instruments. This both in 1st and 2nd



call.

### MINIMUM GRADE TO PASS

It will be necessary to have obtained a 5 in the final exam to be able to pass the whole subject. Only the marks corresponding to practical tests and attendance, active participation and favorable attitude will be incorporated into the overall qualification after obtaining a 4 in the final written theory tests.

### SECOND CALL

The evaluation system and the assessment of practices and attendance and participation will be the same as in the first call, so that only the final exam grade will be altered.

### GROUP S

The criteria set out in the previous sections will be applied to Group S students.

### MENTION OF DISTINCTION:

According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente"). The number of "Distinction of Honor" mentions that may be awarded may not exceed five percent of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

## Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- |     |   |
|-----|---|
| M1  | Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.                           |
| M8  | Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.   |
| M9  | Supervised monographic sessions with shared participation.  |
| M10 | Application of interdisciplinary knowledge.   |
| M11 | Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc. |
| M12 | Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.   |



- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

## IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1, M9, M10, M12, M13, M14	R1, R2, R3, R4	15,00	0,60
Theoretical classes. M8, M14	R1, R2, R3	35,00	1,40
Presentation of group work. M1, M9, M10, M11, M13	R1, R2, R3, R4	5,00	0,20
Tutorial. M11	R1, R2, R3	1,00	0,04
Assessment M10, M12	R1, R2, R3, R4	4,00	0,16
<b>TOTAL</b>		<b>60,00</b>	<b>2,40</b>

## LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M1, M8, M9, M10	R1, R2, R3, R4	15,00	0,60
Individual work. M8, M10, M14	R1, R2, R3	75,00	3,00
<b>TOTAL</b>		<b>90,00</b>	<b>3,60</b>





## Description of the contents

Description of the necessary contents to acquire the learning outcomes.

### Theoretical contents:

Content block	Contents
UNIT 1. THE STATE	<ol style="list-style-type: none"><li>1.The state</li><li>2.The Constitution</li></ol>
UNIT 2. SPANISH CONSTITUTIONALISM AND THE CONSTITUTION OF 1978.	<ol style="list-style-type: none"><li>1.History of Spanish Constitutionalism.</li><li>2.The Transition to Democracy.</li><li>3.The 1978 Constitution: preparation, characters and influences.</li><li>4.Development of the 1978 Constitution.</li></ol>
UNIT 3. THE CONSTITUTIONAL PRINCIPLES.	<ol style="list-style-type: none"><li>1.Spain as a social and democratic State, subject to the rule of law.</li><li>2.The economic Constitution.</li><li>3.Non-denominational character of the State.</li><li>4.Political autonomy.</li><li>5.European integration.</li></ol>
UNIT 4. THE PARLIAMENTARY MONARCHY: THE CROWN.	<ol style="list-style-type: none"><li>1.The Head of State</li><li>2.Constitutional statute of the King: special reference to endorsement.</li><li>3.King's powers</li></ol>



## UNIT 5. THE CORTES GENERALES (Parliament).

1. Nature of the Cortes Generales.
2. Composition: electoral system
  1. Elements of the electoral system
  2. The electoral system of the Congress of Deputies
  3. The electoral system of the Senate.
3. Autonomy of the Chambers: the Standing Orders.
4. Members of Parliament: legal status.
5. Organization of the Houses.
6. Powers of the Cortes Generales.
  1. The legislative power.
  2. The budgetary power.
  3. The control and impulse power.
  4. Other powers.
7. The instruments of semi-direct democracy: the referendum and popular initiative.

## UNIT 6. THE GOVERNMENT.

1. The Government in the Constitution.
2. Composition of the Government.
  1. Election of the President of the Government.
  2. Legal status of the members of the Government.
3. Government's powers: special reference to Administration.
4. Relations between the Government and the Cortes Generales: the confidence relationship.
5. The Council of State.

## UNIT 7. THE JUDICIAL POWER.

1. Constitutional principles that govern the Judicial Power and the jurisdictional function.
2. Legal status of judges and magistrates.
3. The General Council of the Judiciary.
4. The Office of the Public Prosecutor.



## UNIT 8. THE CONSTITUTIONAL COURT.

1. Models of constitutionality control: the model of the 1978 Constitution.
2. Composition and legal status of the members of the Constitutional Court.
3. Organization.
4. Powers.
  1. The action of unconstitutionality
  2. The question of unconstitutionality.
  3. The appeal for protection (recurso de amparo).
  4. Conflicts of powers.
  5. Other powers and procedures.
5. The acts of the Constitutional Court and their effects.

## UNIT 9. THE CONSTITUTION AND THE LEGAL SYSTEM.

1. The Constitution as a legal norm.
2. The Constitution as the supreme rule.
3. Guarantees of the Constitution.
  1. Ordinary.
  2. Extraordinary: the Right of Exception.
  3. Constitutional amendment.

## UNIT 10. INTERNATIONAL TREATIES AND THEIR INTERNAL EFFECTIVENESS .

1. International treaties in the Constitution: their internal effectiveness.
2. The integration of European Union law into the Spanish legal system.

## UNIT 11. THE LAW.

1. Historical evolution and current concept of the law.
2. The law in the Constitution.
3. Types of laws.
4. The initiative and the legislative procedure.

## UNIT 12. GOVERNMENT'S REGULATORY ACTIVITY.

1. The provisional legislation: the Decree-law.
2. The delegated legislation: the Legislative Decree.
3. The statutory authority.
4. The normative procedure.



## UNIT 13. THE DOGMATIC CONSTITUTION.

1. Human rights and fundamental rights: the value system of the 1978 Constitution.
2. Ownership of fundamental rights.
3. Content of fundamental rights.
4. System of guarantees of fundamental rights.
  1. Regulatory guarantees.
  2. Jurisdictional guarantees.
  3. Institutional guarantees: the Ombudsman.
5. The suspension of fundamental rights
6. Multilevel guardianship of fundamental rights: the international protection and special Reference to the ECHR

## UNIT 14. PRINCIPLE OF EQUALITY AND PERSONALITY RIGHTS.

1. The principle of equality.
  1. Constitutional dimensions of equality
  2. Material equality and formal equality.
  3. Specific categories of non-discrimination.
2. Personality rights.
  1. Right to life and physical integrity.
  2. Right to religious freedom.
  3. Right to personal freedom and security.
3. Rights related to privacy.
4. Right to honour and own image.
5. Right to free movement and residence.
6. Right to effective judicial protection and guarantees in the process.

## UNIT 15. RIGHTS LINKED TO THE POLITICAL DIMENSION.

1. Ideological freedom: militant democracy and conscientious objection.
2. Informational freedoms.
3. Right of assembly.
4. Right of association.
5. Right of political participation: special reference to the political parties.
6. Freedom to join trade union and the right to strike.
7. Right of petition.



## UNIT 16. THE RIGHTS OF SOCIAL DIMENSION.

- 1.The fundamental right to education.
- 2.The right of property.
- 3.The right to marriage.
- 4.The rights of economic content.
- 5.The Governing Principles of Economic and Social Policy.
- 6.The constitutional duties.
- 7.Other rights recognized in the Constitution.

## UNIT 17. THE TERRITORIAL ORGANIZATION OF STATE: THE AUTONOMOUS STATE.

- 1.Models of territorial organization: centralized, federal and regional state.
- 2.Characters and principles of the defined autonomous State in the 1978 Constitution.
- 3.Local autonomy.

## UNIT 18. THE AUTONOMOUS COMMUNITIES.

- 1.The Statute of Autonomy: legal nature and contents.
- 2.Institutional organization of the Autonomous Communities.
- 3.Competences: concept and types.
- 4.Distribution of powers system and block of constitutionality.
- 5.The financing of the Autonomous Communities.
- 6.Inspiring principles of relationships between State and Autonomous Communities.
- 7.The Valencian Community.



## Temporary organization of learning:

Block of content	Number of sessions	Hours
UNIT 1. THE STATE	3,00	6,00
UNIT 2. SPANISH CONSTITUTIONALISM AND THE CONSTITUTION OF 1978.	1,00	2,00
UNIT 3. THE CONSTITUTIONAL PRINCIPLES.	1,00	2,00
UNIT 4. THE PARLIAMENTARY MONARCHY: THE CROWN.	1,00	2,00
UNIT 5. THE CORTES GENERALES (Parliament).	3,00	6,00
UNIT 6. THE GOVERNMENT.	1,00	2,00
UNIT 7. THE JUDICIAL POWER.	1,00	2,00
UNIT 8. THE CONSTITUTIONAL COURT.	3,00	6,00
UNIT 9. THE CONSTITUTION AND THE LEGAL SYSTEM.	1,00	2,00
UNIT 10. INTERNATIONAL TREATIES AND THEIR INTERNAL EFFECTIVENESS .	1,00	2,00
UNIT 11. THE LAW.	1,00	2,00
UNIT 12. GOVERNMENT'S REGULATORY ACTIVITY.	1,00	2,00
UNIT 13. THE DOGMATIC CONSTITUTION.	2,00	4,00
UNIT 14. PRINCIPLE OF EQUALITY AND PERSONALITY RIGHTS.	2,00	4,00



UNIT 15. RIGHTS LINKED TO THE POLITICAL DIMENSION.	2,00	4,00
UNIT 16. THE RIGHTS OF SOCIAL DIMENSION.	2,00	4,00
UNIT 17. THE TERRITORIAL ORGANIZATION OF STATE: THE AUTONOMOUS STATE.	2,00	4,00
UNIT 18. THE AUTONOMOUS COMMUNITIES.	2,00	4,00



## References

### BASIC BIBLIOGRAPHY

- 1.Derecho Constitucional Básico. Josep Maria Castellà Andreu (ed.). Huygens, Barcelona, 6th ed., 2021
- 2.El Estado Constitucional. Remedio Sánchez Ferriz and Göran Rollnert Liern. Tirant lo Blanch. València, 2nd. edition, 2022
- 3.Derecho Constitucional. Enrique Álvarez Conde and Rosario Tur Ausina. Madrid, Tecnos, 10th ed., 2021
- 4.Manual de Derecho Constitucional. Miguel Agudo Zamora *et alii*. Tecnos. Madrid. 13th ed., 2022
- 5.Teoría y práctica del Derecho Constitucional. Jorge Rodríguez-Zapata. Tecnos. Madrid, 4th ed. 2018
- 6.Sistema de Derechos Fundamentales. Luis María Díez-Picazo Giménez. Tirant lo Blanch. València. 2021
- 7.Comentarios a la Constitución española. Miguel Rodríguez-Piñero and Bravo-Ferrer (dir.), María Emilia Casas Baamonde (dir.), Enrique Arnaldo Alcubilla (lit. ed.), Jesús Remón Peñalver (lit. ed.), Mercedes Pérez Manzano (coord.), Ignacio Borrajo Iniesta (coord.). Boletín Oficial del Estado, Tribunal Constitucional (España), Wolters Kluwer, Ministerio de Justicia, Madrid. 2018.  
Link: [https://www.boe.es/biblioteca\\_juridica/index.php?tipo=L&modo=2](https://www.boe.es/biblioteca_juridica/index.php?tipo=L&modo=2)  
[in the case of reference books it is recommended, in any case, to use the latest edition available after the one indicated]

### INTERESTING WEBSITES

- <https://app.congreso.es/consti/>
- [www.casareal.es](http://www.casareal.es)
- [www.congreso.es](http://www.congreso.es)
- [www.congreso.es/videoteca](http://www.congreso.es/videoteca)
- [www.senado.es](http://www.senado.es)
- [www.lamoncloa.gob.es](http://www.lamoncloa.gob.es)
- [www.tribunalconstitucional.es](http://www.tribunalconstitucional.es)
- [www.poderjudicial.es](http://www.poderjudicial.es)
- [www.consejo-estado.es](http://www.consejo-estado.es)
- [www.cortsvalecianas.es](http://www.cortsvalecianas.es)
- <https://aelpa.org/>
- [www.echr.coe.int](http://www.echr.coe.int)
- [www.europa.eu](http://www.europa.eu)
- [www.curia.eu](http://www.curia.eu)
- [www.boe.es](http://www.boe.es)
- [www.dogv.gva.es](http://www.dogv.gva.es)

### SCIENTIFIC JOURNALS





- [www.cepc.gob.es](http://www.cepc.gob.es)
- Revista Española de Derecho Constitucional
- Revista de Derecho Político
- Teoría y Realidad Constitucional
- Revista General de Derecho Constitucional
- Derecho Privado y Constitución
- Revista de las Cortes Generales
- Corts. Anuario de Derecho Parlamentario
- Asamblea: revista parlamentaria de la Asamblea de Madrid
- Parlamento y Constitución. Anuario
- Revista Catalana de Dret Públic
- Revista Valenciana d'Estudis Autònoms



## Addendum to the Course Guide of the Subject

Due to the exceptional situation caused by the health crisis of the COVID-19 and taking into account the security measures related to the development of the educational activity in the Higher Education Institution teaching area, the following changes have been made in the guide of the subject to ensure that Students achieve their learning outcomes of the Subject.

**Situation 1: Teaching without limited capacity** (when the number of enrolled students is lower than the allowed capacity in classroom, according to the security measures taken).

In this case, no changes are made in the guide of the subject.

**Situation 2: Teaching with limited capacity** (when the number of enrolled students is higher than the allowed capacity in classroom, according to the security measures taken).

In this case, the following changes are made:

### 1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject will be made through a simultaneous teaching method combining onsite teaching in the classroom and synchronous online teaching. Students will be able to attend classes onsite or to attend them online through the telematic tools provided by the university (videoconferences). In any case, students who attend classes onsite and who attend them by videoconference will rotate periodically.

In the particular case of this subject, these videoconferences will be made through:

☒ Microsoft Teams

☐ Kaltura



## **Situation 3: Confinement due to a new State of Alarm.**

In this case, the following changes are made:

### **1. Educational Activities of Onsite Work:**

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject, as well as the group and personalized tutoring, will be done with the telematic tools provided by the University, through:

☒ Microsoft Teams

☐ Kaltura

Explanation about the practical sessions:



## 2. System for Assessing the Acquisition of the competences and Assessment System

### ONSITE WORK

#### Regarding the Assessment Tools:

☒ The Assessment Tools will not be modified. If onsite assessment is not possible, it will be done online through the UCVnet Campus.

☐ The following changes will be made to adapt the subject's assessment to the online teaching.

Course guide		Adaptation	
Assessment tool	Allocated percentage	Description of the suggested changes	Platform to be used
Attendance	15%	Participation	UCVnet, microsoft teams, web

The other Assessment Tools will not be modified with regards to what is indicated in the Course Guide.

#### Comments to the Assessment System:



- With regard to attendance, being the classes online, attendance is not compulsory (although it is convenient) and mere attendance will not count towards the final grade. Consequently, attendance is not recorded. The percentage of punctuation foreseen for the mere attendance (5%) will increase the percentage of participation and favorable attitude in the subject (the percentage of this will be, therefore, in total, 20%). In other words, since the classes are online, only the participation of the student will be taken into account (in addition, of course, the percentage corresponding to the practices and the exam).

However, in order not to harm the students and in order to respect the corresponding percentages indicated in the teaching guides (in accordance with the academic report) while they have been applicable, the percentage corresponding to the mere attendance of the face-to-face classes will be considered until now.