

**COURSE DATA****Data Subject**

Code	35051
Name	Constitutional and Administrative Law
Cycle	Grade
ECTS Credits	9.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. Period year
1302 - Degree in Criminology	Faculty of Law	1 Annual

Subject-matter

Degree	Subject-matter	Character
1302 - Degree in Criminology	1 - Law	Basic Training

Coordination

Name	Department
TASA FUSTER, VICENTA	55 - Constitutional Law, Political and Administrative Sciences

SUMMARY

The subject Constitutional and Administrative Law is of basic formation of the 1st annual course and It consists of 9 ECTS credits with the following academic distribution: Constitutional Law, 4.5 credits and Administrative Law, 4.5 credits. In the first semester will be taught Constitutional Law and in the Second Administrative Law.

The first part of the subject is an introduction to the essential contents of the organization political and territorial state. Therefore, the essential contents that are conformed are addressed for the Spanish Constitution. Organization of the State. Human rights. Fundamental rights and public freedoms.

The second part constitutes an approach to Administrative Law and its institutions central, focused on the most relevant for the degree of Criminology. In addition to the origin and evolution of the discipline, the position of the Administration before the law and the judge is analyzed; the powers of the Administration, in particular, the sanctioning; the act and the administrative procedure as well as police administrative competences.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

OUTCOMES

1302 - Degree in Criminology

- Conocer y saber utilizar el sistema de fuentes del ordenamiento jurídico español.

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LEARNING OUTCOMES

-Know the concept of State and the organs that compose it.

-To understand the institutional dynamics of the parliamentary system in its practical application to the case Spanish: functions of the Head of State and endorsement technique; role of the Cortes Generales with special reference to the electoral formula and the legislative procedure; relationship of trust between Government and Parliament; Power of attorney; Constitutional Court and, in particular, control procedures of constitutionality.

-Determine the competence framework of any legal norm and know the institutional system of the Autonomous Community of Valencia within the general constitutional framework.

-To know the historical evolution of the Public Administration and the sources of administrative law.

-To know the sources of administrative law and the regulation as a subordinate source.

-Understand and know the administrative procedure and its phases.

-To know the sanctioning procedure and the police administrative competences.

-Ability to identify the sources of law applicable to any legal problem and be familiar with codes or legislative compilations to be able to look for standards with different criteria (chronological, systematic or analytical).



DESCRIPTION OF CONTENTS

1. 1. Constitutional Law

1.- Constitution Concept. 2.-The Constitution as a legal norm. 3. Defense and Reform of the Constitution. 4.- The system of legal sources in the Spanish Constitution: constitutional principles A) The law: organic laws and ordinary laws, laws of the State and laws of the Autonomous Communities. B) Rules with the force of law. C) Regulatory power. D) Collective agreements. E) The jurisprudence. F) International and supranational sources

1.- The Head of State: significance of the institution and functions of the King. The endorsement. 2.-The Cortes Generales: characters, composition, organization and functions. 3.- The Government and its relations with the Cortes Generales. 4.- The Judicial Power: its constitutional configuration. 5.- The Constitutional Court: organization and operation. Functions: control of constitutionality of laws and constitutional conflicts

1.-Constitutional principles. 2.- Institutional organization of the Autonomous Communities. 3.- Reference to the Autonomous Community of Valencia.

1.-The system of fundamental rights and public liberties in the Spanish Constitution of 1978. A) The general equality clause. B) Rights of the personal sphere. C) Freedom rights. D) Political Rights.- E) Right to Effective Judicial Guardianship. F) Educational field rights. G) Rights of labor scope. H) Economic and social rights. I) Constitutional duties. 2.- Guarantees of Rights and Freedoms

2. 2. Administrative Law

The Public Administration. Concept. Historical evolution. Classes 2. Sources of Administrative Law. The reserve of Law. The Regulation as a subordinate source. 3. The Administration before the law and the judge. The principle of legality of the Administration. Administrative discretion. The Autotutela of the Administration. 1. The administrative procedure. Beginning. Rights of individuals. 2. Phases of the procedure: Initiation, instruction, termination; 3. Peculiarities of the electronic procedure. 1. The administrative act; 2. Classes and requirements; 3. Presumption of validity and effectiveness; 4. The notification and publication; 5. Power and means of forced execution; 6. Administrative silence. 7. Disability. Nullity, nullity and review of office. 1. Principles of the sanctioning authority of the Administration; 2. Sanctioning procedure. Principles and development 1. Police administrative competences: legal regime; 2. Administrative security police; 3. Special policemen

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	90,00	100
Attendance at events and external activities	3,00	0
Development of group work	5,00	0
Development of individual work	10,00	0
Study and independent work	20,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	20,00	0
Preparing lectures	5,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
TOTAL	183,00	

TEACHING METHODOLOGY

- Master classes with group debate.
- Approach and resolution of practical cases
- Preparation / presentation of individual or group work.
- Carrying out tasks and practices.
- Attendance to mentoring.
- Comprehensive reading of the materials.
- Preparation of summaries, diagrams, etc.

EVALUATION**Avaluation system of the subject:**

There will be a final exam for each of the blocks of the subject. Said tests will be carried out in the period of official announcements of the annual subjects.

1.- Constitutional Law (corresponding to the first block). The evaluation will consist in the realization of a final exam written in the date that officially is determined (that will suppose a 60% of the note). The individual or collective works, realization of practical cases, seminars, participation in classes, all of them face-to-face; participation in external activities will represent 40% of the final grade of this block.

2.- Administrative Law (corresponding to the second block). The evaluation will consist in the realization of a final exam written in the date that officially is determined (that will suppose a 60% of the note). The presentations of work and resolution of cases by the students and their participation in class will be taken into account, assuming 40% of the final grade of this block.



To pass the subject it will be necessary to overcome the two blocks.

Continuous assessment activities, by their nature, are not recoverable in the second call

REFERENCES

Basic

- LÓPEZ GUERRA, L. y ESPÍN TEMPLADO, E. (Coords.), Manual de Derecho Constitucional. Vol I. La Constitución y el ordenamiento jurídico. Derechos y libertades, Valencia, Tirant lo Blanch, 2022.
- LÓPEZ GUERRA, L. y ESPÍN TEMPLADO, E. (Coords.), Manual de Derecho Constitucional. Vol II. La organización de los poderes del Estado. Las Comunidades Autónomas, Valencia, Tirant lo Blanch, 2022.
- ALVAREZ CONDE, E., Curso de Derecho Constitucional, de Madrid, ed. Tecnos, Vol. II, última edición.
- ALZAGA VILLAAMIL, O.: Derecho Político Español según la Constitución de 1978, Centro de Estudios Ramón Areces, Madrid.
- ARAGON REYES, M. y SOLOZABAL ECHEVARRIA, J.J.: Derecho Constitucional, Madrid, Mc Graw-Hill.
- BALAGUER CALLEJÓN, F. Y OTROS, Derecho Constitucional, Madrid, Tecnos, vol derechos fundamentales.
- BASTIDA FREIJEDO, F: Teoría general de los derechos fundamentales en la Constitución Española de 1978, Tecnos, 2004.
- SANCHEZ FERRIZ, R. y ROLLNERT LIERN, G.: El Estado Constitucional, Valencia, Tirant lo Blanch, 2020.
- ESCUIN PALOP, V, Elementos de Derecho Público, Tecnos, Madrid, 2018.

COSCULLUELA MONTANER, L.: "Manual de Derecho Administrativo"; Editorial Cívitas, Madrid.

GARCIA DE ENTERRIA, E.; y FERNANDEZ RODRIGUEZ, T.R.: "Curso de Derecho Administrativo", Editorial Civitas; II vols., Madrid.

MUÑOZ MACHADO, S., Tratado de Derecho Administrativo y Derecho Público General, III vols., Iustel, Madrid.

NIETO, A., Derecho Administrativo Sancionador, tecnos, Madrid.

PARADA VAZQUEZ, J.R.: "Derecho Administrativo", Vols I y II, Editorial Marcial Pons, Madrid

SANTAMARIA PASTOR, J.A.: "Principios de Derecho Administrativo"; 2 vols., Iustel, Madrid.

SÁNCHEZ MORÓN, M., Derecho Administrativo, Tecnos, Madrid.



Additional

- Las Sentencias del Tribunal Constitucional pueden encontrarse en la página web del mismo:
<http://www.tribunalconstitucional.es>
- PORTAL DERECHO: www.iustel.com. Con oferta para los estudiantes (Lecciones sueltas, asignaturas completas, búsqueda de referencias bibliográficas, etc).
- <http://www.gva.es>
- <http://www.cortsvalencianes.es/>
- <http://www.congreso.es>
- <http://www.senado.es>
- Bases de datos legislativas y jurisprudenciales a disposición de todos los estudiantes de la UV. Además del material complementario que el Profesor/a puedan ir aportando a lo largo del curso.
- PORTAL DERECHO: www.iustel.com
- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración: repensando la Constitución + 4 décadas después, Tirant lo Blanch, Valencia, 2020.