

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

<b>Code</b>	35199
<b>Name</b>	Constitutional Law I
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	9.0
<b>Academic year</b>	2020 - 2021

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1303 - Degree in Law	Faculty of Law	1	Annual
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	1	Annual
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	1	Annual
1923 - D.D. in Law-Criminology	Faculty of Law	1	Annual

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	2 - Introduction to constitutional law	Basic Training
1921 - D.D. in Business Management Administration-Law	1 - Year 1 compulsory subjects	Basic Training
1922 - D.D. in Law-Political and Public Administration Sciences	1 - Year 1 compulsory subjects	Obligatory
1923 - D.D. in Law-Criminology	1 - Year 1 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
ROLLNERT LIERN, GORAN	55 - Constitutional Law, Political and Administrative Sciences



## SUMMARY

*Constitutional Law I* is a basic annual subject that is taught in the first year of the Law Grade and his teaching load is 9 ECTS. This subject is continued in the second-year subject, *Constitutional Law II*.

## 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

### 1303 - Degree in Law

- Conocer el concepto de Estado y los órganos que lo componen.
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- Saber aplicar el modelo constitucional al contexto de información política actual.

## LEARNING OUTCOMES

- To understand the concept of State and to identify its basic political institutions.
  - To distinguish the different phases in the evolution of the State until today, particularly the defining features of the liberal State and its transformation into a social State.
  - To understand the institutional dynamics of the parliamentary system in its practical application to the Spanish case: the functions of the Head of State and the countersignature, the role of the Parliament with special reference to election and the legislative process; the relationship of trust between Government and Parliament; the Judiciary; the Constitutional Court and, specially, control of the constitutionality proceedings.
  - To frame any legal provision in the distribution of competence system and to know how to work the institutional structure of the Valencian Community in the general constitutional framework.
- To know the concept of Constitution as a legal provision and the system of sources of law:
  - To handle properly the fundamental concepts of the Theory of the Constitution, fundamentally, the concept of Constitution and the instrumental notions about it.



- To properly grasp the modern concept of Constitution as a legal provision and its implications for the system of sources of the law. To determine the position of any legal standard in the current complex system of sources. To be able to identify the sources of the law applicable to any legal problem; and to become familiar with the codes or legislative compilations to be able to find legal rules with different criteria (chronological, systematic or analytical).

- To know how to apply the constitutional model to the current context of political information.

## DESCRIPTION OF CONTENTS

### 1. Theory of the State (I)

The concept of State and its constitutive elements.

### 2. Theory of the State (II)

Historical evolution of the State: the modern State.

### 3. Theory of the State (III)

Historical evolution of the State: the liberal State and the social State.

### 4. Constitutional Theory

Constitutional Theory and its application to the present Spanish constitutional system. The concept of Constitution. The constituent power. Defending and amending the Constitution. The amendment of the Constitution in Spain.

### 5. The Constitution and the law sources (I)

The Constitution as legal provision and the constitutional system of sources of law.

### 6. The Constitution and the law sources (II)

The Constitutional Court jurisprudence



### **7. The Constitution and the law sources (III)**

The International Treaties and the Law of the European Union in the sources of law system.

### **8. The Constitution and the law sources (IV)**

The Acts and other provisions having the force of a parliament Act. The Regulations.

### **9. Separation of powers and forms of government**

The praxis of the principle of separation of powers: forms of government. Features of presidential system vs parliamentarism.

### **10. The institutional organization of the State (I)**

The Head of State: significance of the institution and functions. The countersignature

### **11. The institutional organization of the State (II)**

The Parliament: features and composition

### **12. The institutional organization of the State (III)**

The Parliament: organization

### **13. The institutional organization of the State (IV)**

The Parliament: functions

### **14. The institutional organization of the State (V)**

The Government: designation, composition and its relationships with the Parliament

### **15. The institutional organization of the State (VI)**

The Government: its relationships with the Parliament.

### **16. The institutional organization of the State (VII)**



The Judiciary: constitutional configuration. The Constitutional Court: organization and performance, control of the constitutionality of laws and constitutional conflicts

### **17. The territorial organization of the State (I)**

Constitutional principles and distribution of competencies.

### **18. The territorial organization of the State (II)**

The Valencian Autonomous Community

## **WORKLOAD**

<b>ACTIVITY</b>	<b>Hours</b>	<b>% To be attended</b>
Theoretical and practical classes	90,00	100
Study and independent work	90,00	0
Preparing lectures	30,00	0
Preparation of practical classes and problem	10,50	0
Resolution of case studies	4,50	0
<b>TOTAL</b>	<b>225,00</b>	

## **TEACHING METHODOLOGY**

- Lectures with group discussion.
- Proposal and resolution of practical cases
- Preparation / presentation of individual and group work.
- Carrying out tasks and practices.
- Attendance at tutorials.
- Comprehensive reading materials.
- Drafting of summaries, diagrams, etc.

**EVALUATION**

It will use the following procedure for assessing competencies:

- Written and/or oral test/sl, consisting of one or more exams that may be objective type tests, including theoretical-practical questions and / or problems. In case of final oral test, it must be recorded.
- Assessment of individual and / or group practical from the preparation, delivery of papers, memos/reports and / or oral presentations, and student attendance at seminars.
- Continuous evaluation of each student, based on regular attendance and active participation in classroom activities proposed, level of involvement in the process of teaching and learning and skills and attitudes displayed during the development of activities. The activities of continuous evaluation, by their nature, are not recoverable in second call.

For the accomplishment of the applied and complementary activities, the lecturer of the subject will be able to use the methodology of the Learning-Service

The overall grade will be distributed as follows:

<b>CONTINUOUS EVALUATION</b>	
Evaluable activity 1	10%
Evaluable activity 2	10%
Evaluable activity 3	10%
Total continous evaluation	30%
<b>GLOBAL TEST (theoretical-practical examInation). A partial qualifying examination with a value of 35% of the grade will be made in which case the final test will have a value of 35% for students who have passed the qualifying exam.</b>	70%
<b>TOTAL</b>	<b>100%</b>





## REFERENCES

### Basic

- ALVAREZ CONDE, E. y TUR AUSINA, R.: Derecho Constitucional, Madrid, Tecnos, última edición.
- ALZAGA VILLAAMIL, O. y otros: Derecho político español : según la Constitución de 1978, Centro de estudios Ramón Areces, Madrid, 2007.
- BALAGUER CALLEJÓN, F. (coord.), CÁMARA VILLAR, G. y otros: Derecho Constitucional, vol. I, Tecnos, Madrid, última edición.
- CASTELLÁ ANDREU, J. M. (ed.), COTINO HUESO, L. y otros: Derecho Constitucional Básico, Huygens Editorial, Barcelona, última edición.
- DE OTTO PARDO, I.: Derecho Constitucional. Sistema de fuentes, Ariel, Barcelona, 1987.
- GARCIA COTARELO, R. (comp.), Introducción a la Teoría del Estado, 2ª ed., Teide Barcelona, 1981.
- LÓPEZ GUERRA, L. y otros: Derecho Constitucional, 2 vols., Tirant lo Blanch, Valencia, última edición.
- LÓPEZ GUERRA, L.: Introducción al Derecho Constitucional, Tirant lo Blanch, Valencia, 1994.
- Código de leyes políticas, de cualquier editorial salvo indicación específica del profesor del grupo.
- Estatuto de Autonomía de la Comunidad Valenciana.
- SÁNCHEZ FERRIZ, R. y ROLLNERT LIERN, G.: El Estado Constitucional, Tirant lo Blanch, Valencia, 2020.
- RODRÍGUEZ ZAPATA, J.: Teoría y práctica del Derecho Constitucional, Madrid: Tecnos, 2018.
- IGLESIAS BÁREZ, M. y VENTURA FRANCH, A. (coords.): Manual de Derecho constitucional español con perspectiva de género, Salamanca, Ediciones Universidad de Salamanca, 2020.

### Additional

- VV.AA.: Derecho Constitucional I, en Base de Conocimiento Jurídico, [www.iustel.com](http://www.iustel.com) (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN)
- VV.AA.: Derecho Constitucional II en Base de Conocimiento Jurídico, [www.iustel.com](http://www.iustel.com) (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN)
- Constitución española comentada, <http://narros.congreso.es/constitucion/index.htm>.
- Derecho Constitucional I, OCW Universidad de Oviedo, <http://ocw.uniovi.es/course/view.php?id=770>.
- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración. España 2017, reflexiones para el debate, Tirant lo Blanch, Valencia 2017
- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración: repensando la Constitución + 4 décadas después, Tirant lo Blanch, Valencia, 2020.



## ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

**ADDENDUM COVID-19 TO THE CONSTITUTIONAL LAW TEACHING GUIDE I** Subject code 35199 Subject name:

**CONSTITUTIONAL LAW I** Title: 1303 - Law Degree 1921 - Double Degree Program ADE-Law 1922 -

Double Degree Program Law-Political Sciences and AA.PP. 1923 - Double Degree Program Law-Criminology

The adaptations that are indicated are extended and are directly applicable during the second semester of the 2020-2021 academic

year in the event of the contingency of a regrowth and the temporary closure of the classrooms. In matters not provided for in

this addendum, the provisions of the teaching guide and the corresponding teacher's annex will apply.

**1. Contents** The contents initially collected in the teaching guide will be kept, unless otherwise indicated by the teacher.

**2. Volume of work and temporary planning of teaching** The total volume of work and hours of dedication in ECTS credits

marked in the original teaching guide will be maintained. The hours of complementary in-person activities planned

(seminars by external professors and visits to the Plenary of the Valencian Courts or other institutions) that cannot

be carried out online will be added to the hours of theoretical sessions and / or applied activities. In some groups,

the sessions scheduled will be held on the same dates and times with the same duration, the sessions being carried out through

synchronous videoconferences by creating "videoconferencing" tasks in the Virtual Classroom and executing these

by Blackboard Collaborate





(BBC) on the day and time of the classroom. In groups in which face-to-face classes are replaced by asynchronous activities, the schedules will not be maintained and the student will be given freedom to carry out the activities according to their own schedule.

**3. Teaching methodology** In the different groups, one or more of the following tools may be used:

- Upload to the Virtual Classroom of the same materials (presentations and notes) provided in the original guide for face-to-face

teaching or of new materials prepared or selected ad hoc for the new situation of non-face-to-face teaching

- Activities in the Virtual Classroom on accessible materials indicated by the teaching staff: text, film or video comments,

book recessions, presentation of individual or group work, practical cases, chats, comments on parliamentary sessions

broadcast by institutional video channels, forums, chats and review questionnaires.- Substitution of face-to-face classes

by synchronous videoconferences by creating “videoconference” tasks in the Virtual Classroom and executing these

by Blackboard Collaborate (BBC) on the day and time of the face-to-face class- Substitution of face-to-face classes with

spoken Power Point presentations **Tutoring system:** By application of the ACGUV 162/2020, of November 3, during the second

semester of the 2020-21 academic year, all teachers will take part in the

virtual tutoring program. Furthermore, during this period, the teaching staff may exceed,

if they so decide and after notifying the Department and the students,

the limit of 50% of virtual tutorials. The virtual tutoring system will be developed through the use of institutional

email or through the tools of the Virtual Classroom, as well as through the

use of platforms that allow a synchronous relationship, such as BBC or Teams. Virtual tutoring will be preferably used,

which should be guaranteed to those students who present special sensitivity to Covid-19. The face-to-face tutorials must be



carried out, where appropriate, with all the guarantees of safety and hygiene for the teaching staff and for the students.

#### **4. Evaluation**

The weighting between the grade obtained in the continuous assessment and that obtained in the final test that was established

in the teaching

guide at the beginning of the academic year is modified for the activities and tests that are carried out during the second

semester in the sense that the teaching staff of each group will be able to increase the weight of the continuous evaluation

from the minimum of 30% to 40% and, consequently, reduce the weight of the final exam from 70% to 60%.

The grades resulting from the continuous evaluation obtained before the closing of the classrooms will be kept. The exam

may take any of the following forms in the different groups: - Oral test by creating “videoconference” tasks in the Virtual Classroom and executing these by

Blackboard Collaborate (BBC) on the day and time indicated to the student. The test will be recorded

- Written test using Virtual Classroom tools

(homework, email, questionnaire, etc.). The questions may be of the multiple choice, short answer or development (essay)

type and may

be both theoretical and practical based on an assumption or text included in the statement. The questions can be shown to each

student

in a different order and a single question per screen without allowing going back. In multiple-choice questions, wrong answers may

deduct score.

The teaching staff may choose to allow the use of materials to carry out the test and will determine the time limit for its completion.



To verify that the student takes the test individually and without using material that is not permitted, the teaching staff may

use any procedure that is

arbitrated from the competent instances of the University. The teachers of each group will be able to combine the previous

test and question modalities

and will expand and detail by email or in the Virtual Classroom the information on the form of the final test and the

minimum grade required in the final test

to be able to pass the subject. If a person does not have the means to establish this connection and access the Virtual

Classroom, they must contact the teaching staff

by email at the time of knowing the completion of the midterm exam. Students who during the online mid-term exam have

a connection problem that prevents them from

accessing or continuing with the test, must immediately notify the teacher by email and an individual exam will be arbitrated,

which may be oral and that will be done

preferably that same day.

## **5. Bibliography**

The bibliography recommended in the guide will be maintained as several of the manuals and basic texts are accessible online.

Also, all complementary bibliography is accessible online. The teaching staff of each group may in any case replace the

recommended bibliography

with another bibliography accessible online or with other materials in the Virtual Classroom: - Notes and presentations of own

elaboration or of free access

- Manuals and more specific bibliography available in the Virtual Library of Tirant lo Blanch



(<https://biblioteca.tirant.com/cloudLibrary/login/auth>) to the extent that it is

freely accessible and free for University students (through VPN connection).

- Articles of free access or through databases accessible via VPN connection - Electronic legislation - Synopsis of the articles of

the Constitution at <https://app.congreso.es/consti> - Free access jurisprudence databases or accessible via VPN connection

- Other complementary resources available on institutional websites such as video tutorials on the Congress of Deputies,

videos from the MMedia server,

videos from the Law School (Pensat i Dret series or the La Facultat respon repository) and videos from the

Department of Constitutional Law and Political Science and the Administration (Tot Clar? series in MediaUni).