



COURSE DATA

Data Subject

Code	35199
Name	Constitutional Law I
Cycle	Grade
ECTS Credits	9.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
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
1930 - D.D. in Law-Political and Public Adminis. Sciences 2021	Faculty of Law	1	Annual

Subject-matter

Degree	Subject-matter	Character
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
1930 - D.D. in Law-Political and Public Adminis. Sciences 2021	1 - Asignaturas obligatorias de primer curso	Obligatory

Coordination

Name	Department
------	------------



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

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 be able to frame any legal provision in the distribution of competences 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 the fundamental concepts of the Theory of the Constitution properly, fundamentally, the concept of Constitution and the instrumental notions about it.
- To comprehend 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 so as 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. The Liberal State. The social and democratic state of law.

3. Theory of the State (III)

The territorial forms of State: the unitary State, the federal State and the regional State. Special reference to the Spanish autonomic 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 law: types. Rules with force of law. The rules. Other sources.

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 forms of Head of State: the Republic and the Monarchy. The Monarchy as a political form of the Spanish State. The crown. The functions of the King. The countersignature.

11. The institutional organization of the State (II)

The Cortes Generales: characters, composition and electoral system.

12. The institutional organization of the State (III)

The Cortes Generales: organization. Parliamentary law.

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: its constitutional configuration. The General Council of the Judiciary.

**17. The institutional organization of the State (VIII)**

The Constitutional Court: organization and operation. Control of the constitutionality of laws and norms with the force of law. Conflicts of powers. Reference to constitutional amparo appeal.

18. The territorial organization of the State (I)

Constitutional principles and system of powers

WORKLOAD

ACTIVITY	Hours	% To be attended
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
TOTAL	225,00	

TEACHING METHODOLOGY

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

EVALUATION

It will use the following procedure for assessing competencies:



- Written and/or oral test/s, 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.
- Only in the case of overcoming the overall test with a minimum grade of 5 will the weighting be carried out with the continuous evaluation.

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 instructor in charge of the subject may determine, in the annex to the teaching guide, the possibility of changing (based on a well-founded reason) the type or modality of the final exam when forced to provide an alternative date to the official exam date. This is pursuant to the rules for cases of exam schedule overlapping established in Regulation of Evaluation and Qualification of the Bachelor and Master Degrees of the University of Valencia, or any other regulated cause (e.g. cases of justified force majeure). In these cases, the new type of exam must maintain the same level of demand and difficulty as the one take in the official date.

Students who have followed the continuous evaluation and have been assessed thereof, in the case of not sitting for the final exam on the official date of examination for both calls, will obtain the grade: Not attended (No Presentado).

The overall grade will be distributed as follows:

CONTINUOUS EVALUATION

Evaluable activity 1 10%

Evaluable activity 2 10%

Evaluable activity 3 10%

Total continuous evaluation 30%

GLOBAL TEST (theoretical-practical examination) 70%

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.

TOTAL 100%



REFERENCES

Basic

-
- ALZAGA VILLAAMIL, O. y otros: Derecho político español : según la Constitución de 1978, Centro de estudios Ramón Areces, Madrid, última edición
- 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.
Código de leyes políticas, de cualquier editorial salvo indicación específica del profesor del grupo.
- DE OTTO PARDO, I.: Derecho Constitucional. Sistema de fuentes, Ariel, Barcelona, 1987.
 - Estatuto de Autonomía de la Comunidad Valenciana.
- GARCIA COTARELO, R. (comp.), Introducción a la Teoría del Estado, 2ª ed., Teide Barcelona, 1981.
- IGLESIAS BÁREZ, M. y VENTURA FRANCH, A. (coords.): Manual de Derecho constitucional español con perspectiva de género, Salamanca, Ediciones Universidad de Salamanca, 2020.
- 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, última edición.
- 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, última edición.
- RODRÍGUEZ ZAPATA., J.: Teoría y práctica del Derecho Constitucional, Madrid: Tecnos, última edición.
- SÁNCHEZ FERRIZ, R. y ROLLNERT LIERN, G.: El Estado Constitucional, Tirant lo Blanch, Valencia, última edición.

Additional

- VV.AA.: Derecho Constitucional I, en Base de Conocimiento Jurídico, 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 (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>.