

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

<b>Code</b>	35243
<b>Name</b>	Valencian regional law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2018 - 2019

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1303 - Degree in Law	Faculty of Law	4	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	36 - Valencian regional law	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
GARRIDO MAYOL, VICENTE	55 - Constitutional Law, Political and Administrative Sciences

**SUMMARY**

This subject is located in the Political Law itinerary, electives in the fourth year of the degree of law, along with Electoral Law, Comparative Constitutional Law and Theory of Democracy.

The State that defines our Constitution is, in the words of the Constitutional Court, a complex State that pivots on two principles, the principle of unity and the principle of autonomy.

It is essential that every graduate in Law or CC. Policies by any of the Valencian universities have a deep knowledge of the organization and functions of the political institutions of the Valencian Community.

The subject has as its object the study of the institutions of self-government of the Valencian people, indispensable for all law graduates who wish to carry out their profession in the Valencian Community.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.
- Understand the constitutional regulatory framework, the political institutions of the State and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Acquire basic knowledge of legal arguments.
- Be able to use information and communication technology to obtain and select legal information.
- Understand the law in its historical dimension and the differences in regulations sequenced chronologically.
- Know, understand and know how to apply the interrelation between law and other non-legal disciplines.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

Know the justification for the existence of the Autonomous Community, the legal-political structure of the Valencian Community, its government institutions and its powers.

Know the Statute of autonomy as an institutional norm and the sources of Valencian Law, the form of financing and inter-administrative relations



Know the competence of the Community and the rights and duties of Valencia and Valencia and be able to relate the Valencian law with the State

Be able to resolve conflicts that may arise in inter-administrative relations or in the distribution of powers between the different levels of government.

## DESCRIPTION OF CONTENTS

### 1. Documentary background of the Autonomy Statute of the Valencian Community.

- The remote background of the autonomy of the Valencian Community.
- The preliminary projects of the Statute of Autonomy developed during the Second Republic.
- The Statute projects elaborated in the Transition.

### 2. The conformation of the Valencian Community: the autonomic process

- The right to self-government of the Valencian people.
- The preautonomy.
- The regional commitment of October 8, 1978 and the exercise of the autonomic initiative.
- The Valencian way to autonomy.

### 3. The Statute of autonomy: general characteristics.

- Legal nature.
- Main characteristics of the Statute of autonomy of 2006.
- The denomination, the territory and the people of the Community.
- The symbols of the Comunitat Valenciana: its legislative development ..

### 4. The rights of Valencians

- Statutory rights of Valencians
  - o The recognition of rights in the statutory seat: special reference to the STC 247/2007
  - o Political meaning and legal effectiveness
  - o Typology of recognized rights

### 5. The co-official linguistic regime

- Own language and linguistic normalization.
  - o The "own" character of the Valencian language
  - o The legal regime of Valencian
  - o Linguistic rights in the educational and administrative field
  - o The principle of linguistic non-discrimination



## **6. The institutions of the Generalitat Valenciana.**

- The organization of the self-government system of the Valencian Community: the Generalitat.
- The President of the Generalitat: its legal status.
- The "Consell": its structure, training process and functions.
- The Government Law.
- Les Corts: composition and electoral system.
- Organization of the Corts: their governing and representation bodies.
- The statute of the deputies of Les Corts.
- The mandate of Les Corts: its dissolution.
- The functions of les Corts.
- The legislative function: the legislative initiative and the process of elaboration and approval of the laws.
- The control function.
- The budgetary function.
- Other functions.
- The other institutions of the Generalitat:
  - a) The institutions commissioned by Les Corts:
    - The Comptroller's Office.
    - The Síndic de Greuges.
  - b) Consultative and regulatory institutions:
    - The Consell Jurídic Consultiu.
    - The Consell Valencià de Cultura.
    - The Economic and Social Committee.
    - L'Acadèmia Valenciana de la Llengua.
- The judicial organization in the Comunitat Valenciana: the TSJCV.

## **7. The competence system**

- The LOTRAVA: its repeal and the reform of the Autonomy Statute of 1994.
- The competence system in the 2006 statute.
- The matters of exclusive competence of the Generalitat Valenciana.
- The shared faculties:
  - a) legislative development;
  - b) autonomic execution of State legislation

## **8. The autonomic administration**

- The organization of the Autonomic Administration.
  - o Principles of the administrative organization of the Generalitat.
  - o Organization of the Administration of the Generalitat.
  - o The staff at the service of the Valencian Public Administration.
  - o The Institutional Administration and the Public and Foundational Public Sector.
  - o The responsibility of the Public Administration of the Generalitat.
  - o Relations with other Administrations: Provincial Councils, town halls ...



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- o The Valencian public sector.

#### **9. The financing system.**

- The participation in the taxes of the State.
- The power to establish own taxes.
- The heritage of the Generalitat.
- Specialized credit institutions and others necessary for the development of economic policy.

#### **10. The Valencian legal system: its sources.**

- The Valencian legal system: its control.
- The relationship between Valencian Law and State Law: the principles of hierarchy and competence.
- The supplementary value of State Law.
- Special reference to the Valencian Civil Law.

#### **11. The relations of the Generalitat with the State and with other Communities**

- The relations of the Generalitat with the State and with other Autonomous Communities.
  - o Guiding principles of collaborative relationships.
  - o Statutory ordination of collaboration instruments.
  - o The agreements and collaboration agreements.
  - o Special reference to relations with the European Union.

#### **12. The reform of the Statute**

- Assumptions.
- The special parliamentary procedure in the Congress of Deputies and in the Senate to reform the Statute.
- The approved reforms.



**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	10,00	0
Development of group work	2,50	0
Development of individual work	10,00	0
Study and independent work	13,50	0
Readings supplementary material	2,00	0
Preparation of evaluation activities	11,00	0
Preparing lectures	5,50	0
Preparation of practical classes and problem	3,00	0
Resolution of case studies	10,00	0
<b>TOTAL</b>	<b>112,50</b>	

**TEACHING METHODOLOGY**

- - Magisterial face-to-face classes, case studies, resolution of exercises and problems, cooperative learning
- - Schemes, conceptual maps, summaries both individually and in groups.
- - Individual and / or group presentations.
- - Assistance to tutorials- Comprehensive reading of texts and study materials
- - Expression of knowledge at the oral or written level

**EVALUATION**

The evaluation will consist in the realization of a final test on theoretical contents and the realization of continuous evaluation activities of a practical nature.

The final test will consist of an oral or written exam, being able to combine test questions with development questions (70% of the grade). In the case that the exam is oral, it will be recorded.

Regarding the continuous evaluation, the attendance to the practical classes will be required, depending on the qualification of the attendance to the classes, being valued the resolution and exhibition in class of several practical cases and the solution given by the students to the cases delivered by the Teacher (30% of the grade).



The evaluation activities continue, by their nature, are not recoverable in second call.

In order to carry out the applied and complementary activities, the subject teacher will be able to use the Learning-Service methodology

## REFERENCES

### Basic

- -Instituciones Políticas de la Comunitat Valenciana. VV.AA. (Coord. F. Visiedo Mazón). Tirant lo Blanch. Valencia, 2009
- -Comentarios al Estatuto de autonomía de la Comunitat Valenciana. Vicente Garrido Mayol (Director). Tirant lo Blanch. Valencia, 2013.
- -Comentario al Estatuto de autonomía de la Comunidad Valenciana. VV.AA., Coord. José M<sup>a</sup> Baño León. Thomson-Civitas, 2007.
- -"Código de Leyes Políticas de la Comunidad Valenciana". Vicente Garrido Mayol . Tirant lo Blanch. Valencia, 2000.
- -"Instituciones Políticas de la Comunidad Valenciana". Vicente Garrido Mayol (Coordinador). Fundación Broseta. Valencia, 1999.
- -"Comentarios al Estatuto de autonomía de la Comunidad Valenciana". Varios autores. Tomos I, II, III y IV. Editados por el Consell Valencià de Cultura. Valencia, 1993-96.
- -La Comunidad Valenciana: derecho autonómico e Instituciones Políticas. J.C. de Bartolomé. Tirant lo Blanch. Valencia, 2002.
- -"Las instituciones forales valencianas, base de nuestra autonomía". Vicente Garrido Mayol. E. Soler. Valencia, 1993.

### Additional

- MARTIN CUBAS, J. (coord.): Constitución, Política y Administración. España 2017, reflexiones para el debate, Tirant lo Blanch, Valencia 2017