

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

Code	36763
Name	State Constitutional Organisation
Cycle	Grade
ECTS Credits	7.5
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
1933 - D.D. in Law-Economics 2022	Doubles Studies Faculty of Law - Faculty of Economics	1	Second term

Subject-matter

Degree	Subject-matter	Character
1933 - D.D. in Law-Economics 2022	1 - Asignaturas de primer curso	Obligatory

Coordination

Name	Department
VIVANCOS COMES, MARIANO	55 - Constitutional Law, Political and Administrative Sciences

SUMMARY

Constitutional Organisation of the State is a compulsory semester subject taught in the first year of the Double Degree in Law and first year of the Double Degree in Law and Economics with a teaching load of 7.5 ECTS credits. This subject has its continuity in the second year subject, Rights and Freedoms and Economic Constitution.

PREVIOUS KNOWLEDGE**Relationship to other subjects of the same degree**



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

Other requirements

No enrolment restrictions with other subjects in the curriculum have been specified.

OUTCOMES

LEARNING OUTCOMES

- To understand the concept of the State and its constituent organs:
 - Distinguish the phases of the evolution of the State up to the present day, particularly the characteristic elements of the liberal State and its transformation into the Social State.
 - To understand the institutional dynamics of the parliamentary system in its practical application to the Spanish case: functions of the Head of State and the technique of endorsement; the role of the General Courts, with special reference to the electoral formula and the legislative procedure; the relationship of trust between Government and Parliament; the Judiciary; the Constitutional Court and, in particular, procedures for the control of constitutionality.
 - Determine the competence framework of any legal regulation and know the institutional system of the Autonomous Community of Valencia within the general constitutional framework.
 - Knowing the concept of the Constitution as a legal norm and the system of sources - Properly handling the fundamental concepts of the Theory of the Constitution, fundamentally, the concept of the Constitution and its instrumental notions.
 - Understand the normative meaning of the modern concept of the Constitution and its implications for the system of sources. Determine the position of any legal norm in the current complex system of sources. Ability to identify the sources of Law applicable to any legal problem and to be familiar with codes or legislative compilations in order to be able to search for rules using different criteria (chronological, systematic or analytical).
 - Know how to apply the constitutional model to the context of current political information.
- Translated with www.DeepL.com/Translator (free version)

DESCRIPTION OF CONTENTS

1. Theory of the State

The concept of State and its constituent elements. Historical evolution of the State: the modern State. From the liberal state to the social state.

2. Constitution and constitutionalism

Division of powers and forms of government. Characters of presidentialism and parliamentarism. The evolution of constitutionalism during the 19th century: the liberal revolutions (British, American and French models), the period of the charters granted and the constitutions agreed upon, the period of the constitutions of democratic liberalism. The evolution of constitutionalism during the 20th century: interwar and postwar period, the establishment of constitutional justice in Europe and the normative value of the



Constitution. Reference to the evolution of Spanish constitutionalism.

3. Constitutional Theory

Theory of the Constitution and its application to the current constitutional regime in Spain. The concept of Constitution. The Constituent Power. Defense and Reform of the Constitution. The reform of the Constitution in Spain

4. The Constitution and the sources of Law

The Constitution as a legal norm and the constitutional system of sources of Law. The jurisprudence of the Constitutional Court. International treaties and European Union Law in the source system. The Law and regulations with the force of law. The rules.

5. Basic aspects of the economic Constitution

The projection of the Constitution on the Economy. Economy and Treasury in the Spanish Constitution. Economic model of the Constitution.

6. The institutional organization of the State (I)

The Head of State: significance of the institution and functions of the King. The endorsement. Constitutional regulation of the Crown.

7. The institutional organization of the State (II)

The General Courts: characters and composition. Organization. Functions. State's general budgets. Court of Accounts.

8. The institutional organization of the State (III)

The Government: appointment, composition and functions. His relations with the Cortes Generales. Government and Administration.

9. The institutional organization of the State (IV)

The Judicial Power: its constitutional configuration. The Constitutional Court: organization and operation, control of constitutionality of laws and constitutional conflicts

**10. The territorial organization of the State**

State Constitutional state and territorial distribution of political power. Construction, development and evolution of the State of autonomies. The territorial organization of the State in the Constitution: characteristics and principles. The process of constitution of the Autonomous Communities and approval of the Statutes.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	75,00	100
Study and independent work	75,00	0
Preparing lectures	25,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	2,50	0
TOTAL	187,50	

TEACHING METHODOLOGY

- Master classes with group discussion.
- Approach and resolution of practical cases
- Preparation / presentation of individual or group work.
- Realization of tasks and practices. - Attendance at tutorials.
- Comprehensive reading of the materials.
- Preparation of summaries, diagrams, etc.

EVALUATION

The following competency assessment procedure will be used:

- Written and/or oral test(s), consisting of one or several exams that may be objective tests, include theoretical-practical questions and/or problems.
- Evaluation of practical activities, individual and/or in group, from the elaboration, delivery of works, memories/reports and/or oral presentations; as well as student attendance at seminars.
- Continuous evaluation of each student, based on regular attendance and active participation in the proposed face-to-face activities, degree of involvement in the teaching-learning process and the skills and attitudes shown during the development of the activities.
- To carry out the applied and complementary activities, the professor of the subject may use the Service-Learning methodology.

. 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 taken 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 rating will be distributed as follows:

CONTINUOUS ASSESSMENT

Total continuous evaluation 30%

GLOBAL TEST (theoretical or theoretical-practical exam that can be done in written or oral modality)
70%

TOTAL 100%

In order to pass the subject, and to be able to calculate the weighting with the continuous evaluation, it will be necessary to have obtained at least a minimum mark of 5 out of 10 in the global test.

The grade obtained in the continuous evaluation will be reserved for the second call of the same academic year.

REFERENCES

Basic

- ÁLVAREZ CONDE, E.; TUR SERRA, R.: Derecho Constitucional. Madrid, Tecnos, 2019 (10ª Edición).
- ALZAGA VILLAAMIL, O. y ÁLVAREZ RODRÍGUEZ, I: Derecho político español según la Constitución de 1978. Madrid, Marcial Pons, 2021 (6ª Edición) .
- BALAGUER CALLEJÓN, F. (Coord.): Manual de Derecho Constitucional. Vol. 1. Constitución y fuentes del Derecho. Derecho Constitucional Europeo. Tribunal Constitucional. Estado Autonómico. Madrid, Tecnos, 2021 (15ª Edición).
- BALAGUER CALLEJÓN, F. Fuentes del Derecho. Centro de Estudios Políticos y Constitucionales.1ª Ed.
- CASTELLÀ ANDREU, J.M. (Ed): Derecho Constitucional Básico. Barcelona, Ed. Huygens, 2019 (6ª Edición).
- DE OTTO PARDO, I.: Derecho Constitucional. Sistema de Fuentes. Barcelona, Ariel, 1987 (12ª Edición).
- GARCÍA ROCA, J.: Lecciones de Derecho Constitucional. Madrid: Civitas, 1ª Ed.
- LÓPEZ GUERRA, L. y ESPÍN TEMPLADO, E. (Coords.): Manual de Derecho Constitucional. Vol. 1. 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. 2. La Organización de los Poderes del Estado. Valencia, Tirant lo Blanch, 2022.



- NIETO CARIL, U.: La Constitución Económica de 1978. Valencia, Tirant lo Blanch, 2019.
- RODRÍGUEZ-ZAPATA, J.: Teoría y Práctica del Derecho Constitucional. Madrid, Tecnos, 2018 (4ª Edición)
- -SÁNCHEZ FERRIZ, R.; ROLLNERT LIERN, G.: El Estado Constitucional. Valencia, Tirant lo Blanch, 2ª Ed (actualizada)
- VARELA SUANZES-CARPEGNA, J.: Historia Constitucional de España. Madrid, Marcial Pons, 2020.
- Código de leyes políticas, de cualquier editorial salvo indicación específica del profesor del grupo.

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>.