DEGREE CURRICULUM

CONSTITUTIONAL LAW II

Academic year 2015-16

CONSTITUTIONAL LAW II 2015-16

Subject's general information

Subject name	CONSTITUTIONAL LAW II
Code	101806
Semester	2n Q Avaluació Continuada
Typology	Troncal
ECTS credits	6
Theoretical credits	0
Practical credits	0
Department	Dret Públic
Modality	Presencial
Important information on data processing	Consult this link for more information.
Language	Català
Degree	Degree in Law
E-mail addresses	amf@dpub.udl.cat

CONSTITUTIONAL LAW II 2015-16

Antonio Monreal

Subject's extra information

Bring a compilation of laws and policies to class. Consult the recommended bibliography. Monitor current political and legal events regarding the subjects (constitutional court rulings on fundamental rights, financing autonomous regions, territorial organization-new regional division law, etc.). To carry out the activities the library is available as well as the database in Aranzadi Hall.

The Constitution is the fundamental rule of law; it is the law of laws. All national and regional rules must conform to the constitution. Therefore, this transversality covers the other subjects taught in the curriculum. Especially in matters of fundamental rights (which was studied this semester)

Learning objectives

Veure apartat de competències

Objectius

L'alumne haurà de diferenciar els drets fonamentals. Reconèixer el contingut essencial de cada dret.
Distingir situacions en les quals els drets fonamentals poden ser vulnerats.
Avaluar situacions de conflicte entre drets fonamentals. Analitzar quin és el dret preferent.
Conèixer els mecanismes per a la defensa i garantia dels drets fonamentals.
Conèixer els supòsits, òrgan competent, duració, de suspensió de drets fonamentals.
Conèixer l'organització territorial de l'Estat. L'Estat de les autonomies.
Distingir les vies d'accés a l'autonomia.
Conèixer el sistema de finançament de les Comunitats autònomes.
Reconèixer situacions de conflicte entre l'Estat i les Comunitats autònomes i les vies de resolució
Conèixer l'Estatut d'autonomia, les seves institucions bàsiques i procediment de reforma.

Competences

University of Lleida strategic competences

- Correctness in oral and written language.

- Master Information and Communication Technologies.

  Goals

  - Without Translate - L'alumne haurà de diferenciar els drets fonamentals. Reconèixer el contingut essencial de cada dret. Distingir situacions en les quals els drets fonamentals poden ser vulnerats. Avaluar situacions de conflicte entre drets fonamentals. Analitzar quin és el dret preferent. Conèixer els mecanismes per a la defensa i garantia dels drets fonamentals. Conèixer els supòsits, òrgan competent, duració, de suspensió de drets fonamentals. Conèixer l'organització territorial de l'Estat. L'Estat de les autonomies. Distingir les vies d'accés a l'autonomia. Conèixer el sistema de finançament de les Comunitats autònomes. Reconèixer situacions de conflicte entre l'Estat i les Comunitats autònomes i les vies de resolució Conèixer l'Estatut d'autonomia, les seves institucions bàsiques i procediment de reforma.

- Respect of the essential rights of equality between men and women, the promotion of Human Rights and of the values of a peace culture and democracy.
- Master a foreign language.

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Degree-specific competences

- Show knowledge of the present legal system

  Goals

  - The student will have to differentiate among fundamental rights. Recognize the essential content of each right. Distinguish situations in which fundamental rights may be violated. Evaluate situations that are in conflict with fundamental rights. Analyse what the preferred right is. Learn the mechanisms for defending and guaranteeing fundamental rights. Learn the circumstances, competent body, life, and suspension of fundamental rights. Learn the territorial organization of the country. The state of the autonomies. Distinguish the ways to access autonomy. Learn the system of financing the autonomous regions. Recognize conflict situations between the country and autonomous communities and the channels of resolution. Learn the statute of autonomy, their basic institutions and reform procedure.

- Ability to form a reasoned legal decision

- Ability to perceive and assimilate the unitary nature of the legal system and its necessary transdisciplinary vision

- Ability to identify and interpret the sources of existing law

  Goals

  - The student will have to differentiate among fundamental rights. Recognize the essential content of each right. Distinguish situations in which fundamental rights may be violated. Evaluate situations that are in conflict with fundamental rights. Analyse what the preferred right is. Learn the mechanisms for defending and guaranteeing fundamental rights. Learn the circumstances, competent body, life, and suspension of fundamental rights. Learn the territorial organization of the country. The state of the autonomies. Distinguish the ways to access autonomy. Learn the system of financing the autonomous regions. Recognize conflict situations between the country and autonomous communities and the channels of resolution. Learn the statute of autonomy, their basic institutions and reform procedure.

- Adquisition of a critical awareness in the analysis of the legal system and in the development of a judicial dialectic

- Show knowledge of the characteristics, conceptual schedules, institutions and procedures of the judicial system

  Goals

  - The student will have to differentiate among fundamental rights. Recognize the essential content of each right. Distinguish situations in which fundamental rights may be violated. Evaluate situations that are in conflict with fundamental rights. Analyse what the preferred right is. Learn the mechanisms for defending and guaranteeing fundamental rights. Learn the circumstances, competent body, life, and suspension of fundamental rights. Learn the territorial organization of the country. The state of the autonomies. Distinguish the ways to access autonomy. Learn the system of financing the autonomous regions. Recognize conflict situations between the country and autonomous communities and the channels of resolution. Learn the statute of autonomy, their basic institutions and reform procedure.

- Ability to identify social interests and associated values in the judicial principles and rules

Degree-transversal competences

- Ability to adequately manage information (Instrumental ability)
- Ability to pursue permanent autonomous learning and adapt to the new circumstances (Systemic ability)
- Ability to analyse and synthesize (Instrumental ability)

Subject contents

Subject contents

1. The foundation of rights: the principal of dignity of the person. The subjects of rights. The procedures of Title I of the Constitution and the classification of rights. Constitutional duties.

2. The principle of equality of article 14 of the constitution. Equality in law and equality in enforcing the law. The notion of material equality.

3. The rights of liberty. The right to life. The rights of liberty and personal safety. The right to personal and family privacy. The inviolability of the home and secrecy of communication. Religious freedom.

4. The right to effective judicial protection. The main features of the protection.

5. Free speech and the right to information. The right to associate. The right to assemble. The right to participate in public affairs.

6. Social rights. The guiding principles of social and economic policy. The right to private property.

7. The guarantees of rights. Guarantees regarding private and public authorities. The reserve of law and respect for the essential content of rights. The ombudsman. The attorney general's office.

8. The guarantees of rights. The jurisdictional guarantees: the preferential and sumarial procedure, appeal and international jurisdiction.

9. The suspension of rights and freedoms. Suspension in relation to exceptional states under Article 116 of the constitution. Individual suspension.

10. Elements of a modern state. Unity and diversity. General diversity and territorial diversity.

11. The structure of the politically decentralized state. The autonomous state; the principles of unity, autonomy and solidarity. The configuration of the autonomous state.

12. The ways to access autonomy. TheStatute of Autonomy as a basic institutional law. Thenature of the Statute of Autonomy and its position in the system ofsources.

13. The institutions of the autonomous communities and their relationships. The presidency, legislature and government of the autonomousc ommunities. Other bodies.

14. Thesystem of distribution of powers. The principle device. Legislativeand executive powers. The extra-statutory modification of the powers.

15. Thefinancing of the autonomous communities. The overall system andsystem performances. The composition of the autonomous regions' resources. The InterregionalCooperation Fund.

16. The participation of the autonomous communities in the formation of the will of the state, particularly the Senate as a chamber of territorial representation. The cooperative relationship between country and regions. The cooperative relationship between autonomous communities; agreements and cooperation agreements.

17. The cooperative relationship between country and regions. Conflicts of competition, classes. The appeal by the government of resolutions from the autonomous communities. Compulsory execution.

18. Theexternal actions of the autonomous communities. Exterior action and European action. The forms of exterior action. Particularly the exterior action of the Generalitat de Catalunya.

19. The Generalitat de Catalunya. The Statute of Autonomy of Catalonia. Theposition of basic institutional regulation. The procedures for reform of the statute.

Bibliography

Basic bibliography:

- Àlvarez Conde, E. Curso de Derecho Constitucional. Editorial Tecnos. Madrid 2008. 2 vol.
- López Guerra, Luis and others. Derecho Constitucional. Editorial Tirant lo Blanch Derecho. València. 2004. 2 vol.

Additional bibliography:

- Molas Batllori, Isidre.DerechoConstitucional. Editorial Tecnos. 3rd edition 2005.
- Perez Royo, Javier. Cursode Derecho Constitucional. Editorial Marcial Pons.
- Balaguer Callejón, Francisco. EditorialTecnos. 3rd edition 2005. 2 vol.
- Ruiz Rico, Juan José.Casos prácticos de Derecho Constitucional. Editorial Tecnos. 2005.