



Universitat de Lleida

## DEGREE CURRICULUM

# CONSTITUTIONAL LAW I

Coordination: FERNANDEZ CAÑUETO, DANIEL

Academic year 2023-24

## Subject's general information

Subject name	CONSTITUTIONAL LAW I			
Code	101802			
Semester	1st Q(SEMESTER) CONTINUED EVALUATION			
Typology	Degree	Course	Character	Modality
	Bachelor's Degree in Law	1	COMMON/CORE	Attendance-based
	Double bachelor's degree: Degree in Law and Degree in Business Administration and Management	1	COMMON/CORE	Attendance-based
Course number of credits (ECTS)	7.5			
Type of activity, credits, and groups	Activity type	PRAULA		TEORIA
	Number of credits	2.25		5.25
	Number of groups	4		2
Coordination	FERNANDEZ CAÑUETO, DANIEL			
Department	LAW			
Teaching load distribution between lectures and independent student work	1 h lecture/1,5 h indepent student work			
Important information on data processing	Consult <a href="#">this link</a> for more information.			
Language	spanish/catalan			
Distribution of credits	(25h/ECTS) 187,5 hours			

Teaching staff	E-mail addresses	Credits taught by teacher	Office and hour of attention
CABANAS VEIGA, MANUEL	manuel.cabanas@udl.cat	3	
FERNANDEZ CAÑUETO, DANIEL	daniel.fernandez@udl.cat	15,5	
JURADO CERRÓN, DOLY ROCÍO	dolyrocio.jurado@udl.cat	1	

## Subject's extra information

Bring a volume of political laws from any publisher. Consult the recommended bibliography. Monitor current political events regarding the subject (elections, Parliament, General Courts, sentences etc.).

## Learning objectives

- To identify the political form "state" as the main instrument for the liberation of men and women.
- To analyze the contributions of liberal thinking to constitutionalism.
- To understand the characteristics of the constitutional, democratic and social state.
- To understand the Constitution as a document that identifies the prevailing principles and values in a society.
- To analyze the constituent process of 1978 and to know the fundamental decisions incorporated into the constitutional text.
- To know the difference between reform and destruction of the Constitution and identify the limits to the reform.
- To analyze the structure of the central State, the composition and functions of the organs of the central power.
- To understand the role of constitutional justice, the composition and functions of the Spanish Constitutional Court.
- To know the system of sources of the Spanish legal system.
- To understand the Spanish Constitution in the legal-political framework of the European Union.

## Competences

### Specific competences:

- CE1 To demonstrate knowledge of the characteristics, institutions and procedures of the legal system.
- CE2 To demonstrate knowledge of the legal system in force
- CE3 Ability to identify social interests and underlying values in legal principles and rules.

- CE5 Ability to identify and interpret the sources of current law.

## Generic competences:

- CG1 Capacity of analysis and synthesis.
- CG6 Capacity for ethical commitment.

## Transversal competences:

- CT4 Respect for the fundamental rights of equality between men and women in the promotion of human rights and the values of a culture of peace and democratic values.

## Subject contents

**A) THE LEGAL STRUCTURE OF THE CONSTITUTIONAL STATE:** **Topic 1:** The State as an instrument of liberation of men. Function and justification of the State. The elements of the State: territory and population. Power of the State. Sovereignty and its current crisis. Special reference to the European integration process. **Topic 2:** The historical formation of democratic thought. The contractarian thinking. Democracy and Liberalism. The principles of the bourgeois State of Law as a Constitutional State. Fundamental Rights and Division of powers. The historical crisis of the liberal State. The tension between the liberal State of Law and the social State of Law. **Topic 3:** The constitutional, democratic and social state. Constitution and Globalization. **Topic 4:** The Constitution of the State. Formation of the modern idea of Constitution. The constituent power and the birth of the Constitution. Classification of the Constitutions. **Topic 5:** The transition to Democracy and the Spanish constituent process. The political meaning and the consequences of the constitutional consensus. The political formula of the Spanish Constitution and the basic principles of ordering. **Topic 6:** Supremacy and Rigidity. Constitutional The American and European traditions. The constitutional rigidity. Flexibility and rigidity at present. **Topic 7:** Political change and Constitutional dynamics. The reform of the Constitution: classes, procedures and limits. The non-formal amendments to the Constitution. Constitutional mutations as a consequence of European integration. The reform of the Constitution in the Spanish legal system. The functions of the reform. Classes of reform in the Spanish Constitution. Different reform procedures and their problems: initiative, elaboration, examination and final adoption of the reform. The time limit to the initiative and the controversial absence of limits to the reform. The limits of the reform in our constitutional system.

**B) THE POLITICAL AND INSTITUTIONAL ORGANIZATION OF THE STATE:** **Topic 8:** The democratic political process. Direct Democracy and Representative Democracy. The tension between the representative Democracy and the Democracy of the identity. **Topic 9:** Electoral systems and party regime. The Spanish electoral law. State and regional regulations on electoral matters. **Topic 10:** The Parliament. Structure and Composition of the Chambers. Legal Status of Parliamentarians. The meaning of bicameralism in the Spanish constitutional order. **Topic 11:** Bodies of the Chambers: The President, the Bureau, the Board of Spokesmen, the parliamentary groups, the Parliamentary Production Bodies: The Commissions and the plenary. The historical and current meaning of the Permanent Deputation. **Topic 12:** The functions of the Parliament. Legislative function Economic Functions The functions of political control. The interpellations and questions. Proposals not of law and motions. The motion of censure. The functions of political orientation in the Spanish constitutional order. **Topic 13:** The Head of State. The constitutional configuration of the Crown. The functions of the King. The responsibility of the King. **Topic 14:** The Government. Its constitutional regulation. Organization and structure of the Government. Special reference to the President of the Government. The functions of the Government. The regulatory power of the Government. The Government and Foreign Policy. Government and European Institutions. The political responsibility of the Government. **Topic 15:** The Judicial Power: The constitutional principles in this matter. Judicial independence The judicial unit. The submission of the judge to the law. The Spanish judicial organization with special reference to the General Council of the Judiciary. **Topic 16:** Constitutional Justice and Constitutional Court. The budgets of the Constitutional Justice. Characterization of the Constitutional Court: constitutional, jurisdictional, independent and federal body. Composition, internal structure and operation. **Topic 17:** Functions of the Constitutional Court. The defense of the Constitution from the legal point of view. The control of constitutionality: the appeal of unconstitutionality and the question of unconstitutionality. The remedy of amparo (remission). Conflicts between organs. Conflicts of competences.

**C) THE SOURCES OF LAW:** **Topic 18:** The Constitution and the System of Sources of Law. The Constitution as

Legal Standard. The Constitution as a source of legal sources. The Constitution as a source of Law. **Topic 19:** The international position of the State and the constitutional system of sources. The International Treaties. The Law of the European Union. Constitution and European Law. The European Union as a modern form of Confederation. Relations between EU law and domestic law. **Topic 20:** The Statutes of Autonomy. Legal nature. The Statute of Autonomy as Constitutional Law material. Content of the Statutes (special reference to the declarations of rights, duties and principles). The statutory reform. **Topic 21:** The Law. Formal and material concept of Law. Plurality of type of laws in the Spanish constitutional order. Decrees with force of Law: the Legislative Decree and the Decree-Law. **Topic 22:** The Regulation. The Parliamentary Regulation.

## Methodology

Every week will be taught 3 hours of master class and 1 practical class.

Master classes will consist of the presentation, by the Professor, of the corresponding topics according to the weekly schedule. The practical class in the analysis and debate about a text that will be available in advance in the virtual campus and that the student must have read in advance.

It is estimated that the student must complete 1.5 hours of autonomous work for each class hour.

## Development plan

DATE	TOPICS	PROFESSOR EN JURISPRUDENCE	PROFESSOR EN DERECHO AND BBA	EVALUATION TEST
1-10-2020 (J)	Presentación	Manuel Fondevila		
5-10-2020 (J+B) 8-10-2020 (J)	Presentación (solo D+A) and film wiewing	Manuel Fondevila	Manuel Fondevila	
15-10-2020 (J) 19-10-2020 (J+B)	Topics 1 y 2	Manuel Fondevila	Manuel Fondevila	
22-10-2020 (J) 26-10-2020 (J+B)	Topics 3, 4 y 5	Manuel Fondevila	Manuel Fondevila	
29-10-2020 (J) 2-11-2020 (J+B)	Topics 6 y 7	Manuel Fondevila	Manuel Fondevila	Work on "Inherit the wind"
5-11-2020 (J) 9-11-2020 (J+B)	Topics 8 y 9	Manuel Fondevila	Jesus Luño	
12-11-2020 (J) 23-11-2020 (J+B)	Topics 10, 11 y 12	Manuel Fondevila	Jesus Luño	Test 1 (Topics 1 a 7)
16-11-2020 (J+B) 19-11-2020 (J)				Exam (Topics 1 a 9)
26-11-2020 (J) 30-12-2020 (J+B)	Topics 13, 14 y 15	Manuel Fondevila	Jesus Luño	
3-12-2020 (J) 14-12-2020 (J+B)	Topics 16 y 17	Manuel Fondevila	Jesus Luño	
10-12-2020 (J) 21-12-2020 (J+B)	Topics 18 y 19	Manuel Fondevila	Jesus Luño	Work on Constitutional Justice
17-12-2020 (J)	Topics 20, 21 y 22	Manuel Fondevila	Jesus Luño	Test 2 (Topics 8 a 17)

11-1-2020 (J+B)	Topics 20, 21 y 22		Jesus Luño	
14-1-2020 (J)	Questions	Manuel Fondevila		Test 3 (Topics 18 a 22)

## Evaluation

### A) Continuous evaluation.

First exam: 40%

Second Exam: 50% (partially accumulated)

Seminars: 10%

### B) Single evaluation:

Students who meet the requirements to take the single assessment will take a single exam that will cover the entire subject on the day and time set for the second exam (January). This test will be recoverable, in accordance with University regulations, always within the evaluation period.

### Plagiarism

Article 9 of the Evaluation Regulations establishes that the student may not use during the performance of the evaluation activities non-permitted means or fraudulent mechanisms. The student who uses any fraudulent means related to the test and/or carries electronic devices not allowed, will be subject to the consequences provided in this regulation or in any internal rules of the UdL.

Article 43 of the UdL Coexistence Regulations describes the applicable sanctions, which include, among others and depending on the seriousness of the offense, the loss of the right to be evaluated for the subject, loss of enrollment for a semester or a course or expulsion for up to three years.

### Alternative evaluation

The deadline to waive the continuous evaluation will be during the first month of each semester:

First semester: until October 20

Second semester: Until March 20

Translated with [www.DeepL.com/Translator](https://www.DeepL.com/Translator) (free version)

## Bibliography

There is no manual of the subject, so that students can supplement the information of the lectures with any manual to use, and the materials that will be made available in the virtual campus.

In the University library, students can find, among others, the following general works:

- ALVAREZ CONDE, E; TUR ALSINA, R. *Derecho Constitucional* (9ª ed). Tecnos, Madrid, 2019.

- ALVAREZ VELEZ, M-I. *Lecciones de Derecho Constitucional*. Tirant Lo Blanch, Valencia, 2014.
- ARAGON REYES, M; AGUADO RENEDO, C (Dir). *Temas Básicos de Derecho Constitucional*. Civitas, Navarra, 2011.
- ALZAGA VILLAMIL, O. *Derecho Político español según la Constitución de 1978*. 5ª ed. Editorial Universitaria Ramon Areces, Madrid, 2011-2012.
- BALAGUER CALLEJON, F (coord). *Manual de Derecho Constitucional* (12 ed). Tecnos, Madrid, 2017.
- CASTELLÀ ANDREU, J-M. *Derecho Constitucional Básico* (3ª ed). Huygens, Barcelona, 2016.
- GARCÍA VICTORIA, I; GOMEZ FERNANDEZ, I; QUERALT JIMENEZ, A. *Prácticas de Derecho Constitucional*. Tirant Lo Blanch, Valencia, 2012.
- LÓPEZ GUERRA, L. *Derecho Constitucional* (10ª ed). Tirant Lo Blanch, Valencia, 2016.
- NUÑEZ RIVERO, C (coord). *La Constitución española y las fuentes del Derecho Constitucional*. Universitas, Madrid, 2014.
- PEGORARO, L; RINELLA, A. *Derecho Constitucional Comparado*. 4 tomos. Astrea
- PEREZ ROYO, J. *Curso de Derecho Constitucional*. Marcial Pons, Madrid, 2016.
- RUIZ ROBLEDO, A. *Compendio de Derecho Constitucional*. Tirant Lo Blanch, Valencia 2011.