



Universitat de Lleida

# DEGREE CURRICULUM

# **CONSTITUTIONAL LAW II**

Coordination: FONDEVILA MARON, MANUEL

Academic year 2021-22

## Subject's general information

<b>Subject name</b>	CONSTITUTIONAL LAW II			
<b>Code</b>	101806			
<b>Semester</b>	2nd Q(SEMESTER) CONTINUED EVALUATION			
<b>Typology</b>	<b>Degree</b>	<b>Course</b>	<b>Character</b>	<b>Modality</b>
	Bachelor's Degree in Law	1	COMMON	Attendance-based
	Double bachelor's degree: Degree in Law and Degree in Business Administration and Management	1	COMMON	Attendance-based
<b>Course number of credits (ECTS)</b>	6			
<b>Type of activity, credits, and groups</b>	<b>Activity type</b>	PRAULA		TEORIA
	<b>Number of credits</b>	1.8		4.2
	<b>Number of groups</b>	3		2
<b>Coordination</b>	FONDEVILA MARON, MANUEL			
<b>Department</b>	PUBLIC LAW			
<b>Important information on data processing</b>	Consult <a href="#">this link</a> for more information.			
<b>Language</b>	Català			

Teaching staff	E-mail addresses	Credits taught by teacher	Office and hour of attention
FONDEVILA MARON, MANUEL	manuel.fondevila@udl.cat	12,2	Monday 18:30-20:30 Tuesday and Wenesday: 10:00-12:00 To ask for an apointment.
LUÑO GARCIA, JESUS	jesus.luno@udl.cat	1,6	

## 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.

## Learning objectives

See the section on competences.

The student will have to differentiate the fundamental rights. Recognize the essential content of each of them. Distinguish situations in which fundamental rights can be violated.

To Evaluate situations of conflict between fundamental rights. Analyze which is the preferential right.

To Know the mechanisms for the defense and guarantee of fundamental rights.

To Know the assumptions, competent bodies, duration and suspension of fundamental rights.

To Know the territorial organization of the Spanish State. The state of the autonomies. Distinguish the access routes to the autonomies.

To Know the financing system of the Autonomous Communities. Recognize conflict situations between the State and the Autonomous Communities, and the ways of resolving them.

To Know the Statute of Autonomy, its basic institutions and reform procedures.

## Competences

### University of Lleida strategic competences

- Correctness in oral and written language.
- Master Information and Communication Technologies.
- 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.

### Degree-specific competences

- Show knowledge of the present legal system
- 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

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

#### Degree-general 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

**Topic 1:** The function of Fundamental Rights in Contemporary Constitutionalism. Objective dimension of Fundamental Rights. Subjective dimension (the effectiveness of fundamental rights between individuals). The double function of Fundamental Rights.

**Topic 2:** The Foundation of Rights. The subject of Fundamental Rights. The classification of fundamental rights.

**Topic 3:** The linking of public powers to rights. Limited nature of the rights. Equality principle. The legal interpretation of rights and freedoms.

**Topic 4:** Fundamental Rights and Freedoms. Rights of Freedom. Participation Rights. Economic and social rights. The principles of social and economic policy.

**Topic 5:** Guarantees of rights. Regulatory guarantees. Institutional guarantees. Jurisdictional guarantees. Suspension of rights.

**Topic 6:** The form of territorial Organization. The unitary state. The federal state. The Confederation. The relationship between the processes of integration and political decentralization. The Spanish State as a federal structure: the formal indeterminacy of the model and the nature of the State of Autonomies.

**Topic 7:** The Division of Competences between the central political organization and the regional political organizations. The incidence of the device principle in the problem of the distribution of powers between the State and the Autonomous Communities. The constitutional and statutory regime of exclusive, shared and concurrent powers. Closure of the competences distribution system. Federal enforcement (art. 155 CE). Division of competences and process of European integration. The financing of the Autonomous Communities.

**Topic 8:** Constitutional principles of the so-called "State of Autonomies". The principle of autonomy: autonomy as a structural principle of the State and its distinction with the right to autonomy. The principle of unity. The device principle. The principle of solidarity. The principle of cooperation.

**Topic 9:** The formation processes of the Autonomous Communities. Historical background. Gradual access to autonomy. The generic access procedure: article 143. The exceptional access system: article 144. Immediate access to autonomy. The special access system: article 151. The privileged access system: Second Transitory Provision.

**Topic 10:** The constitutional and statutory regime of the Autonomous Community of Catalonia. The Statute of Autonomy of Catalonia: general principles, structure and content. The competences of the Catalan Autonomous Community. The legal regime of the competences of Catalan autonomy.

## Methodology

The theoretical classes, lasting 2 hours a week, will follow the flipped classroom model in which the students will attend after having done a previous work with materials made available to them on the virtual campus. In these sessions, any doubts that may have arisen during self-employment will be resolved, and discussions and / or

activities of a practical nature will be held.

In the practical classes, real constitutional cases will be recreated, assuming the students, working in groups, different roles.

## Development plan

DAY	ACTIVITY	PROFESSOR LAW	PROFESSOR LAW AND BUSINESS ADMINISTRATION	DELIVERIES
11/2/2022 (Law) 7/2/2022 (Law and BA)	Presentation	Manuel Fondevila	Manuel Fondevila	
18/2/2022 (Law) 14/2/2022 (Law and BA)	Unit 1	Manuel Fondevila	Manuel Fondevila	
25/2/2022 (Law) 21/2/2022 (Law and BA)	Unit 2	Jesus Luño	Jesus Luño	
4/3/2022 (Law) 28/2/2022 (Law and BA)	Unit 3	Jesus Luño	Jesus Luño	
11/3/2022 (Law) 7/3/2022 (Law and BA)	Unit 4	Jesus Luño	Jesus Luño	
18/3/2022 (Law) 14/3/2022 (Law and BA)	Unit 5	Jesus Luño	Jesus Luño	
25/3/2022 (Law) 21/3/2022 (Law and BA)	Unit 6	Manuel Fondevila	Manuel Fondevila	First Practice
1/4/2022 (Law) 28/3/2022 (Law and BA)	Questions	Manuel Fondevila	Manuel Fondevila	
7/4/2022	Parcial Test (Units 1 a 5)	Manuel Fondevila	Manuel Fondevila y Jesus Luño	
22/4/2022 (Law) 25/4/2022 (Law and BA)	Unit 7	Manuel Fondevila	Manuel Fondevila	
6/5/2022 (Law) 2/5/2022 (Law and BA)	Unit 8	Manuel Fondevila	Manuel Fondevila	
13/5/2022 (Law) 9/5/2022 (Law and BA)	Unit 9	Manuel Fondevila	Manuel Fondevila	
20/5/2022 (Law) 16/5/2022 (Law and BA)	Unit 10	Manuel Fondevila	Manuel Fondevila	Second Practice
27/5/2022 (Law) 23/5/2022 (Law and BA)	Questions	Manuel Fondevila	Manuel Fondevila	

## Evaluation

### A) Continuous evaluation:

It is the normal evaluation system of the subject. This evaluation will consist of four compulsory tests: two exams and two practicals.

#### 1. Exams:

They will consist of a test of 20 questions with four answer options and only one of them correct. Each correct answer will add 0.5 points and each incorrect answer will subtract 0.15.

Each exam will account for 25% of the final evaluation.

The completion time will be 60 minutes.

#### 2. Practices:

The practices will be carried out in groups according to the methodology set out in the respective section of this guide, following the indications offered during the classes in medium groups and on the virtual campus. Each of the deliveries will be scored from 0 to 10, assessing both the delivery itself and the participation in the practical classes. The weight in the qualification of each of the practice is 25% of the final qualification.

### B) Single evaluation

Students who, in accordance with University regulations, have the right to a single assessment, must request it from the responsible professor within a month from the start of classes.

The exam, on the entire syllabus, will have two parts: the first will consist of a 5-question test with four answer options and one correct, in which it will be necessary to justify why the chosen option is correct and the others incorrect; the second will consist of the comment of an extract of the sentence.

This exam is recoverable in accordance with the regulations of the University.

### Fraudulent means in the evaluation tests and in the performance of work:

In accordance with art. 3.1 of the UdL assessment regulations, the student may not use, in any case, during the assessment tests, unauthorized means or fraudulent mechanisms. The student who uses any fraudulent means related to the test and / or carries unauthorized electronic devices, must abandon the exam or test, and will be subject to the consequences provided in this regulation or in any other internal regulation of the UdL.

## Bibliography

ALVAREZ CONDE, E; TUR AUSINA, E. *Derecho Constitucional*, 9<sup>º</sup> ed. Tecnos. Madrid, 2019.

CASTELLÀ ANDREU, J-M (ed). *Derecho Constitucional Básico*, 6<sup>º</sup> ed. Huygens. Barcelona, 2021.

FONDEVILA MARÓN, M. *Los procesos de descentralización política y su relación con los procesos de integración*. VLEX. México, 2018.

GIMENO SENDRA, V; TORRES DEL MORAL, V; MORENILLA ALLARD, P; DÍAZ MARTÍNEZ, M. *Los Derechos Fundamentales y su protección jurisdiccional*, 3<sup>ª</sup> ed. Edisofer. Madrid, 2018.

GÓMEZ SÁNCHEZ, Y. *Derechos Fundamentales*. Aranzadi. Navarra, 2018.

PEREZ LUÑO, A-E. *Los Derechos Fundamentales*, 11<sup>ª</sup> ed. Tecnos, Madrid, 2016.

RUIPEREZ ALAMILLO, J. *División de competencias y forma territorial del Estado*. Reus. Madrid, 2012.

TAJADURA TEJADA, J. *Los Derechos Fundamentales y sus Garantías*, 2ª ed. Tirant lo Blanch. Valencia, 2021.