

27707 - Constitutional Law I

Syllabus Information

Academic year: 2023/24

Subject: 27707 - Constitutional Law I

Faculty / School: 102 - Facultad de Derecho

Degree: 421 - Degree in Law

ECTS: 6.0

Year: 1

Semester: Second semester

Subject type: Basic Education

Module:

1. General information

Constitutional Law, as an academic discipline, has the task of establishing and studying the position, the content and the functions of the Constitution in the legal system of the Rule of Law. The Spanish Constitution of 1978 ensures the political unity of the State and of the legal system and, therefore, is materially supreme and hierarchically superior to the rest of the legal norms. The Constitution is the source of normative production, legitimizes and limits the exercise of power and guarantees freedom. It is the fundamental legal order of the community, and this distinguishes it from the rest of the sources of law. The subject Constitutional Law I, pursues to give students an account of these normative qualities of the 1978 Constitution, of the singularities of Constitutional Law as Law, of its object, which integrates the dualism of State and Society, and of its particular scientific methodology.

It is also intended to provide students with an account of the main trends and problems afflicting some of the most important institutions and instruments of political participation and integration, such as the electoral system, political representation, political parties and the Constitutional Court

This subject is directly related to SDG 16: Peace, Justice and Strong institutions.

2. Learning results

1. Knows how to explain the legal-political meaning of the Spanish Constitution of 1978 and clearly distinguish the normative functions it performs.
2. Identifies and characterizes the various legal means and procedures for the manifestation and expression of the popular will.
3. Knows the singularity of the constitutional jurisdiction and distinguishes the procedures it handles.
4. Is able to explain the content, limits and guarantees of the rights and freedoms constitutionally proclaimed.
5. Knows how to search and organize the different normative sources according to the principles of hierarchy and competence and the jurisprudential sources related to the legal-constitutional matter, applying them to the resolution or channelling of the legal-constitutional conflicts raised.

3. Syllabus

1. The 1978 Constitution: general characteristics, structural principles and superior values. The Social and Democratic Legal State
2. The constitutional system of sources of law: the Constitution, the constitutional reform, legal sources, European Union Law and International Treaties, the principle of autonomy and the system of sources and constitutional jurisprudence
3. Pluralism and participation; political parties; the general electoral regime, forms of direct participation.
4. Constitutional jurisdiction: nature, composition and functions of the Constitutional Court.
5. Fundamental rights: concept, effectiveness and limits; systematic analysis of rights and freedoms; guarantees of rights; suspension of rights.

4. Academic activities

1. Lecture activities and systematization of knowledge by the teacher.
2. Dynamic activities of teacher and students: resolution of cases and practical assumptions.
3. Reading of specialized books and monographs, the contents of which will be reported to the teacher by means of one of the above mentioned formulas.
4. Personal study of the student, individual and group tutoring.

5. Seminars or optional extraordinary courses.

5. Assessment system

In order to pass the subject, students must demonstrate the acquisition of sufficient knowledge of its contents. For this purpose, they will take a **final exam** in which they will have to answer several questions about the lessons of the Program. In the evaluation of this theoretical test, the knowledge acquired will be evaluated, taking into account the capacity of argumentation, exposition and even theoretical-practical relation. The value of the test will be **70%** of the final grade. In order to pass the subject the student must have obtained, at least a passing grade in this exam.

Students must also pass the **practical part** of the subject, which represents **30%** of the final grade. To this end, students must proceed to the reading and subsequent commentary of a book, to the resolution of various practical assumptions in the schedule provided through the use of regulatory and jurisprudential sources and, where appropriate, to the resolution of a practical assumption in the final exam, which will have the effect of a global test in accordance with Article 9 of the Learning Assessment Rules of the University of Zaragoza.

The evaluation of the reading of one of the books selected by the teacher will be carried out -according to the criteria set by the teacher in charge at the beginning of the term - by means of a written review to be handed in before the final exam or by means of the written answers to questions about the book formulated by the teacher.

The completion of the practical cases presented throughout the subject will also be evaluated by the teacher taking into account 1) the active and continuous participation of the students in the debates, 2) the capacity and fluency in the handling of the sources of Constitutional Law and 3) the expository, argumentative and critical reflection capacity. This evaluation, together with the evaluation of the reading of the book, may give rise to an advanced grade of the practical part of the subject that, if necessary, frees the student from the need to solve a practical case in the final exam. This grade will be 30% of the final grade.

In case the theoretical test is not passed, in the assessment of the call, the passing grade or higher obtained in the continuous assessment will not be added.

The students who have not passed the practical part of the subject by means of an advanced grade will obtain a grade of 30% of the overall grade by solving one or more of the following practical cases in the final exam. Such assumption or assumptions will be solved with the help of normative sources normative and for their correction will be taken into account 1) the ability and fluency in the handling of the sources of the constitutional discipline and 2) the expository, argumentative and critical reflection capacity.

Students who have not attended class regularly must sufficiently accredit in the global test the acquisition of all the competencies and learning results expected

In the extraordinary call, students will be examined on the same subject that they examined, or could have examined, in the first call of the term. That is to say, if an advanced grade is obtained for 30% of the final grade, it will be kept until the July exam.