



## 1. General information

Course: CONSTITUTIONAL LAW II

Type: CORE COURSE

Degree: 334 - UNDERGRADUATE DEGREE PROGRAMME IN LAW

Center: 3 - FACULTY OF LAW OF ALBACETE

Year: 2

Main language: Spanish

Use of additional  
languages:

Web site:

Code: 35308

ECTS credits: 6

Academic year: 2022-23

Group(s): 10 11 16

Duration: First semester

Second language:

English Friendly: Y

Bilingual: N

Lecturer: <b>JUAN CARLOS DÍAZ GARCÍA</b> - Group(s): <b>10 16</b>				
Building/Office	Department	Phone number	Email	Office hours
Facultad de Derecho/1.08	CIENCIA JURÍDICA Y DERECHO PÚBLICO	2157	JuanCarlos.Diaz@uclm.es	
Lecturer: <b>JOSE LUIS GARCIA GUERRERO</b> - Group(s): <b>16</b>				
Building/Office	Department	Phone number	Email	Office hours
Facultad de Derecho de Albacete /1.07	CIENCIA JURÍDICA Y DERECHO PÚBLICO	Teléfono ext. 2115	joseluis.gguerrero@uclm.es	
Lecturer: <b>MAGDALENA GONZALEZ JIMENEZ</b> - Group(s): <b>11</b>				
Building/Office	Department	Phone number	Email	Office hours
Facultad de Derecho de Albacete/ 1.13	CIENCIA JURÍDICA Y DERECHO PÚBLICO	Ext. 2118	magdalena.gonzalez@uclm.es	
Lecturer: <b>MARCOS FRANCISCO MASSO GARROTE</b> - Group(s): <b>10</b>				
Building/Office	Department	Phone number	Email	Office hours
Facultad de Derecho de Albacete/1.02	CIENCIA JURÍDICA Y DERECHO PÚBLICO	Teléfono ext. 2156	marcos.massos@uclm.es	

## 2. Pre-Requisites

Not established

## 3. Justification in the curriculum, relation to other subjects and to the profession

As we know, law, as a normative whole, is not the result of a sum of legal norms without further ado, but is integrated by a basic rationality that binds all these elements together. In constitutional states, the Constitution is the regulation that gives the corresponding system its internal coherence and meaning. In short, the legal system, which is quantitatively unmanageable, qualitatively arises from, at each historical moment, certain fundamental, basic principles, that are fundamental, basic, and which bind its content and prevent its chaotic dilution. These principles, in constitutional states, are enshrined in their respective Constitutions, which give unity and coherence to the specific legal system which they precede and which derives its validity from them.

For these reasons, it is necessary to incorporate the independent study of the Constitution and constitutional theory in any law degree curriculum. The analysis of the meaning and structure of the constitutional state is essential for students -and future professionals- of any legal degree.

Constitutional Law is taught in two subjects: Constitutional Law I and Constitutional Law II. The latter analyses rights and their guarantees. The following explains why the analysis of these contents is essential when talking about Constitutional Law.

The exclusively formal understanding of the concept of the Constitution, whereby the Constitution is defined as the supreme source of the legal order from which it derives its validity, is not sufficient to ensure the basic purpose of any constitutional text. The Constitution is not just a norm that is distinguished from the others that make up the legal system simply by its higher rank.

In other words, the Constitution is first and foremost a democratic legal norm whose teleological element consists of guaranteeing the freedom of citizens and, therefore, it does not seem a mistake to say that the Constitution is not so much identified in terms of the matters it regulates as in terms of the function it is inevitably called upon to perform. In this respect, it is essential to study in depth the recognition and protection of rights in our constitutional text.

## 4. Degree competences achieved in this course

## Course competences

Code	Description
E02	To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems.
E04	Ability to search, identify and use legal sources (legal, jurisprudential and doctrinal).
E08	Work on dialogue, debate, argumentation and the proposal of reasonable solutions in different contexts.

## 5. Objectives or Learning Outcomes

## Course learning outcomes

## Description

To resolve practical cases related to fundamental rights in the Spanish constitutional system.

To be able to comment on and analyse classical texts, Theory of the State and the Constitution.

## 6. Units / Contents

**Unit 1: Theme 1: SPANISH AND EUROPEAN CITIZENSHIP. FREEDOM AND SOCIAL STATE**

**Unit 2: Theme 2: STATUS OF THE FOREIGN CITIZEN AND THE RIGHT OF ASYLUM**

**Unit 3: Theme 3: FUNDAMENTAL RIGHTS AND THEIR ESSENTIAL CONTENT**

**Unit 4: Theme 4: PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION**

**Unit 5: Theme 5: INDIVIDUAL FREEDOMS**

**Unit 6: Theme 6: RIGHTS OF POLITICAL PARTICIPATION**

**Unit 7: Theme 7: SOCIAL RIGHTS**

**Unit 8: Theme 8: NATIONAL AND SUPRANATIONAL GUARANTEES OF RIGHTS**

**Unit 9: Theme 9: SUSPENSION OF RIGHTS**

## 7. Activities, Units/Modules and Methodology

Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (theory) [ON-SITE]	Lectures		0.8	20	Y	N	The central axis of this teaching is the explanation by the professor of the fundamental points of the subject, their logical understanding and a special attention to the questions that may pose the most difficult issues.
Class Attendance (practical) [ON-SITE]	Problem solving and exercises		0.5	12.5	Y	Y	In this heading are included a variety of activities whose aim is to use the acquired knowledge, in other words, the application of the theoretical content to a specific case or problem, either in relation to normative documents, or in relation to doctrinal documents
Individual tutoring sessions [ON-SITE]			0.42	10.5	Y	N	Students can ask the professor any doubt related to the subject.
Final test [ON-SITE]	Assessment tests	G14	0.08	2	Y	Y	
Study and Exam Preparation [OFF-SITE]	Self-study	E02	4.2	105	Y	N	We refer to study or work time spent to prepare the final test and the other activities that are carried out during the course.
<b>Total:</b>			<b>6</b>	<b>150</b>			
<b>Total credits of in-class work: 1.8</b>			<b>Total class time hours: 45</b>				
<b>Total credits of out of class work: 4.2</b>			<b>Total hours of out of class work: 105</b>				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

## 8. Evaluation criteria and Grading System

Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Assessment of problem solving and/or case studies	30.00%	30.00%	Compulsory and recoverable
Final test	70.00%	70.00%	Compulsory and recoverable
<b>Total:</b>	<b>100.00%</b>	<b>100.00%</b>	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

### Evaluation criteria for the final exam:

#### Continuous assessment:

The Professor will take into account the student's participation in class. The 30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test that takes place on the same day as the final theoretical test.

Nevertheless, the student will have carried out practical exercises throughout the semester that will help him/her to face the final practical test.

#### Non-continuous evaluation:

Students who opt for the non-continuous assessment system have the right to sit the exam on ordinary and extraordinary calls. The exam will include a theoretical part and a practical part. The theoretical part will account for the 70% of the total grade and the practical part will account for 30% of the total grade.

The 30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test that takes place on the same day as the final exam.

### Specifications for the resit/retake exam:

The teacher will take into account the student's participation in class. The 30% of the mark corresponding to the resolution of problems or cases is obtained from

a practical test that takes place on the same day as the final exam.

However, throughout the semester, the student will have carried out practical exercises that will help him/her to face the final practical exercise.

**Specifications for the second resit / retake exam:**

30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test which is carried out on the same day as this exam.

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
Unit 1 (de 9): Theme 1: SPANISH AND EUROPEAN CITIZENSHIP. FREEDOM AND SOCIAL STATE	
<b>Comment:</b> The course calendar will be published on Campus Virtual at the beginning of the semester.	

10. Bibliography and Sources						
Author(s)	Title/Link	Publishing house	Citv	ISBN	Year	Description
Director: José Luis García Guerrero	La vida, la igualdad y los derechos fundamentales	Tirant lo Blanch	Valencia	978-84-9053-538-7	2013	
	Código de Leyes Políticas				2022	
	Lecciones de Derecho					
Diego López Garrido y otros	Constitucional de España y de la Unión Europea. Volumen 2	Tiran lo Blanch	Valencia		2022	
	JURISPRUDENCIA DEL TRIBUNAL CONSTITUCIONAL, TEDH Y TJUE					
	OTROS MATERIALES RECOMENDADOS EN CLASE					
Diego López Garrido, Marcos Fco. Massó Garrote, Lucio Pegoraro	Derecho Constitucional Comparado	Tirant lo Blanch	Valencia		2022	