



## 1. General information

Course: CONSTITUTIONAL LAW I

Type: BASIC

Degree: 334 - UNDERGRADUATE DEGREE PROGRAMME IN LAW

Center: 3 - FACULTY OF LAW OF ALBACETE

Year: 1

Main language: Spanish

Use of additional  
languages:

Web site:

Code: 35303

ECTS credits: 9

Academic year: 2023-24

Group(s): 10 11 16

Duration: AN

Second language:

English Friendly: Y

Bilingual: N

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| Lecturer: MARIA MERCEDES SERRANO PEREZ - Group(s): 10 16     |                                    |                    |                             |              |
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| Lecturer: MIGUEL ÁNGEL SEVILLA DURO - Group(s): 10           |                                    |                    |                             |              |
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## 2. Pre-Requisites

Not established

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

Constitutional law explains the organisation of society and the restriction of freedom based on the democratic legitimacy of the exercise of power, the result of the *pactum societatis*. This is the legal-political organisation of the State and the emergence of law for the peaceful resolution of conflicts. Like this, it is formed the basis for all other subjects of the law degree curriculum in any democratic society.

The aim is to make the student understand the *pactum societatis* that the Spanish Constitution of 1978 signified in the process of political transition that elaborated the fundamental norm. To understand its insertion in the framework of a globalised constitutional law, based on the American and, after the Second World War, European experience. To understand the meaning of the values and principles on which the system is based and which are projected onto the whole of Law. Analyse the different legal sources of the European legal system, which implies understanding the interrelationship between the different legal systems and sub-systems. The European legal system is probably the most complex legal system that we have ever known.

The knowledge of the rule of law, the different sources of law, the main constitutional institutions and bodies and their relations with each other, completes a study on which, in a democratic State, the other subjects and the practice of the different professions are necessarily based.

## 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. |

|     |  |
|-----|--|
| E07 | To critically analyze the legal system that allows the identification of the social values underlying the legal norms and principles.  |
| E13 | Solve problems arising from the application of general principles of law and legal norms to factual situations.  |
| E18 | To be able to critically evaluate the framework within which State action is carried out and public policies are defined and implemented.  |
| G05 | Commitment to the culture of peace, democratic values, human rights and the principles of equal opportunity, non-discrimination and universal accessibility for persons with disabilities, as well as gender issues. |
| G14 | Ability to apply knowledge to practice.  |

## 5. Objectives or Learning Outcomes

### Course learning outcomes

#### Description

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

To work on subjects related to the Theory of the State and the Constitution, as well as historical constitutionalism and the basic principles of the Spanish constitutional system in a comparative context.

To use constitutional principles and values as a working tool in the interpretation of the legal system; specifically, with the in-depth study of fundamental rights and public freedoms.

To resolve practical cases regarding the powers and functions of the State as well as its territorial organisation.

## 6. Units / Contents

**Unit 1: The idea of the Constitution throughout history. The constitutional state. Constituent power. Constitutional supremacy**

**Unit 2: Constitutional models**

**Unit 3: The European Union and its constitutional dimension.**

**Unit 4: The Spanish Constitution of 1978. The elements of the State: territory, people, political power and law. Constitutional principles. The constitutional reform.**

**Unit 5: The Rule of Law**

**Unit 6: The sources of Law. The Constitution as a norm. International Treaties**

**Unit 7: The sources of Law. Organic laws and ordinary laws. Decree-laws and legislative decrees.**

**Unit 8: Sources of Law. Regulations. The administrative act.**

**Unit 9: The sources of European Union Law. The primacy and direct effect of European Law.**

**Unit 10: Effective judicial protection. The principle of legality.**

**Unit 11: The control of constitutionality. The Constitutional Court. Constitutional interpretation and jurisprudence.**

**Unit 12: The judicial guarantee of European law. The Court of Justice of Luxembourg**

**Unit 13: The law of the international community. The International Criminal Court.**

**Unit 14: Parliamentary democracy as a form of government.**

**Unit 15: National sovereignty.**

**Unit 16: Sovereignty and European integration**

**Unit 17: The division of powers. Constitutional bodies. Territorial division of power: the State of the Autonomous Communities**

**Unit 18: The Legislative Power. The Cortes Generales and their powers. The Autonomous Parliaments.**

**Unit 19: The legislative power of the institutions of the European Union: Commission, Council and European Parliament**

**Unit 20: The Executive Power. The Government. The autonomous governments**

**Unit 21: Public Administration.**

**Unit 22: The executive power of the European Union: the European Council**

**Unit 23: The Judiciary. The Public Prosecutor.**

**Unit 24: Political parties.**

**Unit 25: The institutions of direct democracy.**

## 7. Activities, Units/Modules and Methodology

| Training Activity                              | Methodology                   | Related Competences<br>(only degrees before RD<br>822/2021) | ECTS   | Hours      | As | Com | Description |
|--|-------------------------------|---|--|------------|----|-----|-------------|
| Class Attendance (theory) [ON-SITE]            | Lectures                      |   | 1.72   | 43         | Y  | N   |             |
| Writing of reports or projects [OFF-SITE]      |                               |   | 0.6  | 15         | Y  | N   |             |
| Class Attendance (practical) [ON-SITE]         | Problem solving and exercises |   | 0.35   | 8.75       | Y  | N   |             |
| Individual tutoring sessions [ON-SITE]         |                               | E13   | 0.43   | 10.75      | N  | -   |             |
| Study and Exam Preparation [OFF-SITE]          | Self-study                    | E02   | 5.7  | 142.5      | N  | -   |             |
| Progress test [ON-SITE]                        | Assessment tests              | G14   | 0.1  | 2.5        | Y  | N   |             |
| Final test [ON-SITE]                           | Assessment tests              | G14   | 0.1  | 2.5        | Y  | Y   |             |
| <b>Total:</b>                                  |                               |   | <b>9</b>                                       | <b>225</b> |    |     |             |
| <b>Total credits of in-class work: 2.7</b>     |                               |   | <b>Total class time hours: 67.5</b>            |            |    |     |             |
| <b>Total credits of out of class work: 6.3</b> |                               |   | <b>Total hours of out of class work: 157.5</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 | Non-continuous | Description |
|-------------------|------------|----------------|-------------|
|-------------------|------------|----------------|-------------|

|   | assessment     | evaluation*    |  |
|---|----------------|----------------|--|
| Final test  | 70.00%         | 70.00%         |  |
| Assessment of problem solving and/or case studies | 30.00%         | 30.00%         |  |
| <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 student will have the possibility of passing the subject by means of continuous assessment in the following way:

-It will be possible to pass in January, and eliminate if passed, the part of the subject corresponding to the first semester.

-Active participation in class will be positively valued.

The grade of the part passed in January will be kept for both the ordinary and extraordinary exams.

Therefore, in the ordinary call:

-Students who have eliminated the part of the subject corresponding to the first semester will only be able to take the exam corresponding to the second semester.

-Those who have not used the continuous assessment system, or who have not passed the part corresponding to the first semester in January, must take the exam for the whole subject.

-Students who take the continuous assessment system and have passed the January part must sit the exam in the ordinary exam session.

If they do not do that, they will lose the right to maintain the grade of the first exam in the extraordinary exam.

Regarding the evaluation system, the average will be made according to the Evaluation normative.

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:

Those who have not used the continuous assessment system, or who have not passed the part corresponding to the first semester in January, must take the exam for the whole subject.

#### Specifications for the resit/retake exam:

In the extraordinary call:

-Students who have eliminated the part of the subject corresponding to the first semester will only be able to take the exam corresponding to the second semester.

-Those who have not used the continuous assessment system, or who have not passed the part corresponding to the first semester in January, must take the exam for the whole subject.

Regarding the evaluation system, the average will be made according to the Evaluation normative.

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.

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

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 that is held on the same day as the final exam. In the special final examination, no passing marks obtained in the continuous assessment system will be retained. The student will have to take the exam for the whole subject.

| 9. Assignments, course calendar and important dates   |       |
|---|-------|
| Not related to the syllabus/contents  |       |
| Hours   | hours |
| <b>Unit 1 (de 25): The idea of the Constitution throughout history. The constitutional state. Constituent power. Constitutional supremacy</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 2 (de 25): Constitutional models</b>  |       |
| Teaching period: 1 semana   |       |
| <b>Unit 3 (de 25): The European Union and its constitutional dimension.</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 4 (de 25): The Spanish Constitution of 1978. The elements of the State: territory, people, political power and law. Constitutional principles. The constitutional reform.</b> |       |
| Teaching period: 1 semana   |       |
| <b>Unit 5 (de 25): The Rule of Law</b>  |       |
| Teaching period: 1 semana   |       |
| <b>Unit 6 (de 25): The sources of Law. The Constitution as a norm. International Treaties</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 7 (de 25): The sources of Law. Organic laws and ordinary laws. Decree-laws and legislative decrees.</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 8 (de 25): Sources of Law. Regulations. The administrative act.</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 9 (de 25): The sources of European Union Law. The primacy and direct effect of European Law.</b>  |       |
| Teaching period: 1 semana   |       |
| <b>Unit 10 (de 25): Effective judicial protection. The principle of legality.</b>   |       |
| Teaching period: 1 semana   |       |
| <b>Unit 11 (de 25): The control of constitutionality. The Constitutional Court. Constitutional interpretation and jurisprudence.</b>  |       |
| Teaching period: 1 semana   |       |
| <b>Unit 12 (de 25): The judicial guarantee of European law. The Court of Justice of Luxembourg</b>  |       |
| Teaching period: 1 semana   |       |

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|---|
| <b>Unit 13 (de 25): The law of the international community. The International Criminal Court.</b>   |
| Teaching period: 1 semana   |
| <b>Unit 14 (de 25): Parliamentary democracy as a form of government.</b>  |
| Teaching period: 1 semana   |
| <b>Unit 15 (de 25): National sovereignty.</b>   |
| Teaching period: 1 semana   |
| <b>Unit 16 (de 25): Sovereignty and European integration</b>  |
| Teaching period: 1 semana   |
| <b>Unit 17 (de 25): The division of powers. Constitutional bodies. Territorial division of power: the State of the Autonomous Communities</b> |
| Teaching period: 1 semana   |
| <b>Unit 18 (de 25): The Legislative Power. The Cortes Generales and their powers. The Autonomous Parliaments.</b>                             |
| Teaching period: 1 semana   |
| <b>Unit 19 (de 25): The legislative power of the institutions of the European Union: Commission, Council and European Parliament</b>          |
| Teaching period: 1 semana   |
| <b>Unit 20 (de 25): The Executive Power. The Government. The autonomous governments</b>   |
| Teaching period: 1 semana   |
| <b>Unit 21 (de 25): Public Administration.</b>  |
| Teaching period: 1 semana   |
| <b>Unit 22 (de 25): The executive power of the European Union: the European Council</b>   |
| Teaching period: 1 semana   |
| <b>Unit 23 (de 25): The Judiciary. The Public Prosecutor.</b>   |
| Teaching period: 1 semana   |
| <b>Unit 24 (de 25): Political parties.</b>  |
| Teaching period: 1 semana   |
| <b>Unit 25 (de 25): The institutions of direct democracy.</b>   |
| Teaching period: 1 semana   |

| 10. Bibliography and Sources |  |                  |          |      |      |             |
|------------------------------|--|------------------|----------|------|------|-------------|
| Author(s)                    | Title/Link   | Publishing house | Citv     | ISBN | Year | Description |
| Diego López Garrido y otros  | Lecciones de Derecho Constitucional de España y de la Unión Europea. Volumen 1<br>OTROS MATERIALES RECOMENDADOS EN CLASE<br><br>CÓDIGO DE LEYES POLÍTICAS<br>JURISPRUDENCIA DEL TRIBUNAL CONSTITUCIONAL, DEL TEDH Y DEL TJUE | Tirant lo Blanch | Valencia |      |      |             |