



## Teaching Guide

Identifying Data					2019/20
Subject (*)	Constitutional Organisation of the State			Code	612G01009
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
Graduate	2nd four-month period	First	Obligatory	6	
Language	Spanish				
Teaching method	Face-to-face				
Prerequisites					
Department	Dereito Público				
Coordinador	Caamaño Domínguez, Francisco Manuel	E-mail	f.caamano@udc.es		
Lecturers	Caamaño Domínguez, Francisco Manuel García Vázquez, Sonia Jove Villares, Daniel Roura Gomez, Santiago Antonio	E-mail	f.caamano@udc.es sonia.garcia.vazquez@udc.es d.jove.villares@udc.es santiago.roura.gomez@udc.es		
Web					
General description	The study of the subject "constitutional organisation" has the objective to continue facilitating to the undergraduate Law student the necessary training in the legal perspective of the state organisation. Two main parts form the subject: the study of the separation of powers under the Spanish Constitution and the analysis of the Spanish territorial structure. In the first part, the aim of the subject focuses on the constitutional principle of the separation of powers among the three traditional branches of Government (Legislative, Executive and the Judiciary) according to the Spanish Constitution of 1978. The second part is dedicated to the study of the Autonomous Communities, the Local entities and the relationships among both kind of autonomous Governments and the Central State. Both parts will include the analysis of the Constitutional Court, as a fundamental actor in constitutional adjudication between the three branches of the Government and also between every territorial Government.				

## Study programme competences / results

Code	Study programme competences / results
A1	Knowledge of the main legal institutions
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A5	Knowing the constitutional principles and values.
A7	Knowing the national and international legal and political structures.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.
B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
B10	Teamwork and collaboration.
B11	Ethical and social responsibility.
B13	Computing and ICT skills.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.



C7	Assume as a professional and citizen the importance of lifelong learning.
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Learning outcomes			
Learning outcomes	Study programme competences / results		
Coñecemento das estruturas xurídico-políticas de ámbito nacional e internacional	A1 A7	B8 B11 B2 B3	C6 C7
Coñecer a función do Dereito como sistema regulador das relacións sociais.	A2 A5		
Coñecemento dos principios e valores constitucionais.	A5		
Percepción do carácter sistemático do ordenamento xurídico.	A3		
Coñecementos básicos de argumentación xurídica.	A8		
Capacidade de interpretar e analizar críticamente o ordenamento xurídico.	A10		
Capacidade de comprender e de redactar documentos xurídicos	A11		
Capacidade para o manexo de fontes xurídicas (legais, xurisprudenciais e doutriniais).	A9		
Resolver problemas de forma efectiva, valorando a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.		B7	
Traballar de forma colaborativa		B10	
Capacidade para utilizar a rede informática (internet) na obtención de información e na comunicación de datos e, en xeral, capacidade para empregar as ferramentas básicas das TIC necesarias para o exercicio da súa profesión.		B13	
Desenvolverse para o exercicio dunha cidadanía aberta, culta, crítica, comprometida, democrática e solidaria, capaz de analizar a realidade, diagnosticar problemas, formular e implantar solucións baseadas no coñecemento e orientadas ao ben común.			C4

Contents	
Topic	Sub-topic
Lesson 1: Division of Powers in the Rule of Law and the Limited Government	1) The classical frame. 2) The meaning of the division of powers nowadays
LESSON 2: The Spanish Crown	1) The political form: the parliamentary monarchy. 2) The figure and position of the King as Head of the State and his personal status: inviolability and irresponsibility. 3) The succession in the Crown and the Regency 4) The faculties and functions of the King. 6) The countersign of the King's doings.
LESSON 3: The Legislative Branch: The Cortes Generales	1) The historical origin of the Parliament and its organisation: monocameralism and bicameralism 2) The Election Rules: The composition of the Parliamentary Houses in Spain: Congress of the Deputies and Senate. 3) The internal organisation of the Parliament. 4) The personal status of the parliamentarians: the content of the position; incompatibilities; inviolability, immunity and special jurisdiction. 5) Legislative Function 6) The financial and budgetary function. 7) Relationships between Legislative and Executive Branches: vote of confidence, censure motion and the dissolution of the Congress, the Senate or the Cortes 8) The Parliament Auxiliaries: The Court of Audit and the Ombudsman
LESSON 4: The Executive Branch	1) Composition and structure of the Executive Branch (Gobierno) 2) The Presidency of the Executive (Prime Minister) and the procedure of investiture. 3) The personal statute of the members of the Executive. 4) The functions of the Executive 5) Powers of the outgoing Executive 6) The Government and the Public Administration: organisational principles and of operation.



LESSON 5: The Judicial Branch and the General Council of the Judiciary	1) The Judicial Power and the Rule of Law in Spain: independent judges and justices (magistrates) 2) The organization of the Judiciary 3) The General Council of the Judiciary
LESSON 6: The Constitutional Court	1) Nature, composition and organisation of the Spanish Constitutional Court. 2) Unconstitutionality Appeal 3) The submission of unconstitutionality 4) The preliminary action of unconstitutionality on Draft Statutes of Autonomy and proposals for their reform. 5) The Declaration about the constitutionality of the Treaties 6) The conflict in defence of the local autonomy 7) The positive conflicts of jurisdiction 8) The negative conflicts of jurisdiction 9) The challenges of the enactments without force of law and to decisions of the Autonomous Communities 10) The conflicts between constitutional organs of the State
LESSON 7: The Territorial Organization of the State: Autonomous Communities and Local Entities	1) The constitutional frame of the territorial organisation: Spain as a Federal State 2) The autonomy of Nationalities and Regions. 3) The formation process of the Autonomous Communities.. 4) The distribution of jurisdictions between the State and the Autonomous Communities. 5) The evolution of the Spanish territorial model and his limits. 6) The inexistence os self-determination as secession: Art 155 SC 7) The local autonomy in the Constitution.

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Introductory activities	A1 A2 A3 A5 A7 A8 A9 A10 A11 B7 B8 B10 B11 B13 B2 B3 C4 C6 C7	1	1	2
Guest lecture / keynote speech	A1 A2 A3 A5 A7 A8	19	38	57
Seminar	B7 B8 B10	11	22	33
Case study	B7 B8 B10 B2 B3	10	10	20
Document analysis	A9 A10 A11	3	6	9
Directed discussion	A11 B7 B2 B3	3	3	6
Workbook	A1 A2 A3 A5 A7	3	0	3
Objective test	B2 B3	1	0	1
Speaking test	B7 B8 B3	1	0	1
Supervised projects	A9 A11 B7 B3	7	7	14
Personalized attention		4	0	4

(\*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Introductory activities	El primer día de clase, cada uno de los profesores responsables de los diferentes grupos procederá a explicar a sus alumnos/as la estructura de la guía docente personalizada, así como las materias concretas objeto de estudio, la distribución aproximada del cronograma y las fuentes documentales más útiles para seguir el curso académico.
Guest lecture / keynote speech	Las sesiones magistrales constituirán la base teórica que facilite los conocimientos esenciales al alumno sobre la materia
Seminar	Los seminarios son sesiones de trabajo con un perfil teórico-práctico especializadas en un tema concreto.
Case study	Estudio de casos prácticos, análisis de textos jurídicos o de jurisprudencia que los docentes planteen a los alumnos/as. Esta actividad podrá ser presencial o no presencial.
Document analysis	Estudiar o comentar documentos jurídicos, documentos doctrinales o jurisprudencia del Tribunal Constitucional, Tribunal Europeo de Derechos Humanos, etc...



Directed discussion	Esta actividad será realizada de modo presencial y consistirá en la puesta en común de opiniones sobre una materia, o bien, en la resolución común de problemas actuales que estén directamente relacionados con el objeto de estudio
Workbook	Lecturas en sesiones presenciales o no presenciales
Objective test	Examen final y, en su caso, examen parcial (si así lo establece el profesor encargado de ese grupo).  Durante la primera semana lectiva del cuatrimestre, el profesor responsable del grupo también pondrá de manifiesto los mecanismos concretos de evaluación que serán empleados durante el cuatrimestre.
Speaking test	Posibilidad de prueba final o parcial oral (se establecerá por cada profesor)
Supervised projects	Los profesores de las diferentes materias integradas en el Módulo podrán sugerir el desarrollo de trabajos individuales o por grupos sobre un tema concreto.  Dichos trabajos podrán influir positivamente, en su caso, en la evaluación global del cuatrimestre.

### Personalized attention

Methodologies	Description
Case study Supervised projects	A atención personalizada ao estudante non estará vinculada a só unha metodoloxía, senón que será constante. Neste sentido, tanto o contido das clases teóricas, como o estudo persoal do alumno, coma calquera das actividades que integran o curso contarán coa posibilidade dunha tutorización por parte do docente, co fin de que o estudante poida formular as súas dúbidas e dificultades e que o docente poida axustar as súas metodoloxías ás especificidades da persoa concreta.

### Assessment

Methodologies	Competencies / Results	Description	Qualification
Document analysis	A9 A10 A11	Lecturas / Estudio de Casos / Discusión dirigida / Trabajos prácticos individuales o colectivos	20
Objective test	B2 B3	Prueba objetiva: oral, escrita o tipo test	80

### Assessment comments

The presentation of at least one assignment on some of the contents of the lessons will be required. In addition to its written form, oral presentations will be held in the classroom. The final grade will also take into account the qualification of these assignments, but it is necessary to pass the final exam to take into account the qualification of those assignments.

### Sources of information

<b>Basic</b>	José Antonio Portero Molina, Constitución y jurisprudencia constitucional, Tirant lo Blanch, Valencia, 2005. Balaguer Callejón, Francisco (Coordinador), Manual de Derecho Constitucional, Tecnos, Madrid, 2005. Volumen I y II. Alzaga Villaamil, Derecho Político Español según la Constitución de 1978 (2 vols), CERA, Madrid, 2007 y 2008
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<b>Complementary</b>	<ul style="list-style-type: none"><li>· José Antonio Portero Molina, ¿Contribución al debate sobre la reforma del Senado?, Revista de Estudios Políticos, n.º 87 (1995), págs. 81-105.</li><li>· Javier Ruipérez, La protección constitucional de la autonomía, Tecnos, Madrid, 1993.</li><li>· Javier Ruipérez, Constitución y Autodeterminación, Tecnos, Madrid, 1995.</li><li>· Javier Ruipérez, El constitucionalismo democrático en los tiempos de la globalización, UNAM, México, 2005.</li><li>· Santiago Roura Gómez, Federalismo y Justicia Constitucional. El Tribunal Constitucional y las Comunidades Autónomas, Biblioteca Nueva, Madrid, 2003.</li><li>· Santiago Roura y Javier Tajadura (Dir.), La reforma constitucional, Biblioteca Nueva, Madrid, 2005.</li><li>· Sonia García Vázquez, La controvertida reforma de la Ley Orgánica del Tribunal Constitucional, Andavira, A Coruña, 2009.</li><li>· Francisco Tomás y Valiente, El reparto competencial en la jurisprudencia del Tribunal Constitucional, Tecnos, Madrid, 1998.</li></ul> <p>Recursos web: <a href="http://constitucion.rediris.es/PortadaDERECONS.html">http://constitucion.rediris.es/PortadaDERECONS.html</a> <a href="http://www.aecpa.es/">http://www.aecpa.es/</a> <a href="http://www.aelpa.org/">http://www.aelpa.org/</a> <a href="http://www.cepc.es/">http://www.cepc.es/</a> <a href="http://www.constitution.org/">http://www.constitution.org/</a> <a href="http://www.findlaw.com/cascode/supreme.html">http://www.findlaw.com/cascode/supreme.html</a> <a href="http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/home.html">http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/home.html</a> <a href="http://www.law.upenn.edu/conlaw/">http://www.law.upenn.edu/conlaw/</a> <a href="http://www.map.es">http://www.map.es</a> <a href="http://www.congreso.es">http://www.congreso.es</a> <a href="http://www.senado.es">http://www.senado.es</a> <a href="http://www.tribunalconstitucional.es">http://www.tribunalconstitucional.es</a></p>
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## Recommendations

### Subjects that it is recommended to have taken before

Constitutions and Judicial Power/612G01014

European Union Law/612G01021

Regional Public Law in Spain/612G01030

### Subjects that are recommended to be taken simultaneously

Oral and Written Communication/612G01004

### Subjects that continue the syllabus

Constitutional Law: Sources of Law and Fundamental Rights/612G01003

### Other comments

Constitutional States share a lot of constitutional institutions. Legal students will find some similarities and differences between the Spanish regulations and their own Constitutional structures. Previous knowledge of the institutions of their countries of origin will help the students to understand the functioning of the Spanish ones, and they will be able to contribute their vision on the different ways that the Constitutional Law of each country approaches different or similar problems

(\*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.