



## Teaching Guide

Identifying Data					2021/22
Subject (*)	Constitutional Organisation of the State			Code	612G01009
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
First and Second Cycle	2nd four-month period	First	Obligatory	6	
Language	Spanish				
Teaching method	Face-to-face				
Prerequisites					
Department	Dereito Público				
Coordinador	Ruiperez y Alamillo, Javier	E-mail	javier.ruiperez@udc.es		
Lecturers	Jove Villares, Daniel	E-mail	d.jove.villares@udc.es		
	Ruiperez y Alamillo, Javier		javier.ruiperez@udc.es		
Web					
General description	<p>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.</p>				
Contingency plan	<ol style="list-style-type: none"> <li>1. Modifications to the contents</li> <li>2. Methodologies <ul style="list-style-type: none"> <li>*Teaching methodologies that are maintained</li> <li>*Teaching methodologies that are modified</li> </ul> </li> <li>3. Mechanisms for personalized attention to students</li> <li>4. Modifications in the evaluation <ul style="list-style-type: none"> <li>*Evaluation observations:</li> </ul> </li> <li>5. Modifications to the bibliography or webgraphy</li> </ol>				

## Study programme competences

Code	Study programme competences
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.

Learning outcomes			
Learning outcomes	Study programme competences		
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 criticamente 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



TEMA 1: A DIVISIÓN DE PODER NUN ESTADO DE DEREITO. 1) Formulación e significado actual.

TEMA 2: A COROA. 1) A forma política do Estado: a monarquía parlamentaria. 2) A figura e posición do Rei como Xefe do Estado. Estatuto persoal: inviolabilidade e irresponsabilidade. 3) Importancia que outorga a Constitución española á institución monárquica. Lexitimación da monarquía. 4) A sucesión na Coroa. A figura da Princesa herdeira. A Rexencia. 5) As facultades e funcións do Rei. 6) O referendo dos actos do Rei.

TEMA 3: O PODER LEXISLATIVO. CORTES XERAIS I. 1) A orixe histórica do Parlamento e a súa organización: sistemas monocamerais e bicamerais. 2) O bicameralismo imperfecto. Sistemas electorais. A composición das Cámaras parlamentarias en España: Congreso dos Deputados e Senado.

TEMA 4: O PODER LEXISLATIVO. CORTES XERAIS II. 1) A organización interna do Parlamento. 2) O estatuto xurídico dos parlamentarios. 2a) O mandato parlamentario. 2 b) Incompatibilidades. 2 c) Prerrogativas dos parlamentarios: inviolabilidade, inmunidade e foro especial.

TEMA 5: O PODER LEXISLATIVO. CORTES XERAIS III. 1) Funcións do Parlamento: 1a) A función representativa: o Parlamento como órgano de representación política. 1 b) A función financeira e orzamentaria. 1 c) A función de impulso e dirección política. 1d) A función de control: as relacións entre o Parlamento e o Goberno: a) Preguntas, interpelacións e comparecencias. b) Comisións parlamentarias de investigación. c) A cuestión de confianza. d) A moción de censura. e) A disolución das Cámaras. 2) Os órganos auxiliares do Parlamento: Tribunal de Contas e Defensor del Pobo.

TEMA 6: O PODER EXECUTIVO. O GOBERNO E A ADMINISTRACIÓN. 1) Composición do Goberno e estrutura orgánica. 2) A Presidencia do Goberno e o procedemento de investidura. 3) O estatuto xurídico dos membros do Goberno. 4) As funcións do Goberno. 5) O Goberno en funcións. 6) Responsabilidade política do Goberno e a facultade de disolución parlamentaria. 7) O Goberno e a Administración Pública: principios organizativos e de funcionamento.

TEMA 7: DEFENSA DA CONSITUCIÓN E TRIBUNAL CONSTITUCIONAL: XURISDICIÓN CONSTITUCIONAL CONCENTRADA VS. CONTROL DIFUSO . 1) Os distintos modelos de defensa da Constitución: defensa política e



defensa xurídica da Constitución. 2) Os modelos difuso e concentrado de defensa xurisdicional da Constitución.

TEMA 8 O TRIBUNAL CONSTITUCIONAL ESPAÑOL: 1) Natureza. 2) Composición e organización.

TEMA 9 FUNCIONES DO TRIBUNAL CONSTITUCIONAL. ESPAÑOL: 1) O recurso de inconstitucionalidade. 2) A cuestión de inconstitucionalidade 3) A Declaración sobre a constitucionalidade dos Tratados Internacionais 4) O conflito en defensa da autonomía local 5) O conflito positivo de competencias 6) Os conflitos negativos de competencias 7) As impugnacións do Título V da Lei Orgánica do Tribunal Constitucional 8) Os conflitos entre órganos constitucionais do Estado.

TEMA 10 As RESOLUCIONES DO TRIBUNAL CONSTITUCIONAL: 1) As peculiaridades do Dereito procesual constitucional. 2) Tipoloxía da resolucións do Tribunal constitucional 3) A estrutura, tipoloxía e efectos da sentenzas do Tribunal Constitucional

TEMA 11 A ORGANIZACIÓN TERRITORIAL DO ESTADO. 1) O marco constitucional da organización territorial na tipoloxía das formas de Estado. 2) A autonomía de nacionalidades e rexións. 3) O proceso de formación das Comunidades Autónomas.. 4) A distribución de competencias entre o Estado e as Comunidades Autónomas. 5) A evolución do modelo territorial español e os seus límites. 6) A autonomía local na Constitución.

TEMA 12 O FINANCIAMENTO AUTONÓMICO E LOCAL. 1) Sistema de financiamento de Comunidades Autónomas de Réxime Común 2) Sistema de financiamento de Comunidades Autónomas de Réxime Especial. 3) Sistema de financiamento das entidades locais.

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<p>THEME 1: THE DIVISION OF POWER</p> <p>THEME 2: The CROWN.</p> <p>THEME 3: The LEGISLATIVE POWER. GENERAL COURTS I.</p> <p>THEME 4: The LEGISLATIVE POWER. GENERAL COURTS II.</p> <p>THEME 5: The LEGISLATIVE POWER. GENERAL COURTS III.</p> <p>THEME 6: The EXECUTIVE POWER. The GOVERNMENT And The ADMINISTRATION.</p> <p>THEME 7: DEFENCE OF The CONSTITUCIÓN And CONSTITUTIONAL COURT: CONSTITUTIONAL JURISDICTION CONCENTRATED Vs. DIFFUSE CONTROL</p> <p>THEME 8 The CONSTITUTIONAL COURT SPANISH: 1) Nature. 2) Composition and organisation.</p> <p>THEME 9: FUNCTIONS OF THE CONSTITUTIONAL COURT</p> <p>THEME 10: The RESOLUTIONS OF THE CONSTITUTIONAL COURT</p> <p>THEME 11: The TERRITORIAL ORGANISATION OF THE STATE.</p> <p>THEME 12: The AUTONOMIC And LOCAL FINANCE</p>	<p>THEME 1: THE DIVISION OF POWER 1) Approach and current meaning.</p> <p>THEME 2: The CROWN. 1) The political form of the State: the parliamentary monarchy. 2) The figure and position of the King as Head of State. Personal status: inviolability and irresponsibility. 3) Importance given by the Spanish Constitution to the monarchic institution. Lexitimation of the monarchy. 4) Succession to the Crown. The figure of the Crown Princess. The Rexencia. 5) The powers and functions of the King. 6) The referendum on the acts of the King.</p> <p>THEME 3: LEGISLATIVE POWER. GENERAL COURTS I. 1) The historical origin of Parliament and its organization: mono- and bicameral systems. 2) The imperfect bicameralism. Electoral systems. The composition of the parliamentary chambers in Spain: Congress of Deputies and Senate.</p> <p>THEME 4: LEGISLATIVE POWER. GENERAL COURTS II. 1) The internal organization of Parliament. 2) The legal status of parliamentarians. 2a) The parliamentary mandate. 2b) Incompatibilities. 2c) Prerogatives of Members of Parliament: inviolability, immunity and special forum</p> <p>THEME 5: LEGISLATIVE POWER. GENERAL COURTS III. 1) Functions of Parliament: 1a) The representative function: Parliament as a body of political representation. 1b) The financial and budgetary function. 1c) The function of providing political impetus and direction. 1d) The control function: relations between Parliament and the Government: a) Questions, interpellations and appearances. b) Parliamentary committees of inquiry. c) The question of confidence. d) The motion of censure. y) The dissolution of the Houses. 2) The auxiliary bodies of Parliament: the Court of Audit and the Ombudsman.</p> <p>THEME 6: EXECUTIVE POWER GOVERNMENT AND ADMINISTRATION. 1) Composition of the Government and organic structure. 2) The Presidency of the Government and the investiture procedure. 3) The legal status of the members of the Government. 4) The functions of the Government. 5) The Government in office. 6) Political responsibility of the Government and the power of parliamentary dissolution. 7) The Government and the Public Administration: organizational and operational principles.</p> <p>THEME 7: DEFENCE OF THE CONSTITUTION AND CONSTITUTIONAL COURT: CONCENTRATED CONSTITUTIONAL JURISDICTION VS. DIFFUSE CONTROL . 1) The different models of defence of the Constitution: political defence and legal defence of the Constitution. 2) The diffuse and concentrated models of jurisdictional defence of the Constitution.</p> <p>THEME 8 THE SPANISH CONSTITUTIONAL COURT: 1) Nature. 2) Composition and organization.</p> <p>THEME 9 FUNCTIONS OF THE CONSTITUTIONAL COURT. SPANISH: 1) The appeal of unconstitutionality. 2) The question of unconstitutionality 3) The Declaration on the constitutionality of international treaties 4) The conflict in defence of local autonomy 5) The positive conflict of competences 6) The negative conflicts of competences 7) The challenges to Title V of the Organic Law of the Constitutional</p>
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Court 8) The conflicts between constitutional bodies of the State.

THEME 10 RESOLUTIONS OF THE CONSTITUTIONAL COURT: 1) The peculiarities of constitutional procedural law. 2) Typology of the resolutions of the Constitutional Court 3) The structure, typology and effects of the rulings of the Constitutional Court

THEME 11 The TERRITORIAL ORGANIZATION OF THE STATE. 1) The constitutional framework of the territorial organization in the typology of the forms of State. 2) The autonomy of nationalities and regions. 3) The process of formation of the Autonomous Communities. 4) The distribution of competences between the State and the Autonomous Communities. 5) The evolution of the Spanish territorial model and its limits. 6) Local autonomy in the Constitution.

THEME 12 AUTONOMOUS AND LOCAL FINANCING. 1) Financing system of Common Regime Autonomous Communities 2) Financing system of Special Regime Autonomous Communities. 3) Financing system of local entities.





Planning				
Methodologies / tests	Competencies	Ordinary class hours	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	On the first day of class, each of the teachers responsible for the different groups will proceed to explain to their students the structure of the personalized teaching guide, as well as the specific subjects being studied, the approximate distribution of the schedule and the most useful documentary sources for following the academic year.
Guest lecture / keynote speech	The master sessions will constitute the theoretical base that will facilitate the essential knowledge to the student about the subject
Seminar	Seminars are working sessions with a theoretical and practical profile specialized in a specific topic
Case study	Study of practical cases, analysis of legal texts or jurisprudence that teachers propose to students. This activity can be attended or not.
Document analysis	Study or comment on legal documents, doctrinal documents or jurisprudence of the Constitutional Court, European Court of Human Rights, etc...
Directed discussion	This activity will be carried out in a face-to-face way and will consist in the sharing of opinions on a subject, or in the common resolution of current problems that are directly related to the object of study
Workbook	Readings in face-to-face or non-presential sessions
Objective test	Final exam and, if necessary, partial exam (if established by the teacher in charge of that group).  During the first week of the term, the teacher in charge of the group will also highlight the specific evaluation mechanisms that will be used during the term.
Speaking test	Possibility of final or partial oral test (to be established by each teacher)
Supervised projects	The teachers of the different subjects integrated in the Module may suggest the development of individual or group works on a specific topic.  These works may have a positive influence on the overall evaluation of the term.

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.
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Assessment			
Methodologies	Competencies	Description	Qualification
Document analysis	A9 A10 A11	Lecturas / Estudio de Casos / Discusión dirixida / Traballos prácticos individuais ou colectivos	15
Objective test	B2 B3	Prueba obxetiva: oral, escrita ou tipo test	85

Assessment comments
- The teachers may set a percentage of 30 for evaluation of the practical classes (analysis of documentary sources) and 70 for the objective test, provided that the report on the first day of class and the students agree. - Students with a waiver may obtain 100% of the score by taking the objective test.

Sources of information	
<b>Basic</b>	Alzaga Villaamil, Derecho Político Español según la Constitución de 1978 (2 vols), CERA, Madrid, 2007 y 2008 Balaguer Callejón, Francisco (Coordinador), Manual de Derecho Constitucional, Tecnos, Madrid, 2005. Volumen I y II. Caamaño, Francisco, Jove, Daniel y Roura Gómez, Santiago (2019): Bases para el estudio del Derecho Constitucional. Organización Constitucional del Estado. Kindle, versiones online y papel. Portero Molina, José Antonio, Constitución y jurisprudencia constitucional, Tirant lo Blanch, Valencia, 2005. Ruipérez Alamillo, Javier, Reforma constitucional y supresión del Senado como Cámara territorial, Porrúa, Ciudad de México, 2018. Ruipérez Alamillo, Javier, División de competencias y forma territorial del Estado, Reus, Madrid, 2012.
<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> 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>

Recommendations
<b>Subjects that it is recommended to have taken before</b>
Constitution and Judiciary/612G01014 European Union Law/612G01021 Regional Public Law in Spain/612G01030
<b>Subjects that are recommended to be taken simultaneously</b>
Oral and Written Communication/612G01004
<b>Subjects that continue the syllabus</b>
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 &nbsp;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.**