

**COURSE DATA****DATA SUBJECT**

**Code:** 36765  
**Name:** Rights and freedoms and Economic Constitution  
**Cycle:** Undergraduate Studies  
**ECTS Credits:** 6  
**Academic year:** 2025-26

**STUDY (S)**

Degree	Center	Acad. year	Period
1933 - Double Degree in Law and Economics_2022	Facultat d'Economia	2	First quarter

**SUBJECT-MATTER**

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	Asignaturas de segundo curso	COMPULSORY

**COORDINATION**

MARTINEZ LOPEZ-SAEZ MONICA

**SUMMARY**

Fundamental Rights and Freedoms and Economic Constitution is a compulsory semester course taught in the second year of the Double Degree in Law and Economics, with a course load of 6 ECTS credits. The contents to be addressed in this subject correspond to issues related to Spanish economic constitutionalism and economic clauses of constitutional rank, as well as to the dogmatic part of the Constitution: the historical evolution of human rights, the concept and foundations of fundamental rights, the system of fundamental rights and freedoms in the Spanish Constitution (with special emphasis on social and economic rights), their guarantees, normative and jurisprudential development, the new perspectives and challenges of human rights in the face of globalization and in the specific context of a market economy, among others.

**PREVIOUS KNOWLEDGE****RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE**

There are no specified enrollment restrictions with other subjects of the curriculum.

**OTHER REQUIREMENTS**



Relationship to other subjects of the same degree

This subject provides continuity and complements the contents of the subject 'Constitutional Organization of the State', which is taught as a basic training subject in the first year of the Double Degree in Law and Economics. The course is also related to the subjects 'Legal Institutions of the European Union' and 'Public International Law', insofar as the process of European integration, the constitutionalization of Europe and the internationalization o

#### LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

- Understand the fundamental rights and public freedoms in the Spanish constitutional system.
- Understand the concept and content of equality, fundamental rights, and public freedoms as constitutional values.
- Understand what is known as (and what it encompasses) the Economic Constitution.
- Know the set of constitutional norms that enshrine the principles and rules by which economic activity must be governed, as well as their economic, social, and political implications.
- Know the system of guarantees: jurisdictional and extrajurisdictional guarantees and levels of protection: national, supranational, and international for public rights and freedoms.
- Be able to prepare legal studies and papers through critical reasoning.
- Master computer techniques for obtaining legal information (legislation, case law, bibliography databases).
- Distinguish and critically assess problems in the foundation of rights.
- Identify the limits to fundamental rights.
- Be able to apply the balancing and proportionality test in cases of conflicts between rights.
- Know how to apply the constitutional model to the current political information context.

#### COMPETENCES / LEARNING OUTCOMES

#### DESCRIPTION OF CONTENTS



## 1. THE PROCESS OF RECOGNITION OF HUMAN RIGHTS

- 1.- First documents and petitions of rights.
- 2.- The evolution in the process of recognition of human rights.
- 3.- The universalization of rights and freedoms.

## 2. FUNDAMENTAL RIGHTS AND PUBLIC FREEDOMS WITHIN THE SPANISH CONSTITUTION

- 1.- The concept of fundamental rights and characteristics.
- 2.- The effectiveness of fundamental rights.
- 3.- The restrictions to fundamental rights.
- 4.- The interpretation of fundamental rights.
- 5.- The conditions of enjoyment of fundamental rights.

## 3. GENERAL GUARANTEES FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

- 1.- General guarantees for the protection of rights.
- 2.- The administrative protection (non-judicial protection) of rights.
- 3.- The Defender of the People (Ombudsperson).
- 4.- Other mechanisms for protection and non-judicial guarantors in the socio-economic context

## 4. JUDICIAL GUARANTEES FOR THE PROTECTION OF FUNDAMENTAL RIGHTS

- 1.- Special procedures for the judicial protection of fundamental rights: administrative, criminal, social and civil orders.
- 2.- The amparo appeal before the Spanish Constitutional Court.
- 3.- The international protection.
- 4.- The European system for the protection of human rights.

## 5. THE GENERAL EQUALITY CLAUSE

- 1.- Equality before the Law, within the Law and in the application of the Law.
- 2.- Discrimination and differential treatment.
- 3.- The transversal character of the principle of equality.
- 4.- The so-called positive discrimination.

- 1.- Content of the right to the due process of law.
- 2.- The access to the judicial system.
- 3.- The development of the proceedings. The lack of defense.



## 6. DUE PROCESS OF LAW

- 1.- Content of the right to the due process of law.
- 2.- The access to the judicial system.
- 4.- The termination of the proceedings.
- 5.- The constitutional guarantees of criminal proceedings.

## 7. PERSONAL LIBERTY RIGHTS & INFORMATIONAL FREEDOMS

- 1.- Life and physical and moral integrity.
- 2.- Freedom of ideology and religion.
- 3.- Honour, privacy and own image.
- 4.- Inviolability of the home.
- 5.- Secrecy of communications.
- 6.- Protection against the use of data processing.
- 7.- Freedoms of expression and information
- 8.- Freedom of residence and movement.
- 9.- Right to marry.
- 10.- Personal liberty in the context of security

## 8. RIGHTS POLITICAL PARTICIPATION

- 1.- Guiding principles of social policy: general aspects, recognition and level of guarantee of social rights.
- 2.-The right to education.
- 3.-Freedom of teaching.
- 4.- Labour rights: Freedom to organize (trade unions and employers associations).
- 5.-Other social and cultural rights.
6. The Economic Constitution: general aspects, elements and impact of the principle of budgetary stability.
- 7.-Private property
- 8.- The right to set up foundations and freedom of enterprise.
- 9.- Other economic rights

## 9.

## 10. CONSTITUTIONAL DUTIES

- 1.- The notion of constitutional duty.
- 2.- Military duties and conscientious objection.
- 3.- Tax duties.
- 4.- Other constitutional duties.

## WORKLOAD

**PRESENCIAL ACTIVITIES**

Activity	Hours
Theoretical and practical classes	60,00
<b>Total hours</b>	<b>60,00</b>

**NON PRESENCIAL ACTIVITIES**

Activity	Hours
Attendance at other activities	0,00
Individual or group project	0,00
Independent study and work	60,00
Preparation of lessons	30,00
Preparation for assessment activities	0,00
Resolution of case studies	0,00
<b>Total hours</b>	<b>90,00</b>

**TEACHING METHODOLOGY**

- Lectures with group discussion.
- Presentation and resolution of practical cases.
- Preparation / presentation of individual or group work.
- Completion of homework and practical cases
- Attendance to tutorial sessions.
- Comprehensive reading of the materials.
- Drafting of summaries, schemes, etc.

**EVALUATION**

The following evaluation procedure will be used

- Written and/or oral test/s, consisting of one or several exams that may be objective type tests, include theoretical-practical questions and/or problems.



-Evaluation of practical activities, individual and/or group, based on the elaboration, delivery of papers, reports and/or oral presentations; as well as student attendance to seminars.

-Continuous evaluation of each student, based on regular attendance and active participation in the proposed face-to-face activities, degree of involvement in the teaching-learning process and the skills and attitudes shown during the development of the activities.

-For the realization of the applied and complementary activities, the teacher of the subject can use the Service-Learning methodology.

The overall grade may be distributed as follows:

#### CONTINUOUS EVALUATION

Total of the continuous evaluation 30%.

GLOBAL TEST (theoretical or theoretical-practical exam that can be taken orally or in writing)

70%

TOTAL 100%.

The percentages assigned for each activity in the continuous evaluation modality (applied and complementary evaluable activities) will be specified in the attached Academic Guide ("Teacher's Annex").

In order to pass the course, and to be able to compute the grade obtained in the part of the continuous evaluation, it will be necessary to have obtained at least a 5 out of 10 in the global test. The grade obtained in the continuous evaluation will be reserved for the second exam of the same academic year.

Regardless of the general evaluation system to be established for all students (written or oral exam) established for all the students (written or oral exam), the teacher responsible for the teachers responsible for the course may determine in the annexe to the teaching guide the possibility of changing, with reason, the modality of the final exam modality when it is necessary to take the exam on a date other than the official the exam on a date different from the official date, in application of the rules foreseen for the case of coincidence of exams in the Regulations for the Evaluation and Grading of the Undergraduate and Master's Degrees of the University of Valencia, or any other of the University of Valencia, or any other cause established by regulations (e.g., in the case of established (e.g. justified cases of force majeure).In these



cases, the new type of exam to be taken must maintain the same level of demand and difficulty as the one taken in the rest of the group.

The students who have followed the continuous evaluation and have been evaluated, if they do not take the final exam on the official date of the final exam date (both in 1st and 2nd will obtain the grade of "NOT PRESENTED).

## REFERENCES

- - ÁLVAREZ CONDE, ENRIQUE; TUR AUSINA, ROSARIO: Derecho Constitucional. Tecnos, Madrid, u. ed. - ALZAGA VILLAAMIL, OSCAR y otros: Derecho político español: según la Constitución de 1978. Centro de Estudios Ramón Areces, Madrid, u. ed. - BALAGUER CALLEJÓN, FRANCISCO (Coord.): Manual de Derecho Constitucional. Tecnos, Madrid, u. ed. - CASTELLÀ ANDREU, JOSEP MARIA (Ed): Derecho Constitucional Básico. Ed. Huygens, Barcelona, u. ed. - DEJUÁN ASENJO, OSCAR: La constitución económica española: iniciación económica pública "versus" iniciativa económica privada en la Constitución española de 1978, Centro de Estudios Políticos y Constitucionales, Madrid, u. ed. - DE OTTO PARDO, IGNACIO: Derecho Constitucional. Sistema de Fuentes. Ariel, Barcelona, u. ed. - LÓPEZ GUERRA, LUIS y ESPÍN TEMPLADO, EDUARDO (Coords.), Manual de Derecho Constitucional. Vol. I. La Constitución y el ordenamiento jurídico. Derechos y libertades, Valencia, Tirant lo Blanch, u. ed. - NIETO CARIL, UBALDO: La Constitución Económica de 1978. Tirant lo Blanch, Valencia. u. ed. - RODRÍGUEZ-ZAPATA, J.: Teoría y Práctica del Derecho Constitucional. Tecnos, Madrid. Última ed. - SÁNCHEZ FERRIZ, REMEDIO; ROLLNERT LIERN, GÖRAN.: El Estado Constitucional. Tirant lo Blanch, Valencia, u. ed. - VARELA SUANZES-CARPEGNA, JOAQUIN: Historia Constitucional de España. Marcial Pons, Madrid, u. ed. - Código de leyes políticas, de cualquier editorial salvo indicación específica del profesor del grupo.
- -GAMBINO, Silvio, LOZANO MIRALLES, Jorge y otros, The Spanish Constitution, Netherlands, Eleven International Publishing, u. ed. - JIMENA QUESADA, Luis, Social Rights and policies in the European Union, Valencia, Tirant lo Blanch, u. ed. - AGUILERA VAQUÉS, Mar y SERRA CRISTÓBAL, Rosario, Rights and freedoms in the Spanish Constitution, Valencia, Tirant lo Blanch, u. ed. - VV. AA.: Derecho Constitucional I, en Base de Conocimiento Jurídico, [www.iustel.com](http://www.iustel.com) (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN) - VV.AA.: Derecho Constitucional II en Base de Conocimiento Jurídico, [www.iustel.com](http://www.iustel.com) (sólo accesible desde un ordenador conectado a la red de la Universidad o mediante conexión VPN) - Constitución española comentada, <http://narros.congreso.es/constitucion/index.htm>. - Derecho Constitucional I, OCW Universidad de Oviedo, <http://ocw.uniovi.es/course/view.php?id=770>.