# COURSE DATA

## DATA SUBJECT

**Code:** 44558
**Name:** Economic constitution
**Cycle:** Master's Degree
**ECTS Credits:** 3
**Academic year:** 2026-27

## STUDY (S)

| Degree | Center | Acad. year | Period |
|---|---|---|---|
| 2217 - Master's Degree in Law, Business and Justice | Facultat de Dret | 1 | First quarter, Second quarter |

## SUBJECT-MATTER

| Degree | Subject-matter | Character |
|---|---|---|
| 2217 - Master's Degree in Law, Business and Justice | Constitución económica | COMPULSORY |

## COORDINATION

OLAVARRIA IGLESIA JESUS

# SUMMARY

The course addresses the meaning of economic constitution, the economic clauses of constitutional status and its historical evolution. From these ideas the meaning and scope of the principle of economic initiative and its projection in the field of freedom of enterprise, focusing on the principle of corporate pluralism arises. Then regards public intervention in the economy, the activities / services of general economic interest and the impact that it has especially in competition law.

# PREVIOUS KNOWLEDGE

## RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

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

## OTHER REQUIREMENTS

Preferably, legal knowledge from Law or Legal Sciences Degree, in accordance with the Master¿s verifica.

# COMPETENCES / LEARNING OUTCOMES

## 2217 - Master's Degree in Law, Business and Justice

Adquirir y/o mejorar la capacidad y habilidad de coordinación, así como desarrollar destrezas interpersonales que faciliten el trabajo en grupo.

Aplicar los conocimientos y técnicas adquiridos a entornos y situaciones interdisciplinares complejas para anticiparse a los problemas, valorando la creatividad y solvencia de las propuestas.

Capacidad de implementación práctica de los conocimientos aprendidos en los debates y discusiones, así como ser capaces de dirigirlos e identificar y analizar las conclusiones más relevantes.

Capacidad de trabajo en equipos multidisciplinares para la resolución de casos y situaciones jurídicas complejas nacionales e internacionales.

CB8 - To be able to integrate knowledge and face the complexity of formulating judgments from information that, being incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments.

Conocer y aplicar las técnicas de comunicación y expresión oral y corporal en los debates y discusiones planteadas respecto de problemas jurídicos actuales, participando de forma activa en la resolución de los mismos.

Identificar, analizar e interpretar los problemas jurídicos complejos conforme a criterios jurídicos y deontológicos, con el debido respecto a valores democráticos y a principios fundamentales, sin que tenga cabida la discriminación por razón de sexo, creencia o lugar de procedencia.

Identificar y valorar los problemas jurídicos de interés en una sociedad globalizada en el ámbito de la actividad empresarial que requieren de una profundización en la investigación jurídica para ser afrontados de forma plural.

Saber aplicar los conocimientos adquiridos durante el curso, a través de la resolución de problemas puntuales y multidisciplinares desde la óptica de la actividad comercial nacional e internacional y la seguridad jurídica.

Saber identificar los posibles conflictos de interés en el seno de las empresas y operadores económicos en sus relaciones con otros agentes y, especialmente, con los consumidores, para conocer y desarrollar técnicas y mecanismos de tutela y protección de los derechos e intereses de las partes de la relación jurídica.

Saber precisar, comparar y contrastar mediante razonamientos lógicos argumentos proporcionados por otros, bien en debates, bien cuando se trabaje en grupo, sobre la base del respeto mutuo.

Saber trabajar el liderazgo en equipos específicos e interdisciplinares.

Students should possess and understand foundational knowledge that enables original thinking and research in the field.

Utilizar los conocimientos avanzados adquiridos aplicables a la realidad empresarial de forma solvente, tanto de forma individual como en equipo, desde una perspectiva pluridisciplinar.

## DESCRIPTION OF CONTENTS

### 1. The concept of economic constitution

1.1. The different concepts of economic constitution.
1.2. Substantive economic constitution.
1.3. The economic activity in the Liberal Constitutions of the 19th century.
1.4. The economic constitution after the II World War.

### 2. Main constitutional economic clauses. Its historical evolution

2.1. The principle of freedom.
2.2. The principle of equality.
2.3. The principle of free development of the personality.
2.4. Private property.
2.5. Free choice of profession or trade.
2.6. Freedom of private economic initiative (freedom of enterprise) and the economy.
2.7. Freedom of association.
2.8. Social clauses.

### 3. The principle of economic initiative

3.1. Private initiative and public initiative.
3.2. The principle of subsidiarity, the principle of joint initiative
3.3. The principle of equal treatment.

### 4. Freedom of enterprise

4.1. The protection of freedom of enterprise. Freedom of enterprise, a subjective right and / or a fundamental right and / or a constitutional guarantee?
4.2. The essence of freedom of enterprise.
4.2.1 The freedom of creation and freedom of enterprise market access.
4.2.2. freedom of activity: freedom of organization and management of the company.
4.2.3. Freedom of cessation in the market.

### 5. Public intervention in the economy.

5.1 Guiding principles of social and economic policy.
5.2. public economic initiative
5.3. Reservations to public sector

## 6. Activities / economic services of general interest

6.1. Public services and economic activities/services of general interest.
6.2. Activities/services of general interest, freedom of enterprise and free trade.

## 7. Freedom of enterprise and competition law

7.1. Prohibited behavior
7.1.2. cartels
7.1.3. Abuse of dominant position
7.1.4. Acts of unfair competition that distort free competition
7.2. Merger control
7.3. Public aid
7.4. Competition authorities: different systems.

# WORKLOAD

### PRESENCIAL ACTIVITIES

| Activity | Hours |
|---|---|
| Theory | 19,50 |
| Seminar | 6,00 |
| Classroom practices | 4,50 |
| **Total hours** | **30,00** |

### NON PRESENCIAL ACTIVITIES

| Activity | Hours |
|---|---|
| Attendance at other activities | 0,00 |
| Individual or group project | 0,00 |
| Independent study and work | 0,00 |
| Preparation of lessons | 0,00 |
| Preparation for assessment activities | 0,00 |
| Resolution of case studies | 0,00 |
| **Total hours** | **0,00** |

# TEACHING METHODOLOGY

The methodology combines lectures with student interventions readings teacher assigned to each of them, by a class system that favors dialogue discussion led by the teacher on certain issues, cases and rules.The development of the subject requires an activity of study, research and analysis by students during the sessions and later.

# EVALUATION

1. Evaluation of attendance and participation in seminars and other activities, assessing not only the number of interventions but also the quality of them. 25.0%2. Evaluation of mentoring, in which the degree of preparation of the student and assimilation of acquired knowledge will be analyzed 30.0%3. Assessment of public interventions to be carried out each of the students in the sessions. 45.0%

With regard to the use of artificial intelligence tools, the provisions set out in the Guidelines for the Responsible Use of Artificial Intelligence (AI) in Teaching and Assessment Activities at the University of Valencia shall apply. In any case, the lecturer may authorize or restrict the use of such tools in the different continuous assessment activities, provided that this is stated in the instructions for the relevant activity. Where their use is authorized, students shall be required to submit a Responsible Use Declaration, in accordance with the model established in the aforementioned University of Valencia Guidelines.

According to Article 6 of the University of Valencia Assessment Regulations, those continuous assessment activities which, by their very nature, cannot be assessed through a final examination, whether theoretical or practical, designed to evaluate the achievement of the intended learning outcomes, shall not be eligible for resit in the second examination period. Whether each continuous assessment activity is recoverable or non-recoverable shall be determined by the instructor responsible, in accordance with the characteristics and nature of the activity concerned.

## REFERENCES


- MENÉNDEZ MENÉNDEZ, Aurelio, Constitución, sistema económico y Derecho Mercantil, en HPE (Hacienda Pública Española), n.º 94, 1985, pág. 47-77. - ARAGÓN, Manuel, Constitución económica y libertad de empresa, en Estudios Jurídicos en Homenaje al Profesor Aurelio Menendez, Madrid, 1996, págs. 163-180. - GORDILLO PÉREZ, Luis I., Constitución económica y gobernanza económica Unión Eurpea, Pamplona, Aranzadi, 2019. -NIETO CAROL, U., La Constitución económica de 1978, Tirant, Valencia, 2019. - PAZ-ARES, C. y, ALFARO AGUILA-REAL, J., "Ensayo sobre la libertad de empresa", en Estudios homenaje a Luis Diez-Picazo, tomo IV, Thomson/ Civitas Ed., Madrid, 2003, pp 5971-6040 en http://www.uam. es/centros/derecho/privado/mercanti/investigacion/CPA%20y%20JAAR%20-%20libertad.pdf - ROJO, Angel, Actividad económica pública y actividad económica privada en la constitución, en Revista de Derecho Mercantil, 1983, pags. 309-341. -RUBIO LLORENTE, Francisco, "La libertad de empresa en la Constitución", en Estudios Jurídicos en Homenaje al Profesor Aurelio Menéndez, Madrid, 1996, pp. 431-446.

- ALBERTÍ ROVIRA, Enoch, La Constitución económica de 1978. Reflexiones sobre la proyección de la Constitución sobre la económia en el XXV Aniversario de la Constitución española, Revista española de derecho constitucional, Año nº 24, Nº 71, 2004 (Ejemplar dedicado a: XXV aniversario de la Constitución (III)), págs. 123-160 - AIMONE GIBSON, E. y SILVA WALBAUM, A., "La noción de Derecho económico", RDPUCV, 2015, nº 44. - ARAGÓN REYES, M., Libertades económicas y Estado social, ed. McGraw Hill, Madrid, 1995 - ARIÑO ORTIZ, Gaspar, Principios Constitucionales de la libertad de empresa. Libertad de comercio e intervencionismo administrativo, ed. Marcial Pons, Madrid 1995, págs. 21-39, 81-125 - BASSOLS COMA, Martín, Constitución y sistema económico, ed. Tecnos, Madrid, 1988 - CIDONCAH, Antonio, La libertad de empresa, IEE-Thomson Civitas, Cizur Menor, 2006 - GUERRERO BECAR, José L., La Constitución Económica chilena, Ed. Der, Santaigo de Chile, 2018.