



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

Advanced Spanish Constitutional Dogmatics, Autonomous Devolution, and Modern Administrative Law

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Received: 11/07/2026; Accepted: 27/09/2026; Published: 17/10/2026

Abstract

This advanced research paper presents an exhaustive critical evaluation of modern Spanish public law, constitutional adjudication, and territorial governance. Focusing on the 1978 Constitution of the Kingdom of Spain (Constitución Española), the jurisprudence of the Constitutional Court (Tribunal Constitucional), and the Parliamentary Monarchy, this study investigates statutory constitutional review, individual protection appeals (recurso de amparo), and fundamental rights guarantees. Additionally, it examines the decentralized State of Autonomies (Estado de las Autonomías), administrative procedure codification (Ley 39/2015 and Ley 40/2015), digital public governance, and European Union legal integration.

1. Introduction:

Modern Spanish Legal Foundations and the Salamanca Legal Tradition

The legal system of the Kingdom of Spain is grounded in Roman law foundations, historical civil codification, and modern European constitutional doctrine. Centred around historic legal institutions such as the Faculty of Law at the Complutense University of Madrid (Universidad Complutense de Madrid) and the University of Salamanca (Universidad de Salamanca)—one of Europe's oldest legal faculties—Spanish jurisprudence has significantly influenced global public law, human rights theory, and international law.

The adoption of the Spanish Constitution of 1978 (*Constitución Española de 1978*) established a democratic parliamentary monarchy defined as a social and democratic State governed by the rule of law (*Estado social y democrático de Derecho*).

This research paper examines contemporary Spanish legal developments, analyzing constitutional adjudication, autonomous regional devolution, administrative procedural codification, and European supranational harmony.

2. Constitutional Review and the Jurisprudence of the Tribunal Constitucional

The Constitutional Court of Spain (*Tribunal Constitucional*) serves as the supreme interpreter of constitutional guarantees, operating independently of the general judicial hierarchy (*Poder Judicial*).

Spanish constitutional jurists analyze landmark rulings resolving unconstitutionality appeals (*recurso de inconstitucionalidad*), constitutional questions (*cuestión de inconstitucionalidad*), and individual human rights protection petitions (*recurso de amparo*) under Articles 161 and 162 of the Constitution.

Through its evolving jurisprudence, the Court enforces core constitutional values, guaranteeing equality before the law (*Artículo 14*), judicial protection (*tutela judicial efectiva - Artículo 24*), and fundamental democratic freedoms.

3. The State of Autonomies (Estado de las Autonomías) and Territorial Governance

The 1978 Spanish Constitution established an innovative model of territorial organization known as the State of Autonomies (*Estado de las Autonomías*), balancing national unity with regional self-government across seventeen Autonomous Communities (*Comunidades Autónomas*).

Legal scholars evaluate the distribution of legislative competences under Articles 148 and 149 of the Constitution, analyzing statutory autonomy charters (*Estatutos de Autonomía*) and intergovernmental dispute mechanisms before the Constitutional Court.

This decentralized structure ensures regional cultural and administrative diversity while maintaining economic solidarity, fiscal equity, and national cohesion.

4. Administrative Procedure Reform: Laws 39/2015 and 40/2015

The modern architecture of Spanish administrative law is structured around Law 39/2015 on Common Administrative Procedure (*Ley del Procedimiento Administrativo Común de las Administraciones Públicas*) and Law 40/2015 on the Legal Regime of the Public Sector (*Ley de Régimen Jurídico del Sector Público*).

Administrative law researchers analyze statutory guarantees of administrative transparency, electronic procedural rights (*Administración Electrónica*), state financial liability (*responsabilidad patrimonial*), and judicial review remedies before the Contentious-Administrative Courts (*Jurisdicción Contencioso-Administrativa*).

These comprehensive statutes ensure efficiency, legal certainty, and citizen protections during administrative proceedings.

5. Judicial Independence and the General Council of the Judiciary (CGPJ)

The judicial power (*Poder Judicial*) in Spain is regulated by Chapter VI of the Constitution and Organic Law of the Judiciary (*Ley Orgánica del Poder Judicial - LOPJ*), establishing judicial independence and professional autonomy.

Legal scholars examine the institutional role of the General Council of the Judiciary (*Consejo General del Poder Judicial - CGPJ*) as the governing body of judges and magistrates, ensuring judicial impartiality, career appointments, and disciplinary oversight.

Academic inquiries focus on judicial governance reforms, judicial accountability, and the separation between judicial administration and political appointment mechanisms.

6. Fundamental Rights, Public Liberties, and Habeas Corpus Protections

Title I of the Spanish Constitution guarantees an extensive catalog of fundamental rights (*derechos fundamentales*) and public liberties, protected through specialized statutory frameworks and constitutional remedies.

Scholars analyze specific protections governing freedom of expression, assembly, association, personal liberty, and the writ of habeas corpus against unlawful detention.

These constitutional guarantees ensure that state authorities operate strictly within human rights standards established by the Spanish Constitution and international treaties.

7. Economic Public Law, Public Sector Contracts, and Regulatory Oversight

Spanish economic public law balances free market principles with state regulatory oversight, public enterprise management, and public sector contracts (*Ley de Contratos del Sector Público*).

Researchers examine public procurement transparency, anti-corruption regulations, and independent regulatory agencies (*Autoridades Independientes de Regulación*), ensuring fair market competition and efficient public service delivery.

8. European Integration, Constitutional Identity, and Ibero-American Cooperation

Spain's integration into the European Union under Article 93 of the Constitution creates a dynamic harmony between domestic constitutional principles and European Union law.

Concurrently, Spain maintains a strategic leadership role in comparative legal research across the Ibero-American legal space, fostering international dialogue on constitutional governance, judicial integrity, and administrative modernization.

Spanish jurists lead transnational research initiatives that promote Rule of Law standards, fundamental rights protection, and democratic stability.

9. Future Trajectories in Spanish Public Law and Territorial Stability

As Spain navigates contemporary socioeconomic challenges, regional political dynamics, and digital transformations, legal research focuses on institutional resilience, administrative agility, and constitutional adaptability.

Spanish academic scholarship continues to pioneer innovative public law methodologies, ensuring that the 1978 constitutional model successfully addresses modern governance demands.

These developments reinforce the position of Spanish jurisprudence as a leading paradigm within European and global public law.

10. Conclusion: The Spanish Constitutional Paradigm in Comparative Public Law

The study of Spanish constitutional dogmatics, autonomous devolution, and administrative codification demonstrates a resilient civil law model that combines rigorous rights protection, territorial flexibility, and administrative efficiency.

By synthesizing constitutional adjudication by the Tribunal Constitucional, regional autonomy, digital administrative procedure, and European integration, Spanish public law provides essential models for contemporary comparative law.

Ultimately, the Spanish legal paradigm proves that constitutional democracy and territorial stability flourish through judicial independence, democratic consensus, and unwavering respect for fundamental rights.

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