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THE PERSPECTIVE OF THE REFORM OF THE CONSTITUTION OF SPAIN IN VIEW OF THE INSTITUTIONAL STATUS OF AUTONOMOUS COMMUNITIES

Key words: Spain, constitution, autonomous communities, Catalonia, nationalism

Abstract

Spain according to the Constitution of 1978 is a unitary state, but its whole territory is divided into autonomous communities that have the widest rights from equivalent territorial units in other European countries. The Constitution restored the possibility of creating regional autonomies, which were abolished earlier during the Franco dictatorship. However, the basic law was adopted before the foundations of regional structures were fully developed, so norms concerning the issues of autonomy were dictated in a general way. Only later legal acts regulated the situation in detail, but often their content depended on the political situation and was not always homogeneous. The creators of the Constitution did not foresee the subsequent forming of autonomous communities in the entire state territory. For over four decades of validity of the Spanish constitution, differences in the way the individual autonomous communities were established and differences in the competences of different regions have emerged. Some autonomous governments have also begun to expand their rights at the expense of the central authorities. The above factors caused a lively discussion among lawyers and politicians over the necessity of constitutional reform in the scope of the territorial system of Spain.

The system of autonomous communities in Spain

By virtue of the Constitution of the Kingdom of Spain of 27 December 1978, the “right to autonomy of nationalities and regions” was guaranteed, equated with Castilian local languages and the right to own flags and emblems used simultaneously with state-wide ones. The constitution specifies in detail the possibilities of forming regional communities in the third chapter of Title

VIII. Specified conditions and ways of organization of autonomous regions are regulated in their organic statutes, constituting the most important legal acts adopted by regional authorities.

The right to the autonomy of nationalities and regions, indissoluble united as the Spanish Nation in the common and indivisible state of all Spaniards, has been recognized and guaranteed¹. Although the Castilian

¹ Constitución Española de 27 de diciembre de 1978 (fur-

language remains official of the State, the other “Spanish languages” are treated equally in the respective autonomous regions². The Spanish flag is the official state insignia, but each region can establish its own symbolism, which can be used together with the state³.

The situation of autonomous regions has been precisely defined in articles 143–158 of the Constitution. Basis for self-determination of “Spanish nationalities” within regional autonomous communities under the authority of the central government was granted. The Constitution allows creation of autonomous regions in bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status⁴. Nevertheless, none of the authors of the Constitution suppose that autonomous regions will soon cover the entire territory of the state. Such solution was envisaged initially in the case of Catalonia, the Basque Country, Galicia and Navarra. It was also possible to create the autonomy of Andalusia and insular provinces. Therefore, a map of Autonomous Communities was not included in the Constitution, nor was their future competences precisely regulated. There were also no norms relating to the internal organization of individual autonomies. It was limited only to a general disposition specifying the scope in which each of the communities will define their internal competences and regulations⁵.

Each Autonomous Community is obliged to establish a Statute, in accordance with the Constitution, which shall constitute the basic institutional rules of each Autonomous Community⁶. The competences granted by the Constitution to each Autonomous Community are listed in 22 points. Among them are such important issues as: organization of local authorities, full management of internal affairs of the region, infrastructure management, in particular railways and motorways, responsibility for agricultural policy, environmental protection, health care, social welfare, local security, education and culture⁷. Exclusive competences of central authorities includes among others: issues related to the country’s military, foreign policy, general

judicial administration, or mercantilist policy⁸. A very broad range of autonomy is evidenced by the fact that local authorities are responsible of, inter alia, tax administration, police and numerous enterprises performing public tasks. Also in the field of legal order, despite the coherence of national and regional law systems, significant differences can be seen, especially in civil law⁹.

All institutions of Autonomous Communities are controlled by the following bodies: the Constitutional Court (*Tribunal Constitucional*), the central Government, administrative litigation jurisdictional bodies and the Court of Audit (*Tribunal de Cuentas*), with regard the competences each of them held¹⁰. One state Government delegate directs the state administration in each Autonomous Community¹¹. Financial autonomy is granted to each Autonomous Community¹².

The specificity of Spanish peripheral nationalisms

Indeed, the friction between the regions and the inconsistency between the centralist politic run by the Castilians and the aspirations of peripheral regions have been visible on the Iberian Peninsula since the reunification of Spain at the turn of the 15th and 16th centuries. It was never possible for Castile to impose total domination over the regions and to eliminate the separatist tendencies of them, first of all Catalonia and the Basque Country¹³. Moreover, every attempt to uniformity Spain run by Castilians, in the long term has had the opposite effects. The most prominent Spanish philosopher of the

⁸ CE, art. 149.1.

⁹ Different regulations in this area occur in several autonomous communities and are a result of historical factors. For example, in Catalonia, differences in particular relate to property law, inheritance law and family law. The norms of civil law are regulated in a separate Civil Code of Catalonia (*Codi Civil de Catalunya*). See more: M.Z. Dankowski, *Podstawy systemu prawa hiszpańskiego w odniesieniu do prawa polskiego*, Gdynia 2016, p. 34.

¹⁰ CE, art. 153.

¹¹ CE, art. 154.

¹² CE, art. 156.

¹³ More on the history and legal and political factors of Basque separatism, see: M.Z. Dankowski, *Geneza i podstawy prawno-ustrojowe autonomii baskijskiej*, „Przegląd Prawa Konstytucyjnego”, vol. 4 (26), 2015, pp. 159–176, and also J. Orzechowska-Waślawska, *Baskowie. Powstanie współczesnego narodu*, Kraków 2014. There also a reference to a broader literature on the subject.

ther: CE), Boletín Oficial del Estado (further: BOE) núm. 311, 29/12/1978, art. 2.

² CE, art. 3.

³ CE, art. 4.

⁴ CE, art. 143.1.

⁵ M. Hernaiz, *Konstytucyjne podstawy hiszpańskiego systemu wspólnot autonomicznych*, „Politeja” nr 1 (9), 2008, p. 9.

⁶ CE, art. 147.1.

⁷ CE, art. 148.1.

20th century José Ortega y Gasset in 1922 put forward the thesis that “Castile has made Spain and Castile has undone it.”¹⁴ Earlier, already in the mid-nineteenth century, Juan Bautista Guardiola, writing about the fledgling Spanish democracy noted that: “Spain does not form a single nation, but a bundle of nations; as it is not single being, but an aggregate of diverse beings.”¹⁵ Similar ideas will develop in the following decades with the emerging and rise of regional nationalisms, otherwise called peripheral¹⁶. During the First Republic (1868–1874) the doctrine of federal republicanism appeared, which assumed the decentralization of the state based on the former kingdoms and historical and cultural territories¹⁷. Due to the short-lived republican period in the 19th century, the federalisation of Spain eventually did not take place¹⁸, however, the idea remained alive in part of the society and turned into specific political programs of nationalist parties that began to emerge at the turn of the 19th and 20th centuries. Regional nationalism was particularly strong at that time in Catalonia and the Basque Country, a bit less in Galicia. Later, the nationalist movement also raised in the Canary Islands, the region of Valencia, the Balearic Islands, Aragón and Asturias. In other regions, the nationalist movement was at first rather marginal.

A significant rise of regional nationalist ideas in Spain took place in the first half of the 20th century, and its culmination was the acquisition of autonomy by Catalonia and the Basque Country during the Second Republic (work on the introduction of autonomy also continued in Galicia, Balearic Islands, Aragón, and Andalusia)¹⁹. The Civil War and the victory of Francisco Franco’s forces led to the abolition of all autonomy

and attempt to completely “hispanisation” of the state. Through uniformity, Franco understood the imposition of castilianity on all regions²⁰. The problem of central government rivalry with peripheral nationalisms is therefore not new and it was not the aftermath of the Franco dictatorship, but only after its resignation it returned with multiplied force. The democratic constitution of 1978 granted the right to autonomy to particular regions, but the conflict between the interests of the central authorities and the regional aspirations quickly revealed itself, largely affecting the political shape of Spain.

A new administrative division of the state was made, replacing the previous one in force since 1833, after the adoption of the Constitution of 1978 and autonomous pacts of 1981 and 1992. Under those agreements, Spain was divided into 50 provinces in 17 Autonomous Communities²¹. Not all regions had autonomous ambitions from the beginning. It was obvious that regions traditionally expressing their separateness would apply for greater freedom and the possibility of autonomous governments. Catalonia, Basque Country, Galicia were so-called “historical regions”. It was considered to introduce some kind of autonomy for Andalusia and insular regions – Balearic and Canary Islands. It soon turned out that the introduction of autonomy in the so-called historical regions, entailed supporters of limited self-determination in other regions, and consequently until the mid-1980s the whole country became an organism gathering only autonomous regions, although in theory it still remained a unitary state, not a federation. Spain has become to be called the “State of Autonomies” in the contemporary jurisprudence²².

The Spanish doctrine distinguishes nationalism and regionalism. The first expression assumes that contemporary Spain is a state made up of different nations, and therefore its supporters demand the right to self-determination for these nations. Regionalism is a less radical movement, aimed at emphasizing local identity,

¹⁴ J. Ortega y Gasset, *España invertebrada. Bosquejo de algunos pensamientos históricos*, Madrid 1998, p. 48, aut. trans. (“Castilla ha hecho a España y Castilla la ha deshecho.”).

¹⁵ J.B. Guardiola, *El libro de la democracia*, Barcelona 1851, p. 64, aut. trans. (“España no forma una sola Nación, sino un haz de Naciones; ya que no es un solo ser, sino un agregado de seres diversos.”).

¹⁶ The development of the doctrine in the 20th and 21st century was presented by M. Myśliwiec, *Pozycja partii regionalnych w systemie politycznym współczesnej Hiszpanii*, Katowice 2014, pp. 129–138.

¹⁷ A. Balcells, *Breve historia del nacionalismo catalán*, Madrid 2004, pp. 50–51.

¹⁸ About the eventually federalisation of Spain see: P. Fariás García, *Breve historia constitucional de España*, Madrid 1981, pp. 55–56.

¹⁹ See more: S.G. Payne, *Pierwsza hiszpańska demokracja*, tłum. P. Skibiński, Warszawa 2009.

²⁰ See more: A. Sroka, *Hiszpańska droga do federalizmu*, Wrocław 2008, pp. 74–87.

²¹ Acuerdos Autonómicos 1981, Madrid 1981; Ley orgánica 9/1992 de 23 de diciembre, BOE núm. 308, 24/12/1992. See: V. Garrido Mayol, *Evolución del Estado Autonomico y reforma de los estatutos*, “Revista de Derecho Político”, núms. 48–49, 2000, pp. 31–59.

²² J.M. Colomer, *The Spanish “State of Autonomies”: Non-Institutional Federalism*, “West European Politics”, vol. 21, i. 4, pp. 40–52.

while not giving up the national character of Spain²³. In different parts of Spain, the meaning of both ideologies is mixed up and it is difficult to identify the border between them, in particular in places where they are less politically significant. This applies above all to central and central-western parts Spain.

The problem of interpretation of the constitutional meaning of “nation” and “nationality”

The constitutional definition of the Spanish nation, which includes Spanish nationalities, has aroused controversy from the beginning. In particular, it concerned regions whose inhabitants regard themselves as separate nations, such as Basques or Catalans. The Constitution of Spain, states about “Spanish nationalities” indissoluble united as the “Spanish Nation”, however, it does not specify what nationalities make up the Spanish Nation. So are dogmatic “Spanish nationalities”²⁴ only a kind of inferior “subnations” that make up one common “meta-nation”? In the light of the above-mentioned norm, the attitude of the Catalans, Basques or Galicians who, considering their historical, cultural and linguistic aspects, consider themselves nations seems correct. But whether the inhabitants of the Canary Islands or the Balearic Islands are separate “Spanish nationalities”? Certainly, the residents of the Autonomous Community of Murcia or Extremadura do not have such exorbitant aspirations.

The Spanish doctrine has developed a distinction in terms of the concept of a nation in a legal sense and in a cultural sense. The first one states, that the nation is a group of individuals living in a given territory, subjected to a specific legal system. In the cultural sense, the nation is a group of individuals who have a sense of belonging to a certain community that connects them through certain common factors, such as language, religion, race, law, tradition, customs, historical and cultural heritage. The above-mentioned factors obviously do not have to appear all together²⁵.

²³ B. de Riquer i Permanyer, *Aproximación al nacionalismo español contemporáneo*, “Studia Historica – Historia Contemporánea”, vol. XII (1994), pp. 11–29.

²⁴ A lecture on different views of the distinction between the concept of nation and nationality, see: M. Myśliwiec, *op. cit.*, pp. 54 and next.

²⁵ F. de Carreras Serra, *El término Nación Española en su contexto constitucional*, “Annales de la Cátedra Francisco Suárez”, N° 40 (2006), pp. 11–12.

The authors of the Spanish Constitution of 1978 chose a compromise between the regionalism of then capitalist federal states such as West Germany or Switzerland, and the constitutional recognition of the right to self-determination of each republic in federations of socialist states – the Soviet Union and Yugoslavia. In Spain, a rule of Spanish nationalities in the cultural sense was introduced, but at the same time they were only entitled to autonomy. Although the Constitution does not exclude the right to self-determination of nations, it also does not directly grant such a possibility, as, for example, in the case of Soviet Union²⁶.

One of the first convictions of the Constitutional Court in Spain states that: “The Constitution (articles 1 and 2) is part of the unity of the Spanish Nation that constitutes a social and democratic State of Law, whose powers emanate from the Spanish people in which the national sovereignty resides. This unit thus translates into an organization – the State – for the entire national territory.”²⁷ It is clearly visible, that from the beginning, the Constitutional Court supported the principle of state integrity. The view of the Constitutional Court about the state integrity has remained consistently unchanged to the present.

However, the Spanish doctrine takes the view that the unresolvable unity of the state referred to in the Constitution does not contradict the specific nature of the state, defined as: complex, politically decentralized or federal. The state is a manifestation of the will of the sole and indivisible sovereign, which is the nation²⁸.

The problem of unambiguous interpretation of the constitutional concepts of nation and nationality has taken place recently in Catalonia. Until the new autonomous Statute was adopted in 2006, the political autonomy of the region was regulated on the basis of the Statute of 1979. Under the old Statute, Catalonia had narrower autonomy than German federal states or North American states, but wider than most territories in other federal states²⁹. The new Statute provides for further extension of the autonomy of the region, although it still remains a compromise developed between the Madrid and Barcelona politicians, as the

²⁶ Constitution of the Soviet Socialist Republic, art. 72.

²⁷ Sentencia del Tribunal Constitucional (further: STC) 4/1981, de 2 de febrero, BOE núm. 47, 24/02/1981.

²⁸ F. de Carreras Serra, *op. cit.*, p. 29. Analogous examples of the United States of America, Germany, Switzerland and Austria are given.

²⁹ A. Balcells, *op. cit.*, p. 9.

original version adopted by the Catalan Parliament assumed, among others, Catalan language was supposed to increase its importance over Castilian in public administration, changes in the financial system of Catalonia through the establishment of the Catalan banking system, the possibility of establishing separate taxes in the Autonomous Community, or above all, reducing the contribution to the state budget, and conducting its own migration policy and sovereignty in conducting political consultations and referendums. The Constitutional Court found all the above controversial statements found unconstitutional. But above all, in the new autonomous Statute Catalonia was defined as a nation (*nación*), while the Constitution recognizes the identity of Catalonia by the notion of nationality (*nacionalidad*), which wording was present in the previously existing autonomous Statute of 1979³⁰. The draft featured the concept of the “Catalan Nation”, which, however, was considered unconstitutional by Madrid, because it caused a specific national duality, accentuating the difference between the Spanish and Catalan nations, which according to the Constitution, does not exist, because the Magna Carta mentions only one nation – Spanish. This one consists of various nationalities, including Catalan. The Catalan Parliament recognized that the terms *nación* and *nacionalidad* are “identical and interchangeable” and do not contradict the article 2 of the current Constitution. At the same time, it was accentuated that the Constitution stipulates that each Autonomous Community may indicate in its Statute “the name of the Community which corresponds most closely to its historic identity”³¹. However, the concept of Catalan Nation was definitely recognized as ineffective by the Constitutional Court in 2010, as placed in the preamble of the Statute³².

Constitutional amendment in Spain and its current application

The recent events in Catalonia revealed how important and urgent is the constitutional amendment in the issue of the territorial system of the state, widely postulated by the Spanish constitutionalists. However, the constitutional reform process itself is quite difficult to implement, because the Spanish Magna Carta belongs to the so-called “rigid constitutions”, where their change requires the fulfilment of specific conditions.

The constitutional amendment is regulated in Title X of the Spanish Magna Carta of 1978. The process of the Constitutional reform can be initiated by similar entities competent to propose legislation, which are the Government, and both Houses (the Congress and the Senate) of the Cortes, as well as The Assemblies of the Autonomous Communities, with significant exceptions³³. However, any form of popular initiative was excluded. The process of Constitutional amendment may not be initiated in time of war or when any of the states of alarm, emergency and siege are in operation³⁴. The current regulation does not formally prohibit the continuation of the procedure already undertaken, which, however, may lead to difficulties in further work on changing the Constitution, in particular holding parliamentary elections or Constitutional referenda³⁵.

Two ways of Constitutional amendment are mentioned within the document: ordinary and aggravated. The second one concerns a total revision of the Constitution, or a partial revision thereof, affecting the basic constitutional principles, Fundamental Rights and Public Liberties, and the institutions of the Crown. It shall be approved by a qualified majority of two-thirds of the members of each House (Congress and Senate), and the Cortes shall immediately be dissolved. The new elected Cortes must ratify the decision and proceed to examine the new Constitutional text, which must be approved one more time by a two-thirds majority of the members of each House. Finally, once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum³⁶. An aggravated procedure has never taken place until now.

³⁰ Ley orgánica 6/2006, de reforma del Estatuto de autonomía de Cataluña, sancionada por Su Majestad el Rey Juan Carlos I el día 19 de julio, BOE núm. 172, 20/07/2006, Preámbulo.

³¹ CE, art. 147.2.a; J. Garriga, *Cuatro obstáculos para el nuevo Estatuto*, “El País”, 01/10/2005, https://elpais.com/diario/2005/10/01/espana/1128117609_850215.html (31/03/2018).

³² The statute itself was found unanimously (by 6: 4 votes) to be in conformity with the Constitution in its essence, with the exception of 14 articles, as well as the submission of 27 other articles to be reinterpreted according to the interpretation of the Constitutional Tribunal. According to the verdict, the preamble cannot be treated as a source of law. STC 31/2010, de 28 de junio; BOE núm. 172, 16/07/2010.

³³ CE, art. 166, in relation with art. 87.1 and 87.2.

³⁴ CE, art. 169, in relations with art. 116.

³⁵ T, Mołdawa, *Zasady zmiany konstytucji Królestwa Hiszpanii*, [in:] *Zasady zmiany konstytucji w państwach europejskich*, red. R. Grabowski, S. Grabowska, Warszawa 2008, p. 162.

³⁶ CE, art. 168.

The ordinary procedure concerns revision to the remaining part of the Constitution not provided for the aggravated procedure. The Constitutional amendment must be approved by a qualified majority of three-fifths of the members of each House. If there is no agreement between the Houses, an effort to reach it shall be made by setting up a Joint Commission of Deputies and Senators which shall submit a text to be voted on by the Congress and the Senate. If approval is not obtained by means of the procedure outlined in the foregoing clause, and provided that the text has been passed by an absolute majority of the members of the Senate, the Congress may pass the amendment by a new two-thirds vote in favour. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum, if so requested by one tenth of the members of either House within fifteen days after its passage³⁷. The adoption of this last solution opens the way for parliamentary minorities to appeal to the institutions of direct democracy, in the case of perceiving the threat of political and social interests, and, on the other hand, requires a decidedly large representation of political forces intending to revise the Constitution.

The Constitution has been reformed only twice so far, which places it among the least-changed European Constitutions. The first reform so far took place in 1992 and consisted in adding the phrase “and the right to be elected” (“y pasivo”) in article 13.2, in connection with the admission of European Union citizens to local government elections, which was a consequence of the Maastricht Treaty. The reform took place in the ordinary way, therefore the parliament was not dissolved and a civil referendum was not carried out because 10% of deputies or senators requested no such solution.

The same procedure took place in the 2011 amendment, forced the financial crisis that affected Spain at the turn of the first and second decade of the 21st century, which was the aftermath of the global economic crisis. Article 135 was revised by adding the principle of fiscal stability. In both amendment cases, the overwhelming majority of political representatives of the parliament were in agreement about the changes to the text of the Constitution. The first time it was held almost unanimously. In 2011, as a result of an agreement between the two largest parliamentary parties, Partido Popular and Partido Socialista Obrero Español, which held over

90% of seats in the Cortes Generales, this with some protests of smaller parliamentary groups.

Unitarism, federalization or disintegration of the Kingdom of Spain?

The Constitution of Spain has been in force for four decades. The past time, despite the initial turmoil (the unsuccessful military coup of 1981), brought many changes to Spain. Joining the NATO Military Pact (1982), the European Economic Community (1986), opened the country to Europe and the world. The political life of the country has become different than in the times of dictatorship. From the one-party system, where the only legal party was Falanga, Spain entered a multi-party democratic system with free elections, where citizens have the right to choose from political diversity, from the communist parties to the extreme right and regional nationalist parties.

Most of the economic and cultural problems were solved, while up to now, the nationalities problem has not been resolved. Drawing the future of Spain through the prism of regional policy is a difficult task, and the forecasts put forward can be verified in the near future, in connection with potential socio-political changes.

The least likely is Spain's return to the path of a strong central authority. The effects of a possible move by the Madrid authorities are obvious – an explosion of dissatisfaction in regions after the abolition of autonomy. A new, open armed conflict, similar to the Civil War of 1936–1939, would be probable, but today in the era of weapons of mass destruction, such a war would entail a much higher number of casualties than almost eighty years ago. It is difficult to imagine the coming to power in Madrid of right-wing extremists, followers of the Hispanidad (theory based on imperial efforts of Spain, suggesting no regional differences), or even worse – Casticismo (ideology in which the superiority of the inhabitants of Castile over the inhabitants of other regions of Spain was assumed). As those doctrines were compromised during the dictatorship era, nowadays it seems unrealistic to return to their assumptions and implement the internal system that Spain has already experienced and rejected with the votes of its citizens accepting the 1978 Constitution in the referendum.

The Catalanian crisis and the unilateral declaration of independence by the Catalan Parliament in October

³⁷ CE, art. 167.

2017, which was not recognized by the Government in Madrid nor by the international community, has discredited the idea of the Spanish state's disintegration into many independent sovereign countries. Omitting the facts of common culture, heritage and history, the decisive factor in this case is the economic issue. The Catalan example shows how a huge outflow of capital would have to face a region that would separate itself from Spain. Moreover, the argument against the disintegration of Spain is the progressive phenomenon of globalization. Globalization being present in every area of life causes the concept of national identity to be devalued. The pressure exerted by large international corporations to create a single supranational society is too broad for those concepts that care for the interest of only one nation or nationality to cause a significant change in the way of general social thinking.

The third of the possibilities that Spain is facing is preserving the present the unity of the state with the rights for regional autonomies, with the possibility of necessary system adjustments, for further state decentralization. The changes proposed by the Spanish constitutionalists predict primarily the reform of the constitution as regards the issue of the territorial system. In the document "*Ideas para una reforma de la Constitución*"³⁸ a team of scientists led by Santiago Muñoz Machado presented in November 2017 proposals for constitutional amendment, the most important of which are:

- Changing the function of autonomous statutes, by abolishing their status as an organic law, bringing them closer to regional constitutions in federal states (such a solution occurs, for example, in Germany and Argentina), obviously in line with the Spanish Constitution. In this way, the statutes would be adopted only by autonomous authorities, excluding the ratification by the Cortes Generales.
- A detailed list of all competences for Autonomous Communities. During the forty years of the Spanish Constitution's validity, the evolution of the prerogatives of autonomies has evolved so much that their scope is determined by individual judgments of the Constitutional Court. It was rightly noted that most of the provisions contained in the Constitution concerning Autonomous Communities are interim provisions. Therefore, it is postulated to include in the

Constitution a full range of powers solely left in the discretion of State institutions, leaving the rest to the Autonomous Communities. Until now the case is regulated the oppositely, because the Constitution distinguishes the powers of autonomous authorities, but they are not clearly defined.

- The participation of Autonomous Communities in State decisions and institutions by appointing appropriate bodies and instruments of cooperation at the regional-state level. The Senate reform is being postulated in this respect, following the example of the German Bundesrat, where the Senators would be directly elected by autonomous Governments, and not in the general election as it has been the case until now.
- Establishing essential elements of the autonomy financial model. The restructuring in terms of finances would follow the criteria of solidarity, taking into account the income possibilities of individual regions.

The presented solutions would direct Spain towards a federal system. The experience of the Catalan crisis has shown that such a solution today seems to be the only right way to preserve the unity of the Kingdom of Spain. After four decades from entering into force the Constitution of Spain remains in an almost unchanging way. It seems that the time has come for a general reform of the state territorial system, which involves profound changes in the Constitution, which however has fulfilled its task in most of the other political fields.

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³⁸ *Ideas para una reforma de la Constitución*, http://idpbarcelona.net/docs/actual/ideas_reforma_constitucion.pdf (31/03/2018).

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