

Civil Law

Code: 100491
 ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	1

Contact

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Use of languages

Principal working language: catalan (cat)

Some groups entirely in English: No

Some groups entirely in Catalan: Yes

Some groups entirely in Spanish: No

Teachers

Fernando Hurtado Parras

Mariona Torra Cot

Javier Pou de Avilés Sans

Olga Villagrasa Aguilar

Prerequisites

For a good follow-up of the CIVIL LAW course, a good knowledge of the foundations of Constitutional Law and History of Law is necessary. The correct use of legal terminology is also necessary.

Objectives and Contextualisation

It is a subject of first course, first semestre, for the same reason of basic formation. The Degree in Labor Relations is designed to give the student a satisfactory training in all fiels that directly or indirectly relate to the work factor. Allowing all graduates to solve with guarantee all the problems posed by the management of human resources, both in private companies and in the field of public administration. This Degree has to offer training in the different factors that frame human work, from an interdisciplinary perspective and with an orientations of professionalization linked to the options that the labor market demands. It is essential in this degree the study of a subject such as Civil Law in wich its content is basically focused on the analysis of the interpretations and applications of legals rules, the legal entity, the contract, contractual liability and extracontractual, the obligatory relationship, family relationships and succession mortis causa.

The objectives of the aubject are:

1.- To assimilate the contents of the subject trough their comprehension, memorizations and continuous examination, to train the student so that he/she learns to submit himself/herself with assiduity to controls and tests on the contents of the subject, by means of wich your level of knowledge adquisition will be valued continuously, allowing you to find out what aspects you need to deepen and atrive to improve.

2.- Learning about jurisprudence research, bibliography, documentations and legislation: databases, etc.

3.-Read, find out the main problems, write the facts in an orderly manner and resolve the issues that arise in legal texts, judgements and case studies, through group work, dialogue and exchange of ideas with colleagues

4.- Learn to work autonomously, with reflexive and self-critical reasoning and entrepreneurial spirit: research work, text comments, diagrams.

Discuss ideas, opinions, points of view and discussions between teacher and student in the classroom through verbal expression

Content

THEME 1: THE CIVIL LEGAL ORDER

1.- Concept of Civil Law. Plurality of civil orders. The Civil Code of Catalonia and the Spanish Civil Code. The civil neighborhood

2.- Concept and kinds of sources. Jurisprudence, source of law?

3.- The time in the civil law. Prescription. Expiration. Preclusion

THEME 2: PHYSICAL PERSON AND JURIDIC PERSON

1.- The personality. Classes of people. Legal capacity and capacity to act.

2.- Beginning and extinction of the civil personality. The civil status and the Civil Registry

3.- The juridic person. Concept. Characteristic. Associations and Foundations. Performance and representation. Adoption of agreements and challenge.

THEME 3: THE COMPULSORY RELATIONSHIP

1.- The obligatory relationship. Concept. Characteristics. Content

2.- The sources of the obligation. Concept and enumeration

3.- Purpose of the mandatory relationship: the benefit. Requirements

4.- Classes of obligations according to their performance: to give, to do and not to do

5.- Obligations of money. Concept. Electronic money. The rebus sic stantibus clause

THEME 4: COMPLIANCE, BREACH OF THE OBLIGATION AND CONTRACTUAL RESPONSIBILITY

1.- Payment or fulfillment: concept and objective and subjective requirements

2.- Substitutes for payment or compliance with the obligation

3.- Failure to comply with the obligation. Concept. Causes. Responsibility of the debtor

4.- Protective actions of the credit right

5.- Obligations of money. Concept. Electronic money. The rebus sic stantibus clause

THEME 5: EXTRACONTRACTUAL RESPONSIBILITY

1.- Concept and functions of extracontractual liability

2.- Responsibility budgets

2.1.- Harmful behavior: action and omission

2.2.- Natural causality and legal causality. Objective imputation criterion

2.3.- Damage. Typology. Appraisal

3.- Limitation of the action

4.- Responsibility for someone alien act. Legal regime

5.- Cases of strict liability

THEME 6: THE CONTRACT:ELEMENTS AND EFFECTS

1.- The private autonomy of the will: limits and atipicity. The principle of non-discrimination

2.- The contract: concept and elements. The consent, the object, the cause. The Form

3.- Electronic contracting. Legal regime

4.- Contractual efficiency

THEME 7: TRAINING AND INTERPRETATION OF THE CONTRACT

1.- Preliminary deals. Pre.contractual liability

2.- Formation of the contract. Offer. Acceptance. Perfection

3.- Irregular formation of the contract: the vices of consent

4.- Mass contracting. General conditions of the contract. Unfair terms

5.- The interpretation: rules. The interpretation of the contract

THEME 8: INEFFICIENCY AND INVALIDITY OF THE CONTRACT

1.- Disability and inefficiency: conceptual precisions. The non-existence2.- The nullity. Concept and causes. The conversion

3.- The voidability. Concept. Causes. The confirmation

4.- Unfair advantage and injury in more than half. Legal regime

THEME 9. THE PURCHASE AGREEMENT

1.-The sale. Concept and characters. Civil sale and mercantile sale. Purchase and sale of consumption. Subjects and capacity. Prohibitions to buy.

2.- Object; the thing and the price. The sale of future goods

3.- The sale of third-party goods: legal regime. The plurality of sales of the same good.

4.- Obligations of the seller. Lack of conformity and rights of third parties

5.- Obligations of the buyer. Deferment of payment and guarantees. The resolutorily condition pact

6.- Transmission of risks

7.- Remedies of the buyer and the seller

THEME10: THE REAL RIGHT. ACQUISITION, TRANSMISSION AND EXTINTION OF REAL LAW

1.- The real right: concept, classes

- 2.- Sources of creation of real rights
- 3.- The double system of acquisition and transfer of real rights
- 4.- The tradition: concept and modalities
- 5.- Causes of extinction of real rights: loss of property, consolidation and resignation

THEME 11: THE RIGHT OF PROPERTY

- 1.- The right of property. Concept, social function. Law 18/2007, of December 28, on the right to housing, Prohibitions to dispose.
- 2.- Restrictions on the right of property in the public interest and private interest
- 3.- Inmissions: concept, classes and legal regime. Jurisprudential doctrine and special reference to the environment.
- 4.- Protection of property rights
 - 4.1.- The claim action: concept. Requirements. Effects
 - 4.2.- Exclusion actions: negative action, closing of farms. Delimitations and demarcation.

THEME 12: MARRIAGE AND THE STABLE UNION OF COUPLE

- 1.- Marriage: concept, characterization. The ius connubii
- 2.- Marriage requirements. Forms of marriage
- 3.- Personal and patrimonial effects of marriage: economic relations between the spouses. Marital economic regimes. Extinction
- 4.- The regulation of the stable union of couple. Constitution. Economic relations. Extinction.

THEME 13: PERSONAL AND HERITAGE EFFECTS OF THE RUPTURE OF THE COUPLE

- 1.- provisional measures. Effects ex lege. Previous measures
- 2.- The regulatory agreement. Content. Judicial approval. Agreements outside the Agreement
- 3.- The parenting plan
- 4.- Definitive judicial measures in case of lack of agreement. Content
- 5.- Civil effects in case of gender violence

THEME 14: THE SUCCESSION POR DEATH CAUSE

- 1.- Concept of succession: Type of succession mortis causa
- 2.- Object of the succession: the inheritance. Composition. Succession without an heir
- 3.- The causa of the succession
- 4.- The successor. Inheritance titles: the heir and the legatee
- 5.- The opening of the succession: the recumbent inheritance. Phases of inheritance acquisition

THEME 15: THE TESTAMENT AND THE INTESTED SUCCESSION

- 1.- The testament. Concept. Types. Content

2.- The codicils and the testamentary memories

3.- The intestate succession. The right of representation. inheritance orders