

Roman Law

Code: 102231
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	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: No
Some groups entirely in Spanish: Yes

Teachers

Carme Tort-Martorell Llabrés
Jose Antonio Jimenez Buendia
Marine Celine Sophie Lercier

Prerequisites

For the purposes of an adequate monitoring of Roman Law, a good knowledge and understanding on the part of the students of the basic institutions covered by the Programme is of great interest.

At the same time, an understanding of the discipline entails an adequate deepening of the subjects covered and a great advantage in being able to read complex texts and understand them.

Objectives and Contextualisation

Roman Law is a subject taught in the first term of the first year of studies. This is a subject that allows the student to acquire basic notions of an essential subject - Private Law and the History of European Law Institutions - within the Degree.

Thus, Roman Law has the academic utility of critically opening up the great topics that will later be developed in the various subjects with institutional content and thought that make up our legal system in the Western world.

In this sense, Roman Law is the basis from which the knowledge and understanding of legal institutions, the legal vocabulary, the understanding of a complete legal system in all its manifestations, as well as the development of analytical capacity and legal criticism between the initial months of graduation will be developed.

From the formative perspective, Roman Law aims to achieve several objectives for the student, among which we would like to highlight the following:

Study of legal thought, from its origins in Rome to its projection in the European and Latin American

Codifications. Knowledge of the Private Law Institutions that make up the European Legal Culture and Global Law.

The exercise of critical thinking and reflection on the intimate connection between the enunciation of rights and their procedural protection.

Seek the sources and argue what may be, in each case, the solution best suited to the law (i.e. the *ius*, as a procedural position).

Content

The Programme focuses on the in-depth study of the Institutions of Roman Private Law, given that they form the most solid basis for introducing students to the knowledge of the many disciplines that make up the backbone of the studies of Law (civil, commercial, procedural, penalti), which is more devoted to the exercise of the traditional month legal professions.

The Programme has a very recognisable structure within this approach, within a system very attached to the tradition of Private Law in Spain and Catalonia: Property (Concept, possession-property, ways of acquiring property, procedural defence, real rights), Person and Family, Inheritance (Inheritance, legacies, trusts), Obligations (General notions, Offences, Loans, Stipulations and Contracts); Liberalities (Foundations, Donations, Dowry).

For reasons of scientific consistency, the forms of procedural defence will be explained in each of the institutions. Rome Law is based on the perspective of procedural remedies, which defend conflicting interests and the creative and interpretative work of jurists, in an interdependent manner. It is not a legislated right, but (very close to Common Law) a right made by the judges, the praetor's appeals applied by him, and by the jurisprudential elaboration.

INTRODUCTION

I. THE HISTORY OF ROMAN LAW

The European Reception of Roman Law. Historical-social budgets. Political structure from the public nothingness. Historical Stages of Roman Law.

II. THE SOURCES OF ROMAN LAW

Mueras maiorum haces y ius. The Law of the XII Tables. Republican Jurisprudence. *Ius civile* and *ius gentium*. Laws and plebiscites. The Edict: The Sources of Roman Law from Augustus The Jurisprudence of the Upper Classical Period. Hadrian's significance for the history of Roman law. Imperial rescripts. The latest classic case law. Provincial law. The *tabula-classic* era. Diocletian and Constantine The *Corpus Christi*.

III. THE PROCEDURE FORTHE ACTIONS

Las *legis actiones*. The procedure by formulas. Complementary resources of the jurisdiction *pretoria*. The private process. Procedural representation. The phase *in iure*. *Lithium* replied. The appointment of a judge. The retrievers. The *apud iudicem* phase. The execution of the sentence. The arbitration procedure. *La cognitio extra ordinem*.

THE PROPERTY

I. BROAD CONCEPTS

The nothing and its classes. Content of the property. Possession *Pretoria*. Possession injunctions. Civilian possession. Procedural protection of the owner.

II. THE ACQUISITION OF THE PROPERTY

Classification. Formal acts of attribution of ownership. Ways of acquiring property that depend on ownership of property

III. CONCURRENCE OF RIGHTS IN REM

Types of concurrence. The co-ownership. The easements. The usufruct. Special modalities.

THE HERITAGE

I. GENERAL NOTIONS ABOUT THE ROMAN FAMILY

The family. The kinship. Parental authority. Manus and marriage. The slaves and the freedmen. Patrimonial situation of children and slaves. Noxal responsibility.

II. THE GUARDIANSHIP

Guardianship of orphans with disabilities. Types. Effects of public intervention. Tutela mulieris. The conservatorships.

III. HEREDITARY SUCCESSION

General considerations. The addition of heredity and its effects. Procedural remedies of the heir. The bonorum possessio. Legitimate heirs. Probate succession. Succession against will. The interpretation of the will.

IV. BEQUESTS, BEQUESTS AND TRUSTS.

Forms of legacies. Content and limitations of the legacies. Validity of legacies. Acquisition of the legacies. The trusts.

THE FOUNDATIONS. Historical origin. Legal regime of foundations.

THE DONATIONS. Nature; lucrative and free acts. The modus in the donations. Classes.

THE DOCTOR. Constitution. Dowry regime.

OBLIGATIONS I. BROAD CONCEPTS

Obligatio. Sources of obligations. Strict liability. Extinction of obligations.

II. CRIMINAL PROCEEDINGS

Obligations arising from the offences. Characteristics of criminal proceedings. Theft offence (furtum). Crime of damage (damnum iniuria datum). Crime of injury (iniuriae). Miscellaneous offences under the law of praetorship.

III - LOANS

Crede. y solvere. Condictio. The credit ratings. The mutual. Praetorian loans. Constitutum. Commodatum. Pignus. The mortgage.

IV. STIPULATIONS

The promising way. Abstract nature of the stipulation. Overlapping of stipulations. Novation. Plurality of stipulators or promissors. Personal guarantee.

V. BONA FIDE CONTRACTS

Historical origin. The fiducia. Deposit contract. Mandate contract. Indirect representation, partnership

agreement. Legal personality. Contract of sale. Responsibility for fear of eviction. Lease agreement. Special types of locatio rei.