

**Civil Law II**

Code: 102240  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	1

**Contact**

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**Use of languages**

Principal working language: spanish (spa)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: Yes

**Other comments on languages**

The students can use spanish or catalan language in the exercises, activities and examinations without distinction.

**Teachers**

Xavier Cecchini Rosell  
MARIA DEL CARMEN Gete-Alonso Calera  
Lorenzo Prats Albentosa  
Guillem Izquierdo Grau  
Carmen Núñez  
Cristina Alonso Suárez

**Prerequisites**

The learning and follow-up of the subject Dret Civil II requires a good knowledge of Dret Civil I and the basic concepts of Roman law. It is essential to have knowledge and use of legal terminology.

Teaching groups and assigned teachers are the following:

- Grup 01 - M<sup>a</sup> del Carmen Gete-Alonso y Calera. Spanish
- Grup 02 - M<sup>a</sup> del Carmen Nuñez Zorrilla - Lorenzo Prats Albentosa. Spanish
- Grup 03 - Lorenzo Prats Albentosa - Guillem Izquierdo Grau. Spanish.
- Grup 51 - Xavier Cecchini Rosell. Catalan.
- Grup 52 - Xavier Cecchini Rosell. Catalan.
- Grup 70 - M<sup>a</sup> del Carmen Nuñez Zorrilla - Cristina Alonso Suárez. Spanish.

## Objectives and Contextualisation

Dret Civil II (Obligations) is one of the parts in which the subject of Civil Law in the Degree of Law is distributed, a

It is located in the first semester of the second year. The matter focuses on the relations of credit and debt, the fu

It is an essential subject in the Degree, the concepts, institutions and regimes of these relationships are necessar

This subject is academically necessary to acquire and take on the general concepts of the obligatory relationships developed later in the other subjects of civil Law and especially in the optative subjects. Civil Law II (Obligations) is the basis from which will be developed, on the one hand, Dret Civil III (Contracts) and Dret Civil IV (Real Rights) and of another, the optionally subjects of Family Law, Law of Successions, Rights of minors, Civil tort and Consumer law. In addition, this subject has a special impact on a large part of other subjects of the Degree.

Among the specific objectives, the study of the Dret Civil II (Obligations) will allow the student:

- Identify the object, sources and fundamental concepts of the right to obligations, and assume them.
- Distinguish and identify juridical relationships.
- Understand and assume the basic elements of the regime of the obligations.

## Content

**The positive law object of study and evaluation is the Civil Law applicable in Catalonia.**

### ITEM 1. THE LEGAL RELATIONSHIP

1. The legal relationship: 1.1. Concept and classes; 1.2. Structure
2. The subjective right: 2.1. Structure; 2.2. Classes; 2.3. Situations juridical secondary
3. The object: goods and things: 3.1. Concept and characters.
4. The patrimony: concept and functions.

### ITEM 2. THE OBLIGATORY RELATIONSHIP

1. The obligatory relation: 1.1. Concept and structure; 1.2. Characters
2. The credit.
3. The debt.
4. The subject: 4.1. Concept; 4.2. Requirements
5. The debt and the responsibility: 5.1. Concept; 5.2. The natural obligation

### ITEM 3. THE SOURCES OF RELATION OBLIGATORY

1. The sources of the obligatory relation
2. The legal obligations.
3. The contract.
4. The non-contractual sources: 4.1. The quasi contracts; 4.2. The civil responsibility
5. The unilateral declaration.

### ITEM 4. OBLIGATIONS: CLASSES (I)

1. Obligations to delivery, do and not to do 1.1. The obligation to make; 1.2. The obligation not to do; 1.3. The obligation to delivery; 1.4. The means obligation and the obligation of result.
2. Generic and specific obligations.
3. Alternative and facultative obligations.
4. Money obligations: 4.1. Concept, requirements and classes; 4.2. Stabilization's clauses; 4.3. The obligation of interest; 4.4. Credit cards: concept, classes and functions; 4.5. Electronic money

#### **ITEM 5. OBLIGATIONS: CLASSES (II)**

1. Plurality of obligations: 1.1. Principal, accessory and subsidiary obligations; 1.2. Fractional obligations and periodic obligations.
2. Unity and plurality of links.
3. Reciprocal or syntagmatic obligations: 3.1. Concept and characters; 3.2. Delayed compliance; 3.3. The resolution.

#### **ITEM 6. RELATION OBLIGATORY: CIRCUMSTANCES**

1. The circumstances of the obligatory relationship.
2. The place of the obligatory relationship.
3. The time: 3.1. The relation obligation durables and instantaneous obligatory relations; 3.2. The essential term of the obligation: 3.3. The immediate effectiveness and the deferred effectiveness of the obligation.
4. Term obligations. Concept, characterization and classes of terms. Legal regime.
5. The conditional obligation: Concept, function and classes 5.1. Regime of the suspensive condition; 5.2. Regime status of the resolutive condition.
6. The modal obligation: legal regime and effects.

#### **ITEM 7. GUARANTEES OF THE OBLIGATION**

1. The guarantess of the obligation.
2. The conventional penalty.
3. The arras.
4. The bail contract: 4.1. The relationship between the creditor and the guarantor (guarantee relationship); 4.2. The relationship between the debtor and the guarantor (coverage relationship); 4.3. The plurality of guarantors; 4.4. The termination; 4.5. The bail derived from the law or from the judicial mandate.

#### **ITEM 8. COMPLIANCE AND PAYMENT**

1. The payment or fulfilment of the obligation: 1.1. Concept and functions; 1.2. Objective requirements, the principle of exactness; 1.3. The subjects of payment: 1.3.1. The solvens. Third party payment; 1.3.2. L'accipiens. Payment to a person other than the creditor; 1.3.3. Payment by credit card; 1.4. The place of payment; 1.5. Payment time; 1.6. The expenses of the payment.
3. The imputation of payments.
4. Payment no due (indebitum)

#### **ITEM 9. SUBROGATES OR SUBSTITUTS OF COMPLIANCE**

1. Subrogation's compliance. Concept and function
2. The consignment.
3. The compensation.
4. The dation in payment.
3. Payment for cession of goods.
4. The remission.

#### **ITEM 10 BREACH OF OBLIGATION AND CONTRACTUAL RESPONSIBILITY**

1. Non-compliance: Cases.
2. Debtor's delay (mora): Concept, requirements, effects and cessation.
3. The defective compliance.
4. The definitive non-compliance.

5. Contractual liability: 5.1. Imputation criteria; 5.2. Clauses modifying the debtor's liability.
6. The credit injury for third party acts.
7. Creditor's delay (mora): Concept, requirements, effects and cessation.

#### **ITEM 11. THE PROTECTION OF CREDIT**

1. Credit protection. The measures of preventive guardianship of the right of credit.
2. The protection of the consumer and user. The commercial guarantee
3. The action for payment.
4. The forced execution.
5. The price reduction.
6. Compensation for damages.
7. Direct action.
8. Subrogation or indirect action.
9. The revocation or pauliana action
10. Plurality of creditors. Preference and priority of credits: 10.1. Privileged credits; 10.2. The priority of credits.

#### **ITEM 12. THE MODIFICATION OF OBLIGATORY RELATION**

1. The modification: 1.1. Modification as a mechanism; 1.2. The modification as effect.
2. The novation: 2.1. Requirements; 2.2. Effects
3. The creditor change: 3.1. The cession of credits; 3.2. The subrogation for payment.
4. The change of debtor: 4.1. Modalities of change of debtor; 4.2. Effects.

#### **UNIT 13. THE EXTINCTION OF THE OBLIGATORY RELATION**

1. Causes of extinction
2. The overrated impossibility.
3. The confusion.
4. Other forms of extinction: 4.1. Mutual disenso; 4.2. Unilateral complaint; 4.3. The retreat in consumer relations.

#### **UNIT 14. THE PLURALITY OF SUBJECTS**

1. The plurality of persons
2. Dividable and indivisible obligations
3. The divisible or parcial obligations.
4. Indivisible or joint obligations: 3.1. The joint credit; 3.2. The joint debt.
5. Solidarity obligations: 4.1. The solidarity credit; 4.2. The solidary debt.

#### **ITEM 15. EXTRACONTRACTUAL RESPONSIBILITY**

1. Civil liability. Concept and functions
2. Types of responsibility.
3. Requirements of the obligation. Responsibility for individual acts: 3.1. The action or omission; 3.2. The fault or negligence; 3.3. The damage; 3.4. The causal link
4. Liability for third-party acts: 4.1. Responsibility of parents and guardians; 4.2. Responsibility for reason of business dependence; 4.3. Responsibility of non-higher education centers.
5. Prescription of the action