

Contemporary Legal Systems

Code: 102294
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

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

Other comments on languages

The language of instruction of the course is Catalan, however, attending to the presence of international students may be taught in Spanish. On the other hand, videos will be screened in English and lectures will be held in English.

Teachers

Alex Bas Vilafranca

Prerequisites

No prerequisite is necessary, although it is recommended to have a minimum level of English, videos will be screened in English, texts will be analyzed in this language, and will be scheduled conferences on the Common Law also in English.

Objectives and Contextualisation

The subject provides theoretical knowledge about the main legal systems of the world, especially those of the Common Law family. Experiences of legal pluralism will also be analyzed, in which different legal systems or conceptions of law come into contact (eg, the "indigenous jurisdictions" that exist in many countries of Latin America).

The objectives of the subject are:

Analyze and compare the rights of women in various legal systems.

Get theoretical knowledge of the main legal systems of the world.

Make a comparison between these systems, applying the methodology of comparative law (analysis of legal institutions, system contextualization and comparison).

Understand the legal concepts of other legal systems.

Analyze cases of legal pluralism.

Demonstrate the acquisition of theoretical knowledge through written and oral reflection.

Skills

- Acquiring the basic knowledge from the several legal dogmas and presenting them in public.
- Applying ethical values and principles associated with the professional practice of law.
- Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).
- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must prove they know and comprehend the main public and private institutions in its genesis and as a whole.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning outcomes

1. Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).
2. Comparing the legal professions and their different professional regulation and ethics in Civil Law and Common Law.
3. Critically distinguishing the Law in all its fields (legislation, implementation...) and comparing it with legal systems of other eras and other countries.
4. Defining how the legal concepts and the action of the institutions are managed and operated within the concrete cultural models, which make those understandable.
5. Defining the basic rules of interpretation of Case Law and European Continental Law.
6. Defining the current reality of the two large types of Civil Law and Common Law in Europe and global projection.
7. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Describing the basic substantial and procedural terminology, as well as the forensic techniques and tactics of the common law and of other foreign legal systems through the analysis of the legal language, used in films that will always be watched in original version.
9. Describing the general principles that are the basis of the main Eastern and Western legal systems.
10. Describing the historical evolution of the several creation forms of Law in Europe.
11. Developing a mastering of the computing resources that allow to obtain fundamental information about foreign law, the judicial system and the institutions of other countries.
12. Distinguishing the cultural-legal diversity of the Spanish and European surroundings through the knowledge of its historical processes.
13. Distinguishing the historical interpretation rules in common law, European continental law and in other legal cultures.
14. Drawing up and formalising works, reports, documents, rulings.
15. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.

16. Enhancing the culture of the jurist, not only as erudition or legal finesse but also as an essential element for the professional practice in complex, flexible and multicultural contexts such as today's.
17. Explaining the influence and effect of the doctrine throughout the historical evolution of the different legal systems.
18. Identifying a historical-comparative perspective of the main challenges of Law in the current world.
19. Identifying and assessing the jurisprudential changes.
20. Identifying the value of the doctrine and legal science in the several world legal systems.
21. Interpreting the dialectics between unity and plurality in Law. Accepting the interdisciplinarity as conception and instrument of Law.
22. Knowing the foundations of the legal areas of industrial relations in the specific scenario of Francoism and the Spanish transition to democracy.
23. Knowing the mechanisms that must be applied in every situation.
24. Naming the reciprocal conditioning between Law and society (Law as the expression of the social mentality of every period, but at the same time influencing it and resisting to change when mentality changes).
25. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
26. Setting the basic terminology of Law and historical institutions in Catalonia.
27. Students must be capable of communicating their points of view in a compelling way.
28. Students must be capable of learning autonomously and having an entrepreneurial spirit.
29. Using basic terminology in Comparative Law, specially the fundamental concepts of Common Law.
30. Using computing techniques in order to acquire, manage, and present knowledge.
31. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

SYLLABUS

LESSON 1: COMPARATIVE LAW AND LEGAL FAMILIES

Introduction to Comparative Law

Historical evolution and future projection of Comparative Law

The legal systems

The legal families of the world

LESSON 2: THE ROMAN-GERMAN OR CONTINENTAL FAMILY

Origin: Roman Law

Evolution of Law in the s. XVII to XIX

The codification

Characteristics of continental law

LESSON 3: THE COMMON LAW FAMILY

Historical evolution of the Common Law

Fundamental characteristics of Common Law

The constitutional bodies in the United Kingdom

The legal professions

LESSON 4: THE LEGAL SYSTEM OF THE UNITED STATES OF AMERICA

Historical evolution and federalism

The sources of Law

The constitutional framework of the United States

The legal professions

The fight against inequalities in the US (race, gender, sex, etc.)

LESSON 5: LAW IN EASTERN ASIA.

The legal system of China

The role of women in China: historical inequalities and current situation

The legal system of Japan

Gender differences in Japan

LESSON 6: LAW IN AFRICA.

Evolution history: Africa and colonial imperialism

The export of European law in North Africa: a case of legal pluralism

Central Africa and the influence of European rights

Law in Africa

Legal pluralism and women's right in sub-Saharan Africa

LESSON 6: RELIGIOUS LAWS

Islamic Law

The rights of women in the Islamic world

Hindu Law

Jewish Law

Methodology

The center of the learning process is the work of the student, the task of professors is help him (1) by providing information and showing him the sources where he can get information (2) directing student steps so that the learning process can be carried out effectively.

In accordance with these ideas and with the objectives of the subject, the course development is based on the following activities, which are divided into these large groups:

Master classes: where the student reaches the conceptual bases of the subject as well as the contextualization of the facts attending the master classes and completing them with the personal study of the students topics explained

Lectures are activities that require less student interactivity: they are conceived as a fundamentally unidirectional method of transmission of knowledge from professor to the student.

Practical classes: where the student analyzes, together with professors, documents, legislation, etc. understand critically what is explained in the theoretical classes.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
CLASSROOM DEBATES	10	0.4	27, 25, 5, 9, 8, 3, 13, 26, 15, 31, 29
GROUP WORK	2	0.08	2, 27, 25, 5, 7, 9, 8, 11, 3, 13, 24, 26, 15, 20, 14, 16, 28, 31, 29, 30
INDIVIDUAL AND GROUP TUITION	4.5	0.18	15
PROFESSORS EXPLANATION	35	1.4	2, 4, 6, 5, 9, 8, 11, 12, 13, 24, 17, 26, 20, 18, 16, 29
Type: Supervised			
DOCUMENTATION AND BIBLIOGRAPHY	4.5	0.18	2, 4, 5, 9, 8, 11, 13, 24, 17, 26, 20, 16, 29
FOCUS READING	4.5	0.18	26, 1, 29
INDIVIDUAL WORK	4.5	0.18	2, 25, 4, 6, 5, 7, 9, 10, 8, 11, 3, 12, 13, 24, 17, 26, 15, 20, 1, 14, 16, 29, 30
Type: Autonomous			
EXAM PREPARATION	20	0.8	2, 4, 6, 5, 9, 10, 8, 11, 3, 12, 13, 24, 17, 26, 20, 18, 16, 29, 30
INFORMATION SEARCH	15	0.6	2, 4, 6, 5, 9, 10, 8, 11, 3, 13, 24, 17, 26, 20, 18, 16, 29, 30
ORGANIZATION OF MATERIALS	5	0.2	6, 3, 12, 1, 30
PERSONAL STUDY	45	1.8	2, 4, 6, 5, 9, 10, 8, 11, 3, 12, 13, 24, 17, 26, 20, 18, 16, 29, 30

Evaluation

1. Scheduled evaluation process and activities

The fundamental axis of the evaluation of this subject is the work of the student inside and outside the classroom with the realization of the course work and the PEC, the participation in debates, the common discussion of texts, the oral defense of work, etc. . The characteristics of the subject make the class a place open to analysis and debate, in which through the reading of texts can assimilate the basic concepts of different legal systems. In this sense, 10% of the evaluation corresponds to the participation and preparation of these debates and interventions in the classroom. In order to evaluate the participation in the debates, attendance controls and participation in the debates will be carried out. Likewise, a maximum attendance is recommended to all the activities carried out in class, since otherwise the pedagogical objectives of the subject will be lost. On the other hand, in order to develop in a practical way some subjects of the syllabus, three continuous assessment practices will be carried out with a value of 20% on the final grade. Finally, the main objective of the development of the course work is to deepen a specific legal system or compare rights and institutions, and ultimately acquire a broader knowledge. The written work will be scored at the most with 8.5 points out of 10 and its oral defense with a maximum of 1.5 out of 10. In order to prepare the Course Work, the guidelines and criteria of the Final Degree Project must be followed. , except for the extension.

The re-evaluation of the subject will be done offering the students the possibility of evaluating again the practices of the course, or improving the course work that all students must do. Only those students who have

made the ordinary evaluation will have access to the re-evaluation. To access the reevaluation they must have done, as a minimum, the course work and their oral defense. The minimum qualification to access is 3 points in the continuous evaluation.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
CLASSROOM DEBATES	20	0	0	2, 22, 23, 25, 4, 6, 5, 7, 9, 8, 11, 3, 12, 13, 24, 17, 26, 15, 20, 21, 1, 16, 31, 29, 30
CONTINUOUS EVALUATION ACTIVITIES	30%	0	0	2, 22, 4, 6, 5, 7, 9, 10, 8, 11, 3, 12, 13, 24, 17, 26, 20, 18, 21, 1, 16, 29
COURSEWORK ON A TOPIC OR LESSON RELATED WITH SYLLABUS	50%	0	0	2, 27, 22, 25, 4, 6, 5, 7, 9, 10, 8, 11, 3, 12, 13, 24, 17, 26, 15, 20, 19, 18, 21, 1, 14, 16, 28, 29, 30

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