

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
Mariona Torra Cot
Maria Planas Ballve
Lorenzo Prats Albentosa
Guillem Izquierdo Grau

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 - Mariona Torra Cot. Catalan

Grup 02 - Lorenzo Prats Albentosa - Guillem Izquierdo Grau. Spanish

Grup 03 - M^a del Carmen Gete-Alonso y Calera. Spanish

Grup 51 - Maria Planas Ballvé. Catalan

Grup 52 - Lorenzo Prats Albentosa - Guillem Izquierdo Grau. Spanish.

Grup 70 - Xavier Cecchini Rosell. Catalan.

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, and

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 necessary

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.

Competences

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- 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.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Planning and organising: managing of time, resources, etc.
- Properly analysing the issues related to equality between men and women.
- 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 learning autonomously and having an entrepreneurial spirit.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- 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. Analysing the fundamental concepts of civil law.
2. Analysing the specific institutions of the property law.
3. Applying communicative strategies in order to identify and explain legal conflicts in the different fields of civil law, family law, successions, consumption, minors and civil responsibility.

4. Applying concepts in a cross-cutting way to the several subjects of civil Law from the jurisprudence of the different jurisdictional bodies.
5. Applying strategies in order to produce written and oral texts in the several fields of civil law.
6. Applying the knowledge acquired in the preparation of documents that reflect specific legal interests.
7. Contextualising the creation forms of Law in the property field.
8. Critically interpreting the foundations of the civil law.
9. Defining the European and international concepts in terms of equality.
10. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
11. Distinguishing the socio-legal context of several civil institutions.
12. Drawing up and formalising works, reports, documents, rulings.
13. Drawing up written texts (contracts, wills).
14. Identifying the conflicts of interest that are trying to be solved by the legislator when elaborating civil regulations.
15. Managing bibliographic and documentary resources: databases, browsing, etc.
16. Planning and organising: managing of time, resources, etc.
17. Presenting orally, with a critical discourse, the reforms of civil institutions.
18. Producing oral and written texts and presenting points of view about civil-legal institutions.
19. Producing oral and written texts of egalitarian discourse.
20. Producing oral texts in the several fields of civil law, showing specific communicative abilities.
21. Producing reports about new legal changes.
22. Solving interferences between the several conflict interests of civil regulations.
23. Students must be capable of communicating their points of view in a compelling way.
24. Students must be capable of learning autonomously and having an entrepreneurial spirit.
25. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
26. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

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

Methodology

The learning process is based on the work of the person enrolled in the subject that learns working, the mission c

The teaching of the subject and training is developed on the following activities:

1. Directed activities:

1.1 Theoretical classes: in which the conceptual and legal bases of the subject are assumed as well as learned from the doctrine and jurisprudential decisions. The theoretical classes are conceived as a fundamentally

unidirectional method of transmitting the knowledge of the teaching staff to the students, which does not exclude the participation in class and the maintenance of a learning attitude.

1.2. Practical classes: in which previously elaborated practical cases are analysed and resolved with the teachers' direction. On specific occasions, the cases will be elaborated in class. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained in the theoretical classes.

2. Supervised activities:

These are activities that take place in the classroom, with the supervision and support of the teaching staff. They include the elaboration of some practical assumption in the classroom, study and oral discussion of legal texts, the realization of schemes of some sections of the subject, the elaboration of a glossary of concepts, the oral presentation of a case or sentence, the debates on specific topics. The faculty of each group will determine the concrete content of the activities.

3. Autonomous activities:

Fundamentally are those related to the study of the subject to assume the basic knowledge. In addition to the study, they include, among others:

3.1. The preparation of documents: those required for practical activities. They can be in relation to practical cases proposed in advance or that have to be created by the students. A partial exam is part of the autonomous activity, whose specific form is determined by the teachers of each group.

3.2. Search of bibliography and instrumental jurisprudence for the resolution of the practical cases and the preparation of the exam.

3.3. Comprehensive reading of legal texts: The texts can be sentences, journal articles, monographs. The faculty of each group will determine the type of text.

Part of the material of the activities is made available to students through the Virtual Campus.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Conference attendance.	22.5	0.9	1, 2, 5, 23, 7, 10, 21, 17, 15, 8, 20, 19, 18, 12, 13, 22
Theoretical and practical classes	22.5	0.9	1, 2, 6, 11, 21, 15, 14, 8, 19, 13, 22, 25
Type: Supervised			
Tutoring and evaluation activities	1	0.04	1, 2, 4, 6, 5, 7, 10, 21, 17, 14, 8, 19, 13, 25
Type: Autonomous			
Study and work outside the classroom. Readings, preparation and writing of texts, search of bibliography and jurisprudence.	100	4	1, 2, 5, 15, 14, 16, 20, 19, 18, 26

Assessment

1. SYSTEM OF EVALUATION AND ORDINARY RATING:

Regulations establish "The continuous evaluation process must include a minimum of three evaluation activities, of two different types, distributed throughout the course, none of which can represent more than 50% of the final grade" (art. 112 bis of the UAB Academic Regulations - RD 1393/2007). One of them is the final exam.

1.1. Continuous evaluation (50%):

At the beginning of the course, in each teaching group will be published in the Virtual Campus the specific days or the week in which the evaluable activities will be carried out. The dates can be modified by concurrence force majeure, communicated and previously notified through the same route.

The faculty of each group will propose at the beginning of the course the activities that they consider pertinent for the purposes of the continuous evaluation that should be at least two of different typology. These can be, among others:

- Tests of theoretical knowledge (written / oral) throughout the course
- Practical cases, glossaries, schemes. Sentence comments, writing of documents.
- Oral exhibitions

1.2. Final exam (50%):

The final exam can be accessed whether the continuous assessment has been passed or not. The specific type of test (oral, written, development of questions, test, multiple, etc....) will be determined by the teaching team. The exam includes the complete program of the subject.

1.3. Qualification of the subject with the evaluation system

The score obtained in the continuous assessment has a value of 50% of the grade of the subject. The exam score has a value of 50% of the grade of the subject.

Note of the continuous evaluation: the obtained one or 0 if it has not been done.

Note of the final exam: the one obtained in the exam.

The subject will be approved with the obtaining of a minimum of 5 out of 10, in accordance with the established percentages.

2. RE-EVALUATION SYSTEM: to access the re-evaluation, a minimum grade of 3 out of 10 must be obtained between the continuous assessment grade and the final exam.

In the re-evaluation, continuous evaluation is not computed. In the case of performing the re-evaluation, the final grade for the subject will be that obtained in the exam. The presentation to the re-evaluation exam involves the rejection of the mark obtained in the exam with continuous evaluation.

3. CALLS

Those established by the regulations.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assessable activities indicated by teachers in advance which must be of two different types. At least two.	50%	0	0	6, 5, 9, 10, 21, 17, 15, 8, 16, 19, 12, 13, 24
Final exam	50%	2	0.08	1, 2, 4, 6, 3, 5, 23, 7, 9, 10, 11, 21, 17, 15, 14, 8, 16, 20, 19, 18, 12, 13, 22, 25, 26
Reevaluation	100%	2	0.08	1, 2, 4, 6, 3, 5, 23, 7, 9, 10,

Bibliography

Manuals

Lliçons de Dret Civil Catlà. IV. Dret d'obligacions. M^a del Carmen Gete-Alonso y Calera. Tirant lo Blanch. 2017

Derecho civil de Cataluña, Derecho de obligaciones y contratos. Pedro del Pozo Carrascosa/Antoni Vaquer Aloy/Esteve Bosch Capdevila. Marcial Pons 2018

Legal Texts

Codigo Civil español

Codi Civil de Catalunya

Texto Refundido de la Ley General de Consumidores y Usuarios

Codi de Consum de Catalunya

LINKS

http://justicia.gencat.cat/ca/ambits/dret_civil_catala/

<http://www.mjusticia.gob.es/cs/Satellite/Portal/es/actividad-legislativa/normativa>

<https://www.boe.es/legislacion/>

<http://www.poderjudicial.es/search/indexAN.jsp>