

Civil Law I

Code: 102300
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

Name: Susana Navas Navarro
Email: Susana.Navas@uab.cat

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

Teachers

Xavier Cecchini Rosell
María del Carmen Cueto Faus
Fernando Hurtado Parras
Maria Planas Ballve
Isabel Maria Gandía Ponce
Maria Isabel García Ruíz
Cristina Alonso Suárez
Olga Villagrasa Aguilar

Prerequisites

I. For a good understanding of the lectures on Civil Law it is necessary to possess a good knowledge of the fundamentals of Roman law, Constitucional law and legal History. Very important is also the correct use of the legal terminology.

II. Lecturers:

Theoretical lecturers: Susana Navas (Spanish), Carmen Cueto (Spanish), Isabel Gandía (Spanish)

Workshps lecturers: Susana Navas (Spanish), Carmen Cueto (Spanish), Isabel Gandía (Spanish), Isabel García (Spanish), Maria Planas (Catalan), Ferran Hurtado (Catalan), Cristina Alonso (Spanish)

Theory/Workshop Lecturer in the Degree of Bussiness Administration+Law: Xavier Cecchini (Catalan).

III. Warning:

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

Objectives and Contextualisation

Civil law I is taught in the second semester of the first academic year. By means of the study of this subject matter the student can get the fundamentals of Civil Law, which will be developed later on. Therefore, it could be considered as an essential matter within the Grade of Law having a high impact on other topics of the Degree of Law.

Civil Law I aims to:

- Identify the object, sources and fundamental concepts of the general part of Civil Law I.
- Distinguish the interactions between different "subjects", which are regulated by Civil Law.
- Highlight the basic elements of the legal framework of individuals (persona) and legal bodies

Competences

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Memorising and utilising legal terminology.
- 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.
- 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 specific institutions of the personal rights.
2. Applying the principles and basic knowledge of the personal rights.
3. Contextualizing the ways of creating law in the current historical moment.
4. Defining the different forms of creation of law.
5. Defining the socio-legal context of the equality discourse.
6. Defining the terms of the civil-legal language.
7. Distinguishing a global view of the legal techniques of the general part of civil law I.
8. Drawing up and formalising works, reports, documents, rulings.
9. Explaining the main concepts in terms of equality.
10. Identifying the socio-legal context where law sources are born.
11. Managing bibliographic and documentary resources: databases, browsing, etc.
12. Presenting the characteristic legal techniques of the general part.
13. Producing oral texts in the several fields of civil law, showing specific communicative abilities.
14. Producing texts using civil-legal terminology.
15. Reproducing the interpretation and implementation regulations of the legal standards.
16. Setting concepts around the plurality of legal systems.
17. Students must be capable of communicating their points of view in a compelling way.
18. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

CIVIL LAW I

GENERAL PART AND PERSONAL LAW

UNIT 1. CIVIL LEGAL SYSTEMS AND SOURCES OF LAW

1. Concept of Civil Law
2. Plurality of civil legal systems: Art. 149.1 8º CE. Civil Law matters. Preference and default rule
3. Sources of law: norms, custom and general principles of law
4. Case law. Catalan legal tradition. Equity
5. European Private Law

UNIT 2. SCOPE AND EFFECTS OF THE APPLICATION OF THE CIVIL NORM

1. Territorial boundaries of the norms
2. Temporary effects of the civil norm: Transitory law and retroactivity
3. General effects of the norms: subjection to legal system and rules, ignorance of the norm, legal mistake, self-exclusion of the norm
4. Effects of the sanction: nullity, legal fraud
5. Application of the civil norm: interpretation, integration, analogy

UNIT 3. TIME AND ITS LEGAL EFFECTS IN CIVIL LAW

1. Legal estimation of the time
2. Prescription: "claims"
 - 2.1. Deadlines
 - 2.2. Freedom and prescription: interruption, suspension, unfair delay and waiver of prescription
3. Expiration: "rights of legal configuration"
 - 3.1. Deadlines
 - 3.2. Regulation of the "rights of legal configuration"
4. Civil preclusion: concept and legal effects

UNIT 4. THE PHYSICAL PERSON. CIVIL STATUS AND PERSONAL FEATURES

1. Natural capacity. Legal capacity. Limitations to the capacity
2. Begin and extinction of the personality. Birth. Legal protection of the unborn. Death statement
3. The civil status. Titles of the civil status. Civil status ownership. Putative civil status
4. The civil register: concept and organization. The formal publicity of the register.
5. Age. Majority and minority. Emancipation. The rights of the child. Homeless minors

UNIT 5. PERSONS WITH DISABILITIES

1. Concept. Norms. Prospective review of the Civil Code
2. Support measures. Types.

3. Content, exercise and extinction of the support measures. Preventive mandate. Self-guardianship. Self-curatorship

4. Legal assistance and protected heritage. Legal discipline

5. Disability disappearance thanks to the technology. The cyborg

UNIT 6. PROTECTION OF THE PHYSICAL PERSON

1. Core norms of the protection of the physical person

2. Parental responsibility: holders, content, exercise and extinction

3. Guardianship: constitution, content and extinction. Patrimonial representative: legal regime

4. Curatorship: constitution, content and extinction

5. Judicial defender: cases, legal regime

6. The factual guardian: concept and legal regime

UNIT 7. LOCATION OF THE PHYSICAL PERSON. THE ATTACHMENT TO A CIVIL LEGAL SYSTEM ("VECINDAD CIVIL")

1. Domicile and residence. Concept and types

2. The person's absence. General features. Legal framework

3. The attachment to a civil legal system ("vecindad civil")

3.1. Acquisition of the "vecindad civil"

3.2. Modification, conservation, loss and re-acquisition of the "vecindad civil"

3.3. Proof of the "vecindad civil"

UNIT 8. THE LEGAL PERSON

1. The legal person. Concept. Types. Legal personality. Capacity

2. Societies. Concept and directives. Types

2.1. Constitution and statutes

2.2. Bodies and running of the society. Rights and duties of the associates

2.3. Structural modifications and dissolution

3. Foundations. Concept and directives. Types

3.1. Constitution. Endowment. Statutes

3.2. Bodies and running of the foundation. Patrimonial regime

Methodology

STATEMENT 1: Teaching and assessment methods may be submitted to change in case health authorities impose restrictions to access to campus

STATEMENT 2: Teaching and assessment methods may be adapted in the case of the Degree of Business Administration + Law.

STATEMENT 3: Attendance at seminars, except in some case of justified reason, will be compulsory for students

The learning process is based on the work of the student, who learns by doing, being the teacher's task to help by supplying information and showing where the juridical sources can be obtained.

The teaching of the matter and the student's training and learning process is based on the following activities:

1. Activities directed by the teacher:

1.1 *Lectures*: the student can reach the fundamentals, the legal framework and the leading cases of the subject matter. These lectures are the kind of activities in which less interactivity is required from the student and are conceived as a fundamentally one-direction method of transmitting knowledge on the side of the teacher. The theoretical class does not necessarily have to involve a passive position of the student since it can be built by both lecturer and students or theoretical knowledge can be produced by the students and the teacher applying technology, for example, creating a wiki, via moodle. Theoretical content can be worked on from questions asked by the students or by the teacher in the classroom or from news which are published by media, etc.

1.2. *Workshops*: The lecturer will suggest at the beginning of the academic year the activities that he or she considers as pertinent to the effects of the ongoing student assessment by means of the publication in the classroom moodle the calendar with the chronogram activities. These are a kind of activities that students will develop in the classroom, with the supervision and support of the teacher.

Planned activities:

i) Oral presentation of relevant case law (10%)

ii) Discussions on a current topic directly or indirectly related to any aspect of the program (10%)

iii) Preparation by the student of one or two cases that are later resolved in class and of which a document must be written (10%)

iv) Exam of the part of the program's subject matter, which is expected to release the student of such part (20%).

v) A simulation of a case or the resolution of a conflict (10%)

2. Supervised activities: Tutoring

3. Students autonomous activities:

3.1. *Production of legal documents*: Analyzing of leading cases proposed in advance by the teacher extracted from court rulings or the performance of schemes of some sections of the matter proposed by the teacher, the development of a glossary of concepts. An exam is also proposed as an autonomous activity, the type of which will be determined by the teacher at the beginning of the academic year.

3.2. *Search of bibliography and leading cases as good preparation for the exam.*

3.3. *Comprehensive reading of legal texts*: Legal texts may be judgments, rules, journal articles or monographs, in addition to the suggested Handbooks. The specific material will be determined by the teacher during the academic year.

3.4. *Self-learning*

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
lectures, resolution of cases, process and mediation role playing, oral presentations	69	2.76	1, 2, 17, 5, 6, 4, 9, 12, 11, 13, 14, 8, 18
Type: Supervised			
tutoring	5	0.2	16, 8
Type: Autonomous			
Search of bibliography and case law, learning, readings, production of legal documents	76	3.04	1, 2, 3, 5, 6, 4, 7, 9, 12, 16, 10, 13, 14, 8, 15, 18

Assessment

MARKS AND ASSESSMENT SYSTEM (5 Hours)

ORDINARY MARKS AND ASSESSMENT SYSTEM:

I. *Ongoing assessment of the student:*

1. There is an exam of part of the content of the program that it will be considered the 20% of the final mark. In order to pass the exam the student has to reach just 5 out of 10 and it is expected that the student could be released of such part.

2. The resolution of two cases and subsequently the production of a legal document (10%), oral presentation in the classroom of case law (10%), debates on current legal topics in relation to the program of Civil Law I (10%), role playing of a dispute with intervention of a third party (20%) are taken into special consideration by the teacher for the student assessment.

II. Final exam:

Every student, whether or not has passed the ongoing assessment, has access to the final exam.

The specific type of exam (oral, written, development of relevant questions, multiple choice, etc.) will be determined by the teaching team. Students will be tested on all subjects.

III. Marks system

Ongoing student assessment is 60% of the final mark. Final exam is 40 % of the final mark as well. Students should have reached a score of 5 out of 10 as final mark in order to pass the academic year in this field of law.

REASSESSMENT: Students must obtain a grade of at least 3 between the ongoing assessment mark and that of the final exam to be eligible for reassessment. Students will be assessed for all the matters presented during the course. Students must obtain a score of at least 5 in order to pass the course. The final grade will be such as achieved in the reassessment.

CALLS

Those settled by the academic bodies.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam	40%	0	0	1, 2, 17, 3, 5, 4, 7, 9, 12, 16, 11, 10, 13, 8, 15, 18
exam of the part of the content, resolution of two cases, building of legal documents, debates on ruling and current legal topics, alternative dispute resolution role playing	10%, 10%, 10%, 20%, 10% respectively	0	0	2, 17, 6, 9, 16, 11, 13, 14, 8
re-exam	100%	0	0	1, 2, 3, 5, 4, 7, 9, 12, 16, 10, 13, 8, 15

Bibliography

LEGAL TEXTS AND MATERIALS: Students will be expected to read all the primary works in the course bibliography

1. Acts and Regulations:

- La Legislación Civil Catalana: Código Civil de Cataluña y legislación complementaria
- Código Civil español
- Ley y Reglamento del registro Civil

2. General Mandatory Textbooks:

- *Dret civil. Part general i persona*, Antoni vaquer Aloy (coord.), Susana Navas Navarro, Esperança Ginebra Molins, Esteve Bosch Capdevila, Josep Ferrer Riba, Albert Lamarca Marquès, Jordi Ribot Igualada, Atelier, Barcelona, 4^a edició, 2020.
- *Lliçons de Dret civil català, I. Part general de dret civil*, M^a del Carmen Gete-Alonso y Calera, Judith Solé Resina, Tirant Lo Blanch, Valencia, 2016.
- *Lliçons de Dret civil català, II. Dret de la persona*, M^a del carmen Gete-Alonso y Calera, Judith Solé Resina, Tirant lo Blanch, Valencia, 2017.

3. More suggested bibliography:

- *Memoria de Derecho civil*, Ferran Badosa Coll, Marcial Pons, Barcelona, 2010.
- *El nuevo derecho de la persona y de la familia*, Martín Garrido Melero, Sergio Nasarre Aznar, Reyes Barrada Orellana, Bosch, Barcelona, 2011.