

Further Study, Law on Security

Code: 104059
ECTS Credits: 6

Degree	Type	Year	Semester
2502501 Prevention and Integral Safety and Security	OT	4	0

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: María del Carmen Medina Martínez
Email: MariaDelCarmen.Medina@uab.cat

Use of Languages

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

External teachers

Jordi Álvarez Morales

Prerequisites

This subject does not have any pre-requirement

Objectives and Contextualisation

The objective of the subject is that the student knows the contents and procedures that may be the subject of his professional performance.

The student must be able to contemplate with sufficient knowledge the cases that are presented to him to be able to act correctly.

Through the practices made with real cases features of judicial sentences and specific cases, the student will have the necessary elements to be able to predict what is the service that society expects from his future profession.

Competences

- Apply the legal regulations governing the sector of prevention and integral security.
- Generate innovative and competitive proposals in research and in professional activity developing curiosity and creativity.
- Respond to problems applying knowledge to practice.
- Use the capacity for analysis and synthesis to solve problems.

Learning Outcomes

1. Apply the rules of professional practice for private security and private research.

2. Generate innovative and competitive proposals in research and in professional activity developing curiosity and creativity.
3. Plan and manage prevention and security in accordance with the prevailing legislation applicable in the sector.
4. Respond to problems applying knowledge to practice.
5. Use the capacity for analysis and synthesis to solve problems.

Content

Part 1: CIVIL LAW

UNIT 1.- CIVIL LAW. THE SUBJECT OF LAW: THE PHYSICAL PERSON

1. Concept of "civil right":
2. The personality:
 - 1.1. Legal capacity and capacity to act
 - 1.2. Special capabilities and prohibitions
1. Start of personality:
 - 2.1. Birth requirements. The birth test
 - 2.2. The legal protection of the unborn baby and the concepturus
3. The goods of the personality: concept and characters
 - 3.1. Right to name
 - 3.2. Autonomy of the patient in the field of health. Right to information, informed consent, documents of anticipated wishes, clinical documentation

UNIT 2.- THE CIVIL STATUS AND THE PERSONAL CONDITIONS. THE AGE THE CIVIL REGISTRY

1. The marital status: concept, characters and titles. Possession of state.
2. Majority and minority age. Emancipation
3. Constancia registral de estado civil: El Registro Civil: concepto y organización. The formal advertising of the Registry. The change of name and sex

UNIT 3.- INCAPACITATION AND CAPACITY LIMITATION

1. Incapacitation: concept and meaning
 - 1.1. Causes: illnesses and deficiencies
 - 1.2. Subjective area of incapacitation
 - 1.3. Incapacitation procedure The sentence of incapacitation: effects. Modification and extinction
 - 1.4. Internally from the individual
2. Limitation of capacity for prodigality: concept
 - 2.1. Subjective area of prodigality
 - 2.2. Prodigality procedure The judgment of prodigality: effects
 - 2.3. Efficiency of the declaration. Modification and extinction
3. The limitation of capacity for declaration of creditors' bid

UNIT 4.- INSTITUTIONS OF PROTECTION OF THE PHYSICAL PERSON

1. Provisions common to all the protection institutions
2. Parental authority: ownership, content and extinction
3. The guardianship: constitution, content and extinction
4. The curate: constitution, content and extinction
5. The legal defender: assumptions, legal regime
6. The fact remains: concept and legal regime
7. The patrimonial administrator: legal regime
8. The protection of abducted minors: the declaration of unemployment. The protection measures: the simple reception in family or in institution

UNIT 5.- LOCATION OF THE PERSON. NATIONALITY. CIVIL VEILING

1. The address. Concept and classes
2. The absence. General characterization The situation of disappeared
3. The legal absence:
 - 3.1. Concept and requirements

- 3.2. The legal status of the absent. His representation
- 3.3. Registry of extinction and record
4. The declaration of death. Assumptions Effects Revocation Registered consistency
5. Functions of nationality and civilian neighborhood.
6. Acquisition modes
7. Modification, conservation, loss and recovery
8. Proof of nationality and civilian neighborhood

UNIT 6-. THE SUBJECT OF LAW: THE LEGAL PERSON

1. The legal entity in general:
 - 1.1. Concept Classes. Acquisition of legal personality. Capacity
 - 1.2. Acting and representation of the legal entity. Adoption of agreements. Challenge
 - 1.3. Structural modifications: merger, split and transformation. Liquidation
2. The associations. Concept and principles. Classes
 - 2.1. Constitution and statutes
 - 2.2. Organs and operation. Rights and obligations of associates
 - 2.3. Structural modifications and dissolution
3. Foundations. Concept and principles. Classes
 - 3.1. Constitution Endowment Statutes
 - 3.2. Organs and operation. Economy regime

UNIT 7.- EXTINCTION OF PERSONALITY AND SUCCESSORIAL PROCESS

1. Extinction of personality: death. The evidence and proof of death. Communion and premorition
2. Principles of Catalan succession law
3. Object of succession: inheritance. The cause of succession
4. The successor. Successive titles: the heir and the legatee
5. The opening of the succession. Stages of acquisition of inheritance
6. Testaments, codicils and testamentary memories: concept
7. Intestate succession: orders and degrees

UNIT 8.- THE FAMILY. THE FILIALTY.

1. The family: concept and characterization.
3. Kinship: concept, type. Lines
4. The obligation of food: concept, nature and characters. Subjects.
- 5 Affiliation: concept and classes.
6. The legal determination of the filiation
7. Matrimonial and non-matrimonial filiation. Assisted reproduction.
8. The filiation actions. General concepts Common rules Classes of actions
9. Effects of affiliation. Limited effectiveness of the filiation statement
10. Adoption: concept and characterization. Subjects.
11. Pre-adoption fostering
12. Constitution of adoption. Consent, settlement and hearing

UNIT 9. THE MATRIMONY: REQUIREMENTS. FORMS. EFFECTS CRISIS

1. Marriage: concept, characterization. The ius connubii.
2. Requirements of marriage. Ability to get married. Married consent.
3. The form of marriage: The civil marriage. The marriage in religious form.
4. Effects of marriage. The principle of equality. Staff Family Economic
5. Crisis: Separation and dissolution of marriage
6. Separation. Classes. Procedure Specific effects.
7. The dissolution of marriage. The divorce: requirements. The action of divorce. Specific effects of divorce.
8. The annulment of marriage

UNIT 10. COMMON EFFECTS OF NULITY, SEPARATION AND DIVORCE

1. Common effects on annulment on separation and divorce.
2. Provisional measures. Previous measures
3. The regulatory agreement: content. Judicial approval
4. Agreements outside the regulatory agreement

5. Final measures in case of lack of agreement.
6. Caring for children, parental responsibility and parenting plan. Exercise of the guard. Criteria for determining the regime and the exercise.
7. The compensatory benefit: determination, modification and extinction.
8. Attribution or distribution of the use of family housing. Exclusion, limits and extinction of the right to use.
9. Non-payment of pensions and abandonment of the family.

UNIT 11. ECONOMIC REGIME MATRIMONIAL.

1. The matrimonial economic regime: concept, classes, characters.
2. Matrimonial chapters: concept, content and capacity.
3. Agreements in anticipation of a marriage rupture
4. The separation of goods regime. Assumptions where appropriate. Principles that characterize it.
 - 4.1. Determination of the estate masses. The management of private property.
 - 4.2. Presumptions of ownership.
 - 4.3. The termination and liquidation of the regime.
 - 4.4. The economic compensation due to work. Calculation rules and limits
 - 4.5. Division of goods in an undivided ordinary community

UNIT 12.- REAL RIGHTS

1. Things and goods. Concept and classes
 - 1.1. Property and real estate
2. The property. The social function of property
 - 2.1. Acquisition, limits and limitations, defense
3. Limited real rights
4. The possession
5. The Property Registry. Functions Formal advertising

UNIT 13.- OBLIGATIONS

1. Concept of obligation. The nature of the obligatory relationship
2. Sources of obligations (birth)
3. Subjects of the obligations (parts)
4. Obligations classes: types.
5. Effects:
 - 5.1. Compliance and breach of the obligation.
 - 5.2. Responsibility
 - 5.3. Payment Payment substitutes.
6. Amendments to the obligation. The novation Classes
7. Termination of the obligation

UNIT 14.- CONTRACTS

1. Concept. Essential elements:
 - 1.1. Consent, object, cause, form
2. The formation of the contract
3. The parts of the contract.
4. The interpretation of the contract. The general conditions.
5. Effectiveness and ineffectiveness of the contract:
 - 5.1. Annulment, annulability, termination and resolution.
6. The almost contracts
7. Contractual and non-contractual liability:
 - 7.1. Obligations born of guilt or negligence
8. Concurrence and priority of credits

UNIT 15.- CONTRACTS IN SPECIAL

1. The purchase-sale: Concept, requirements, parts and resolution.
2. Urban leases. Procedural specificities of eviction trial.
The urban lease contract.
3. Contracts for the lease of work and leasing of services.
4. In the deposit agreement
5. The pledge and the mortgage. Contractual constitution

Part 2: PROCEDURAL LAW

UNIT 1.- THE JUDICIAL POWER AND ITS ORGANIZATION

1. The Judiciary and Jurisdiction
2. The organizational criteria of the Courts and Courts of Justice
3. The courts and tribunals and their powers
4. The internal government of the courts
5. Constitution of the Courts and Tribunals
6. Operation of the Courts
7. The Constitutional Court
8. The supranational courts
9. The personnel at the service of the Justice Administration

UNIT 2.- DECLARATIVE CIVIL JUDICIES AND FORCE EXECUTION

1. Jurisdiction and civil jurisdiction
2. Ordinary declarative trials
 - a) The ordinary trial: initiation, phases and sentence
 - b) The verbal judgment: initiation, phases and sentence
3. Special declarative trials
 - a) Judgments on the civil status of persons
 - Judgments on the capacity, affiliation, marriage and minors
 - b) Judgments on the custody of the credit
 - Judgment monitored and exchange rate
4. Forced execution
 - a) Execution of monetary convictions
 - The preparation of the seizure: the patrimonial research of the run
 - The seizure
 - The constraint phase
 - b) Foreclosure
5. Civil resources
 - a) The appeal for reversal and the direct review
 - b) Appeal appeal
 - c) Other means of dispute: the review of firm sentences

UNIT 3.- PROCEDURAL GUARANTEES AND PROOF IN THE CIVIL PROCESSES

1. The guarantees that affect Jurisdiction
 - a) Right to the judge prescribed to the law
2. Guarantees that affect the parties
 - a) Right to effective judicial protection
3. The guarantees that affect the trial
4. Right to a process with all the guarantees
5. The civil test: principles, object, procedure, valuation, limits
6. The means of proof
 - a) The documentary evidence: the report of the private investigator
 - b) The interrogation of the parties
 - c) The interrogation of witnesses: the statement of the private investigator
 - d) The expert test.
 - e) Judicial recognition
 - f) Test instruments of a technical nature
7. The presumptions.

UNIT 4.- CRIMINAL PROCESSES

1. Jurisdiction and criminal jurisdiction
2. The criminal process: concept, function, principles and structure
3. Criminal instruction: the jurisdiction of the judicial police
4. The oral judgment
5. The criminal sentence and the resources
6. Ordinary criminal trials

- a) The ordinary trial for serious offenses
- b) The abbreviated criminal case
- c) Fast judgments
- d) The trial of fouls
- e) The trial by the Court of the Jury
- 7. Precautionary criminal measures
 - a) Detention. The rights of the detainee
 - b) Provisional freedom
 - c) Provisional prison

UNIT 5.- THE CONSTITUTIONAL GUARANTEES IN THE CRIMINAL PROCESS

- 1. The right to the legal judge
- 2. The right to defense
- 3. The right to legal aid
- 4. The right to be informed of the accusation
- 5. The right to use the relevant means of proof
- 6. The right not to declare against himself and not to confess guilty
- 7. The right to presumption of innocence

Methodology

The theoretical classes will be done with ICT support and encouraging group participation and debate.

Students will present in class in summary the points discussed in the previous session.

The practical classes consist of case resolution and jurisprudence analysis with the active participation of the student exposing the problem and discussing the solutions.

Reading of doctrine and jurisprudence as a basis to solve practical cases applying the theory taught.

Tutorials with the faculty will be arranged by email.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Theoretical and practical classes with the participation of students	44	1.76	1, 4, 2, 3, 5
Type: Supervised			
Exhibitions and discussion forums	12	0.48	1, 4, 2, 3, 5
Type: Autonomous			
Personal study	94	3.76	1, 4, 2, 3, 5

Assessment

It is a continuous evaluation system.

The subject consists of two clearly differentiated parts that will be evaluated in a differentiated way.

In each part there will be written theoretical and practical tests.

The mark to pass the evaluation of each part is 5 out of 10.

Two written tests

Practical theoretical tests to be developed,
There will be a test at the end of each part of the subject.

Exercises and problems

This evaluation will be done in practical sessions.

It will consist of 5 steps:

- The preparation for the students of the practices or exercises that teachers propose.
- Exposition in class of the practice.
- Approach and discussion of the problems arising in the preparation and exposition.
- Correction and conclusions of the case resolved.
- Presentation through the virtual space of the subject and hand in writing to the teachers of the case resolved and corrected with the model determined by the teaching staff.

The date of delivery of the practical case will be the day of the class after the one of the practice resolved.

To be evaluated of the topics worked in the classroom, it is mandatory to deliver ALL the works.

Final Review of Re-evaluation:

The student who does not exceed the subject, which does not reach a total of 5 (total) of 10, or has not been able to follow the continuous assessment, can present themselves to the final exam of the total of the subject. This exam will consist of an evaluation test to which all the contents of the subject will be revalued. The mark obtained in this exam will be a maximum of 5 and will be the final grade of the subject.

The examinations can be made in oral or written form at the discretion of the teacher

EVALUATION

If you do not pass the subject in accordance with the aforementioned criteria (continuous assessment), you can do a recovery test on the scheduled date in the schedule, and that will cover all the contents of the program.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Delivery and evaluation of exercises and work done by students	40%	0	0	1, 4, 2, 3, 5
Written and / or oral test of the 1st part	30%	0	0	1, 4, 2, 3, 5
Written and / or oral test of the 2nd part	30%	0	0	1, 4, 2, 3, 5

Bibliography

RAMOS MENDEZ, FRANCISCO The Spanish procedural system, Barcelona, ed. Atelier, 2013

RAMOS MENDEZ, FRANCISCO The civil trial, Barcelona, ed. Atelier, 2012.

RAMOS MENDEZ, FRANCIS Criminal prosecution. Tenth constitutional reading, ed. Atelier, 2011.

M.C. GETE-ALONSO, S. NAVAS, J. SOLÉ, M. YSÀS. Notions of Civil Law in force in Catalonia. Edit .: Tirant lo Blanch. Valencia 2013

Normative

Spanish Constitution (CE)

Organic Law of the Judiciary (LOPJ)

Law of Civil Procedure (LEC)

Criminal Procedure Law (LECr)

Civil Code (CC)

Civil Code of Catalonia (CCCat)
Mortgage Law
Law of the Civil Registry