

Civil Law

Code: 100491
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	FB	1	1

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

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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: Yes

Teachers

Olga Villagrasa Aguilar
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Prerequisites

For a good follow-up of the CIVIL LAW course, a good knowledge of the foundations of Constitutional Law and History of Law is necessary. The correct use of legal terminology is also necessary.

"A student, who copies or tries to copy on an exam will get a 0 in the subject matter and will lose the right to reassessment. A student, who presents a practical work, in which there is evidence of plagiarism or who cannot justify the arguments of that work will get a 0 and receive a warning. In case of repetition of such behavior, the student won't pass the exam (0) and will lose the right to reassessment".

Objectives and Contextualisation

It is a subject of first course, first semestre, for the same reason of basic formation. The Degree in Labor Relations is designed to give the student a satisfactory training in all fields that directly or indirectly relate to the work factor. Allowing all graduates to solve with guarantee all the problems posed by the management of human resources, both in private companies and in the field of public administration. This Degree has to offer training in the different factors that frame human work, from an interdisciplinary perspective and with an orientations of professionalization linked to the options that the labor market demands. It is essential in this degree the study of a subject such as Civil Law in which its content is basically focused on the analysis of the interpretations and applications of legal rules, the legal entity, the contract, contractual liability and extracontractual, the obligatory relationship, family relationships and succession mortis causa.

The objectives of the subject are:

1.- To assimilate the contents of the subject through their comprehension, memorizations and continuous examination, to train the student so that he/she learns to submit himself/herself with assiduity to controls and tests on the contents of the subject, by means of which your level of knowledge acquisition will be valued continuously, allowing you to find out what aspects you need to deepen and strive to improve.

2.- Learning about jurisprudence research, bibliography, documentations and legislation: databases, etc.

3.- Read, find out the main problems, write the facts in an orderly manner and resolve the issues that arise in legal texts, judgements and case studies, through group work, dialogue and exchange of ideas with colleagues

4.- Learn to work autonomously, with reflexive and self-critical reasoning and entrepreneurial spirit: research work, text comments, diagrams.

Discuss ideas, opinions, points of view and discussions between teacher and student in the classroom through verbal expression

Competences

- Drawing up and formalising reports and documents.
- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Organising and managing the available time.
- Students must be capable of persuading others to agree with their point of view.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Analysing and determining the issues arisen in relation to the individual law, family law and inheritance law.
2. Drawing up and formalising reports and documents.
3. Identifying the basic concepts of the property law (contracts, duties, royalties).
4. Identifying the historical training of rules and legal institutions in the shaping the industrial relations.
5. Identifying the main structural principles of the State as a Social and Democratic State of Law.
6. Organising and managing the available time.
7. Students must be capable of persuading others to agree with their point of view.
8. Working autonomously.
9. Working effectively in teams.

Content

THEME 1: THE CIVIL LEGAL ORDER

1.- Concept of Civil Law. Plurality of civil orders. The Civil Code of Catalonia and the Spanish Civil Code. The civil neighborhood

2.- Concept and kinds of sources. Jurisprudence, source of law?

3.- The time in the civil law. Prescription. Expiration. Preclusion

THEME 2: PHYSICAL PERSON AND JURIDIC PERSON

1.- The personality. Classes of people. Legal capacity and capacity to act.

2.- Beginning and extinction of the civil personality. The civil status and the Civil Registry

3.- The juridic person. Concept. Characteristic. Associations and Foundations. Performance and representation. Adoption of agreements and challenge.

THEME 3: THE COMPULSORY RELATIONSHIP

- 1.- The obligatory relationship-. Concept. Characteristics. Content
- 2.- The sources of the obligation. Concept and enumeration
- 3.- Purpose of the mandatory relationship: the benefit. Requirements
- 4.- Class of obligations according to their performance: to give, to do and not to do
- 5.- obligations of money. Concept. Electronic money. The rebus sic stantibus clause

THEME 4: COMPLIANCE, BREACH OF THE OBLIGATION AND CONTRACTUAL RESPONSABILITY

- 1.- Payment or fulfillment: concept and objective and subjective requirements
- 2.- Substitutes for payment or compliance with the obligation
- 3.- Failure to comply with the obligation. Concept. Causes. Responsibility of the debtor
- 4.- Protective actions of the credit right
- 5.- obligations of money. Concept. Electronic money. The rebus sic stantibus clause

THEME 5: EXTRACONTRACTUAL RESPONSABILITY

- 1.- Concept and functions of extracontractual liability
- 2.- Responsibility budgets
 - 2.1.- Harmful behavior: action and omission
 - 2.2.- Natural causality and legal causality. Objective imputation criterion
 - 2.3.- Damage. Typology. Appraisal
- 3.- Limitation of the action
- 4.- Responsibility for someone else's act. Legal regime
- 5.- Cases of strict liability

THEME 6: THE CONTRACT: ELEMENTS AND EFFECTS

- 1.- The private autonomy of the will: limits and atypicality. The principle of non-discrimination
- 2.- The contract: concept and elements. The consent, the object, the cause. The Form
- 3.- Electronic contracting. Legal regime
- 4.- Contractual efficiency

THEME 7: TRAINING AND INTERPRETATION OF THE CONTRACT

- 1.- Preliminary deals. Pre-contractual liability
- 2.- Formation of the contract. Offer. Acceptance. Perfection
- 3.- Irregular formation of the contract: the vices of consent

4.- Mass contracting. General conditions of the contract. Unfair terms

5.- The interpretation: rules. The interpretation of the contract

THEME 8: INEFFICIENCY AND INVALIDITY OF THE CONTRACT

1.- Disability and inefficiency: conceptual precisions. The non-existence
The conversion

3.- The voidability. Concept. Causes. The confirmation

4.- Unfair advantage and injury in more than half. Legal regime

THEME 9. THE PURCHASE AGREEMENT

1.-The sale. Concept and characters. Civil sale and mercantile sale. Purchase and sale of consumption. Subjects and capacity. Prohibitions to buy.

2.- Object; the thing and the price. The sale of future goods

3.- The sale of third-party goods: legal regime. The plurality of sales of the same good.

4.- Obligations of the seller. Lack of conformity and rights of third parties

5.- Obligations of the buyer. Deferment of payment and guarantees. The resolutive condition pact

6.- Transmission of risks

7.- Remedies of the buyer and the seller

THEME10: THE REAL RIGHT. ACQUISITION, TRANSMISSION AND EXTINCTION OF REAL LAW

1.- The real right: concept, classes

2.- Sources of creation of real rights

3.- The double system of acquisition and transfer of real rights

4.- The tradition: concept and modalities

5.- Causes of extinction of real rights: loss of property, consolidation and resignation

THEME 11: THE RIGHT OF PROPERTY

1.- The right of property. Concept, social function. Law 18/2007, of December 28, on the right to housing, Prohibitions to dispose.

2.- Restrictions on the right of property in the public interest and private interest

3.- Inmissions: concept, classes and legal regime. Jurisprudential doctrine and special reference to the environment.

4.- Protection of property rights

4.1.- The claim action: concept. Requirements. Effects

4.2.- Exclusion actions: negative action, closing of farms. Delimitations and demarcation.

THEME 12:MARRIAGE AND THE STABLE UNION OF COUPLE

1.- Marriage: concept, characterization. The ius connubii

2.- Marriage requirements. Forms of marriage

3.- Personal and patrimonial effects of marriage: economic relations between the spouses. Marital economic regimes. Extinction

4.-The regulation of the stable union of couple. Constitution. Economic relations. Extinction.

THEME 13: PERSONAL AND HERITAGE EFFECTS OF THE RUPTURE OF THE COUPLE

1.- provisional measures. Effects ex lege. Previous measures

2.- The regulatory agreement. Content. Judicial approval. Agreements outside the Agreement

3.- The parenting plan

4.- Definitive judicial measures in case of lack of agreement. Content

5.- Civil effects in case of gender violence

THEME 14: THE SUCCESSION FOR DEATH CAUSE

1.- Concept of succession: Type of succession mortis causa

2.- Object of the succession: the inheritance. Composition. Succession without an heir

3.- The causa of the succession

4.- The successor. Inheritance titles: the heir and the legatee

5.- The opening of the succession: the recumbent inheritance. Phases of inheritance acquisition

THEME 15: THE TESTAMENT AND THE INTESTATE SUCCESSION

1.- The testament. Concept. Types. Content

2.- The codicils and the testamentary provisions

3.- The intestate succession. The right of representation. inheritance orders

Methodology

Statement

Teaching will be face-to-face.

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

Methodology:

To achieve the aforementioned results, the subject is organized into three types of basic activities:

1) Autonomous activity: one in which the student organizes time and effort autonomously, either individually or in a group (study, bibliographical or documentary consultations, works, teacher consultations, virtual campus ...). It represents 50% of the total study time- (75 Hours). This would also reach the evaluation activity, which is the result of which is capable of being evaluated and qualified, either within a continuous evaluation system, or through formal tests, at the end of a period. This type of activity, when it does not require a limited time for the realization of concrete tests (exams, presentations ...), can be superimposed with autonomous activities. It

represents 5% of the total time studying.

2) Directed activity: one that responds to a predetermined time schedule, which requires the face-to-face direction of a teacher and preferably takes place in a group (theoretical classes, classroom practices, ...). It represents 33% of the total study time (49 hours).

3) Supervised activity: one that, although it can be carried out autonomously, requires the more or less punctual supervision of a teacher (scheduled tutoring, documentation and bibliography, writing of papers ...). It represents 5% of the total study time (7.5 Hours)

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Documentation and bibliography	4	0.16	1, 7, 5, 4, 3, 6, 2, 8
Practical classes	20	0.8	1
Seminars to discuss legal texts	15	0.6	1, 3
Theoretical classes	29	1.16	5, 4, 3
Writing of works	7	0.28	1
Type: Autonomous			
Continuous evaluation	30	1.2	1, 7, 5, 4, 3, 6, 2, 8
Study	45	1.8	1, 7, 5, 4, 3, 6, 2, 8

Assessment

1.1. Continuous evaluation:

The teacher of each group will propose at the beginning of the course the activities that he considers pertinent for the purposes of continuous evaluation. He or she will determine all the activities of the course on a weekly basis. By way of example, these may be:

- Test theoretical knowledge (written/oral) during the course.
- Practical application of theoretical knowledge (practical cases, glossary, diagrams...)
- Commentary on judgments, drafting of documents

The ongoing evaluation will include a minimum of three evaluation activities that will have to be of two different types and must be distributed throughout the course.

In each teaching group, the specific date or week of performance of the evaluable activities will be published on the virtual campus before the start of the teaching, without prejudice to the fact that, exceptionally and due to force majeure, these activities may, with sufficient advance notice, be modified.

1.2. Final Examination:

All students, whether or not they have passed the continuous assessment, may take the final exam. The specific type of examination (oral, written, question development, multiple choice, etc...) will be determined by the teaching team at the beginning of the course. The students are examined in the course programme.

1.3. Qualification of the subject with the evaluation system.

The score obtained in the continuous evaluation will have a value of 50% of the qualification of the subject. The examination score will be 50% of the subject qualification.

The grade of continuous evaluation will be the one obtained or 0 if it has not been done.
 The grade of the final exam will be the one obtained in the final exam.
 The subject will be passed with a minimum of 5 out of 10, according to the established percentages.

EVALUATION AND RE-EVALUATION SYSTEM: in order to access the re-evaluation, a minimum score of 3 out of 10 must have been obtained between the score of the continuous evaluation and the final exam. Students will be tested on the program of the asignatura.

In the re-evaluation, the grade of the continuous evaluation is not computed.

The final grade will be that of the continuous evaluation if the student presents himself/herself.

CALLS

The number of calls established in the rules of permanence.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
1.- Commentary	10%	0	0	6, 2, 8
2.- Partial exam	20%	0	0	3, 6, 8
3.- Solve practical case	20%	0	0	1, 3, 6, 2, 8
4.-Final exam	50%	0	0	1, 7, 5, 4, 3, 6, 2, 8, 9

Bibliography

1. Acts and Regulations:

- La Legislación Civil Catalana: Código Civil de Cataluña y legislación complementaria
- Código Civil español

2. General Mandatory Textbooks:

1. VAQUER ALOY, Antoni (Coord), NAVAS NAVARRO, Susana, GINEBRA MOLINS, Esperança, BOSCH CAPDEVILA, Esteve, FERRER RIBAS, Josep, LAMARCA MARQUES, Albert, RIBOT IGUALADA, Jordi; Dret Civil. Part General i Persona, Atelier, Barcelona, 4ª Edició, 2020.
2. LASARTE ÁLVAREZ., Carlos.; *Curso de Derecho civil Patrimonial: introducción al derecho*, Tecnos, 25ª edic., Madrid, 2019
3. ORDUÑA MORENO, J. et alii; *Curso de derecho privado*, Tirant Lo Blanch, 18ª edic. València, 2015.

Throughout the course, the teacher will recommend the student the complementary bibliography and the necessary legislation.

1. INTEREST WEB LINKS:

www.mjusticia.es. Ministerio de Justicia.
www20.gencat.cat/portal/site/justicia. Departamento de Justicia de la Generalitat de Cataluña.
www.indret.com. Revista por el análisis del derecho.
www.westlaw.es. Base de datos de legislación y jurisprudencia.
www.parlamento.cat

Software

NO