

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: Xavier Cecchini Rosell
Email: Xavier.Cecchini@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 Gandia Ponce
Maria Isabel García Ruíz
Cristina Alonso Suárez
Olga Villagrasa Aguilar

Prerequisites

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

II. Lecturers:

CIVIL LAW I

Group	Lecturers	Time table
1	Cecchini	Thursday 8.30 - 10 h
2	Alonso	Thursday 12 -13.30 h
51	Gandia	Thursday 16-17.30 h
		seminars

1.1	Cecchini	Thursday 10.15-11.45 h
1.2	Pou	Thursday 10.15-11.45 h
1.3	Torra	Thursday 10.15-11.45 h
2.1	Alonso	Thursday 13.45-15.15 h
2.2	Pou	Thursday 13.45-15.15 h
2.3	Torra	Thursday 13.45-15.15 h
51	Gandia	Thursday 17.45-19.15 h
52	Alonso	Thursday 17.45-19.15 h
53	Garcia	Thursday 17.45-19.15 h
70	Cecchini	theory: Wednesday 9-10.30 h
70	Torra	seminar: Wednesday 10.45 - 12.15 h
71	Hurtado	seminar: dx. 10.45 - 12.15 h
72	Lector	seminari: dx. 10.45 - 12.15 h

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.
- 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.
- Present information in a way that is appropriate to the type of audience.
- 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 learning autonomously and having an entrepreneurial spirit.
- 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. Explaining the main concepts in terms of equality.
9. Identifying the socio-legal context where law sources are born.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Present information in a way that is appropriate to the type of audience.
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. Students must be capable of learning autonomously and having an entrepreneurial spirit.
19. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

CIVIL I LAW PROGRAM

UNIT 1. CIVIL LAW AND CIVIL ORDINANCES

1. Public Law and Private Law. The concept of Civil law. Difference between Code and compilation.
2. The European process of codification. The Spanish civil codification. The Spanish Civil Code.
3. The plurality of civil orders.
4. Legislative powers of the Autonomous Communities in civil matters: art. 149.1.8º CE.
5. The codification of Catalan private law. The Civil Code of Catalonia.

UNIT 2. SOURCES OF CIVIL LAW

1. Concept and types of sources.
2. Competence in matters of sources of law.
3. The law.
4. Custom.
5. The general principles of law.
6. The jurisprudence.
7. The supplementary nature of the Spanish Civil Code.

UNIT 3. SCOPE, EFFECTIVENESS AND APPLICATION OF THE CIVIL RULE

1. Spatial scope of the rules.
2. Temporary effectiveness of the rules: entry into force, loss of force, retroactivity, the effect of the law after its derogation.
3. General effectiveness of the rules: subjection to the legal system and the law, ignorance of the law, error of law, voluntary exclusion from the law.
4. Penalty effectiveness: nullity, fraud of the law.
5. Application of the civil law.
6. Interpretation: object, purpose and classes. Means of interpretation. The integration.
7. The analogy and equity.

UNIT 4. TIME AND ITS LEGAL EFFECTS ON CIVIL LAW

1. Time: units of time, computation.
2. The extinctive prescription: object, characters, subjects, terms, interruption, suspension and resignation.
3. Expiration: concept, object, characteristics and legal regime.
4. Preclusion.

UNIT 5. THE NATURAL PERSON. PERSONALITY AND CAPACITY

1. The person: characterization. Legal personality. The protection of the conceived. Birth registration.
2. Legal capacity and capacity to act: concept and characteristics.
3. Extinction of personality: death, commemoration, death registration.

UNIT 6. THE CIVIL STATUS AND THE PERSONAL CONDITIONS. RECORD CERTIFICATE

1. The marital status: concept and characters.
2. Traditional marital statuses and emerging personal conditions.
3. Civil status titles.
4. Registry certificate.

UNIT 7. THE RIGHTS OF PERSONALITY

1. The rights of personality: concept, nature and characters.
2. Rights in the physical sphere: the right to life, the right to physical integrity, the right to autonomy of will in interventions that affect the health of the patient.
3. Rights in the moral sphere: the right to a name; the right to honor, to personal and family privacy and to one's own image; freedom of expression and information; the right of rectification; the right to protect personal data; moral right in intellectual property.

UNIT 8. THE MINORITY SITUATION. THE HANDLESS SITUATION

1. Age.
2. The situation of minority: guiding principles, legal representation.

3. The capacity of the minor.
4. The responsibility of the minor.
5. Emancipation: causes and effects of emancipation.
6. Helplessness: concept, statement and effects.
7. Protection measures: guardianship, foster care and foster care, pre-adoptive foster care, transition measures to adult life and personal autonomy.

UNIT 9. DISABILITY

1. Concept. Law 8/2021, of June 2, reforming the Spanish Civil Code and procedural rules.
2. Support measures. Lessons.
3. Content, exercise and termination of support measures. Self-tutelage. Self-heal.
4. The legal situation of the person in a bankruptcy situation.

UNIT 10. INSTITUTIONS FOR THE PROTECTION OF THE PERSON

1. Institutions of custody and protection of the person.
2. Parental authority: concept and characters, ownership and exercise, content, vicissitudes, extension and rehabilitation.
3. Guardianship: constitution, content, exercise and termination. The guardianship council.
4. Conservatorship: constitution, content and termination.
5. The judicial defender: assumptions, legal regime.
6. The guard in fact: concept and legal regime.
7. Other protection institutions: preventive powers.
8. Protected heritage and assistance.

UNIT 11. THE LOCATION OF THE PERSON

1. The domicile, residence and whereabouts.
2. Situations of absence: simple disappearance, absence and declaration of death.
3. Registry certificate.

UNIT 12. THE CIVIL NEIGHBORHOOD

1. The civil neighborhood: concept and characters.
2. Acquisition of the civil neighborhood.
3. Modification or exercise option.
4. Conservation, loss and recovery of the civil neighborhood.
5. Neighborhood and nationality.
6. Evidence and proof in the civil registry.

UNIT 13. THE LEGAL PERSON

1. The legal person: Concept. Lessons. Acquisition of legal personality. Ability. Extinction
2. The foundations: regulatory norms, classes, concept and structure, constitution and acquisition of personality, organs and regime, modifications and dissolution
3. Associations: right of association, regulatory norms, concept, requirements, constitution, bodies and operation, structural modifications and dissolution
4. Reference to civil society.

UNIT 14. FAMILY AND RELATIONSHIP RELATIONS

1. Family and families. The kinship: concept, classes and grades; family-sourced foods.
2. The affiliation: classes. Determination. Effects. Adoption.
3. Marriage: capacity, consent and forms.
4. Personal and property effects of the marriage: economic relations between the spouses.
5. Separation, divorce, and marriage annulment: general characterization and common effects.
6. The regulation of stable coexistence as a couple.
7. Reference to family mediation.

UNIT 15. THE SUCCESSORY PROCESS

1. Type of succession vocation. The principles of Catalan inheritance law.
2. Purpose of the succession: inheritance
3. The heir. Succession Titles: hereditary and legacy
4. The opening of the succession. Phases of inheritance acquisition
5. Wills, codicils and testamentary memories: concept
6. Intestate succession: orders and degrees.
7. The legitimate.

Methodology

STATEMENT 1: 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) Discussions on a current topic directly or indirectly related to any aspect of the program (10%)
- ii) Preparation by the student of one or two cases that are later resolved in class and of which a document must be written (10%)
- iii) Exam of the part of the program' subject matter, in case of being fulfilled (20%).
- iv) A simulation of a case or the resolution of a conflict (10%)

Teachers will coordinate with each other in the organization of seminars.

Students are reminded that attendance at the Seminary is compulsory.

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. A 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*

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			
Seminars: discussion and resolution of practices, simulations of judgments and mediations, oral presentations	19.5	0.78	1, 2, 17, 3, 5, 6, 4, 7, 8, 12, 16, 9, 11, 13, 14, 15, 19
lectures, resolution of cases, process and mediation rol playing, oral presentations	19.5	0.78	1, 2, 17, 5, 6, 4, 8, 12, 10, 13, 14, 19
Type: Supervised			

Exam	2.5	0.1	1, 2, 17, 3, 6, 4, 12, 16, 14, 15
Midterm exam	2.5	0.1	1, 2, 3, 6, 4, 8, 12, 16, 9, 15
Type: Autonomous			
Search of bibliography and case law, learning, readings, production of legal documents	106	4.24	1, 2, 3, 5, 6, 4, 7, 8, 12, 16, 9, 13, 14, 15, 19

Assessment

MARKS AND ASSESSMENT SYSTEM (5 Hours)

ORDINARY MARKS AND ASSESSMENT SYSTEM:

I. *Ongoing assessment of the student.*

1. A partial exam is proposed as an autonomous activity, the specific form of which will be determined by each teacher in their group

2. The resolution of two cases and subsequently the production of a legal document(10%), debates on current legal topics in relation to the programm of Civil Law I (10%), role playing of a dispute with intervention of a third party (20%) are taking 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 subject.

III.Marks system

Ongoing student assessment is 50% of the final mark. Final exam is 50 % 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 achieved in the reassessment.

CALLS

Those settle by the academic bodies.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam	50%	0	0	1, 2, 17, 3, 5, 6, 4, 7, 8, 12, 16, 10, 9, 11, 13, 14, 15, 18, 19

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%, 20%, 10% respectively	0	0	2, 17, 6, 8, 16, 10, 13, 14
re-exam	100%	0	0	1, 2, 3, 5, 4, 7, 8, 12, 16, 9, 13, 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, 2018. (electronic version available)
- *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, 2019.
<http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/ebook/sh>

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.

Software

The course does not require any specific software