

Roman Law

Code: 102231
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Nuria Coch Roura

Jakob Fortunat Stagl

External teachers

Es determinaran en breu

Prerequisites

COURSES

Group 1: Prof. Nuria Coch

Group 2: Prof. Jakob Stagl

Group 3: Prof. Jakob Stagl

Group 51: Prof. Nuria Coch

Group 70: Prof. Jakob Stagl

SEMINARS

Sem. 11: Prof. Nuria Coch

Sem. 12: It will be determined

Sem. 13: It will be determined

Sem. 21: Prof. Jakob F. Stagl

Sem. 22: Prof. Nuria Coch

Sem. 23: It will be determined

Sem. 31: Prof. Jakob F. Stagl

Sem. 32: It will be determined

Sem. 33: It will be determined

Sem. 511: Prof. Núria Coch

Sem. 512: It will be determined

Sem. 513: It will be determined

Sem. 701: Prof. Jakob Stagl

Sem. 702: Prof. Nuria Coch

Sem. 703: It will be determined

Objectives and Contextualisation

For the purposes of an adequate monitoring of Roman Law, a good knowledge and understanding on the part of the students of the basic institutions covered by the Programme is of great interest.

At the same time, an understanding of the discipline entails an adequate deepening of the subjects covered and a great advantage in being able to read complex texts and understand them.

Roman Law is a subject taught in the first term of the first year of studies. This is a subject that allows the student to acquire basic notions of an essential subject - Private Law and the History of European Law Institutions - within the Degree.

Thus, Roman Law has the academic utility of critically opening up the great topics that will later be developed in the various subjects with institutional content and thought that make up our legal system in the Western world.

In this sense, Roman Law is the basis from which the knowledge and understanding of legal institutions, the legal vocabulary, the understanding of a complete legal system in all its manifestations, as well as the development of analytical capacity and legal criticism between the initial months of graduation will be developed.

From the formative perspective, Roman Law aims to achieve several objectives for the student, among which we would like to highlight the following:

Study of legal thought, from its origins in Rome to its projection in the European and Latin American Codifications. Knowledge of the Private Law Institutions that make up the European Legal Culture.

The exercise of critical thinking and reflection on the intimate connection between the enunciation of rights and their procedural protection.

Seek the sources and argue what may be, in each case, the solution best suited to the law (i.e. the *ius*, as a procedural position).

Competences

- 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.
- Identifying and solving problems.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Memorising and utilising legal terminology.

Learning Outcomes

1. Applying the procedural defence resources of law.
2. Assessing the evolution of law in Rome in relation to the social and economic evolution of the society producing it.
3. Assessing the revitalizing and creative role of Roman jurisprudence.
4. Assessing their influence in the European legal tradition.
5. Critically thinking about a jurist law versus a law based in the force of the law.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Describing the fundamental legal concepts, in the Roman law and the current private law.
8. Distinguishing the foundations of the Institutions of Roman Private Law.
9. Distinguishing the role and independence of legal judgements, in the face of the facultative control exercised by the Edict-announced magistrate resources.
10. Identifying and differentiating the sources of law.
11. Identifying and solving problems.
12. Reviewing the impact of the Justinian law and the influence of the Corpus Juris Civilis in the Western legal tradition.
13. Underlying that same evolution in the Western legal tradition.
14. Using basic legal terminology in in terms of procedural matters: individual and family law, succession law, property law and rights in rem, law of obligations and contracts.

Content

The program has been adapted to the implementation of the New Teaching Model approved by the Faculty Board on June 27, 2019.

It focuses on the study of the institutions of Roman Private Law, since they form the most solid basis for Introduce students to the knowledge of the multiple disciplines that make up the core of Law studies (civil, commercial, procedural...) more focused on the exercise of traditional legal professions.

The structure of the program has been drawn up within a system that is very close to the tradition of Private Law in Spain and Catalonia and is divided into two large sections:

I- History and sources of Roman Law, as a prior and necessary framework for assessing institutions.

II- Institutions of Roman Private Law.

In every Institution, for reasons of scientific coherence, procedural defense will be explained. Roman Law starts from the perspective of the procedural resources that defend conflicting interests and lies on the work of interpretation and creation of Law by jurists, by the Judges and by the resources of the Praetor.

Program.

- Significance for European legal culture. Historical periods.
 - Subjects of law.
 - Roman civil procedural Law.
 - Real rights. Property.
 - Contracts as a source of obligations.
 - Family Law.
 - Succession Law. Comparative study of hereditary institutions in the current systems.
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Methodology

It is assumed that the student's learning process is their own work: students learn by working, and it is the teachers' mission to help them in this task, providing support, guidance, and information about the sources they can turn to in order to achieve this.

In this context, the learning process takes the form of the following activities:

I. Theoretical classes (directed activity): lectures on the subject, combined with discussion questions formulated by the teaching staff and the students themselves.

II. Seminars (directed activity): attendance at seminars is compulsory, except in cases of justified cause. Students must play an active role during the development of the various activities.

III. Tutorials (supervised activity): students may request individual and group tutorials for any of the aspects that make up their learning.

IV. Study for the final exam, which may be in whole or in part test type, which will achieve the content of the program through specific questions that allow knowing the degree of reflection and knowledge of the students. Attendance in classes, participation in the practical sessions of the course, and attendance at seminars and conferences will be assessed.

The development of the teaching of the subject and the training of the students is based on the following activities:

1. Directed activities:

1.1. Theoretical/lecture classes: these are conceived as a method of transmitting knowledge from the teaching staff to the students.

1.2. Seminars and tests: where students analyze and solve previously elaborated assumptions. The basis of seminars and tests is the understanding and critical application of the solutions of Roman jurisprudence related to the essential content explained in the theoretical classes.

The teaching staff will publish a calendar of activities planned for the course on the Virtual Campus.

1.3. Supervised classroom activities: these are activities that students carry out in the classroom, with the supervision and support of the teaching staff. This involves the preparation of a practical case study, commenting on the cases worked on at home and oral interventions with questions proposed by the students or by the teaching staff. The use of tutorials, either individually or in groups, is also eligible for this consideration.

The teaching staff will determine in each case which activities will be proposed each year.

2. Autonomous activities:

2.1. Elaboration of practical activity documents: which are delivered in advance and analyzed in the classroom. These are practical cases proposed in advance by the teaching staff.

2.2. Search for a bibliography and instrumental jurisprudence for the resolution of the practical cases. In some cases, students will have to do their own research on the documentation.

The continuous assessment system combines lectures, participation in seminars (to round off the mark), the two evaluable practical tests, and the resolution of a final exam (which may be all or part of a multiple-choice test).

The single assessment system includes the same number of evaluable tests, in principle, three tests: two of a more practical nature and an exam with a structure similar to that of the students who follow the continuous assessment.

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			
Evaluation	5	0.2	
Seminars	19.5	0.78	1, 6, 9, 11, 14
Theoretical classes	19.5	0.78	7, 8, 5, 12, 14, 2, 4
Type: Autonomous			
Reading texts	66	2.64	7, 8, 5, 12, 14, 3, 2, 4
Search for documentation and bibliography	9	0.36	10, 14
Study	31	1.24	8, 12, 4

Assessment

Course evaluation

There are two assessment models: continuous assessment and single assessment.

In the continuous assessment, attendance to the guided activities (classes and seminars) is compulsory.

In the single assessment, attendance to classes and seminars is not required, only to the evaluable tests.

1.- Continuous assessment:

Students will have to attend the directed activities (lectures and seminars). Seminars allow the participation and control of students' knowledge achievement due to their smaller format. Through the practices developed in the seminars it is possible to verify the evolution of the student, their progression with the subject.

Students will be able to benefit from supervised activities (tutorials) both individually and in groups.

The final mark for the subject if this system is followed is obtained from the grade of the 2 evaluable assignments that the student has to do throughout the course, as well as from the mark of the final exam.

1.1- Practicals (50% of the final mark)

There are two examinable practicals. Each one counts for 25% of the final mark for the course and takes place on dates that have been previously notified; its object is a text or practical case that has been released in advance so that each student can prepare it at home in depth. The test consists of questions on the case study, which are posed and solved individually in class.

The practice that has not been carried out has 0 points.

If there is a justifiable reason for not doing the practical test (which must be presented and accredited immediately before or after, in an irrefutable manner), this practical test can be made up in the manner and on the day agreed upon by the teacher.

1.2 - Final exam (50% of the final mark)

It will consist of a single exam of the whole program of the subject, which will be worth 50% of the final grade of the course. The exam, which may be in whole or in part, is a multiple-choice test, and aims to check not only whether the student has memorized the material, but above all whether he/she has understood it.

Details of the multiple-choice tests, such as the number of questions and the penalties for incorrect answers, will be published on the virtual campus.

1.3 Re-evaluation of the course.

Students who have failed the course, i.e. the average of the two evaluable practicals and the final exam pot is a fail, can take a re-evaluation exam provided that they have taken the two evaluable practicals (even if they have not passed).

The type of exam and the conditions are published on the virtual campus. The final grade of this exam is the final grade of the course.

2. Single assessment.

In the single assessment, students do not have to attend the directed activities (theory classes and seminars). The single assessment must be requested within the deadlines and in the form established by the Faculty, and implies the renunciation of continuous assessment.

It means that the assessment is concentrated on a single date, despite the fact that tests of various types and with the same number of pieces of evidence as for continuous assessment will have to be taken. Specifically, there will be three tests, two of a practical nature (questions on practical cases or text commentaries) and an exam with the same characteristics as the continuous assessment.

Each of the two practical tests will be worth 25% and the theory exam 50%.

The same re-evaluation system will be applied in the continuous assessment.

Students who request a single assessment can make use of the supervised activities (tutorials) with the teaching staff on an Individual or group basis.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final examination of contents	50%	0	0	1, 6, 7, 8, 9, 10, 11, 5, 12, 13, 14, 3, 2, 4
Practices and activities of proposed continuous evaluation	50%	0	0	1, 6, 7, 8, 9, 10, 11, 5, 12, 13, 3, 2, 4

Bibliography

OBLIGATORY BIBLIOGRAPHY

- Fernández de Buján, Antonio. Derecho Romano. Madrid, Aranzadi. 4th ed. 2020 available online through the Biblioteca de Ciencias Sociales.

- Miquel, Joan. Derecho Romano. Madrid, Marcial Pons, 2016.

RECOMMENDED BIBLIOGRAPHY

FERNÁNDEZ DE BUJÁN Y FERNÁNDEZ, A., Albuquerque, J. M. (dirs). Manual de casos prácticos de derecho romano. Madrid: Dykinson, 2018. ISBN 9788491487906.

FERNÁNDEZ DE BUJÁN, A Derecho Privado Romano 11th edition. Iustel.2022.

TALAMANCA, M Istituzioni di Diritto Romano Giuffrè ed. Milano 1990.

ZIMMERMANN, R The law of Obligations. Cape Town. 1990

Online resources:

Sources of Roman Law. <http://guiesbibtic.upf.edu/dret/roma>

Page of the library of the Faculty of Law of the UPF, which provides access to numerous Roman sources (the Corpus iuris Civilis translated by García del Corral, among them).

Software

The subject does not require any specific software.