

Civil Law I

Code: 102300
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	2

Errata

There has been changes in the lecturers who will be in charge of the following groups:

Magistral sessions:

Group 2 theory: Prof. Glòria ORTEGA

Group 3 theory: Prof. Guillem IZQUIERDO

Seminar sessions:

Group 1.1 Prof. M. MARTIN

Group 2.2 Prof. Glòria ORTEGA

Group 3.2 Prof. Guillem IZQUIERDO

Group 703 Prof. Isabel GARCIA

Contact

Name: Xavier Cecchini Rosell

Email: xavier.cecchini@uab.cat

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

Xavier Cecchini Rosell

Mariona Torra Cot

Maria Planas Ballvé

Guillem Izquierdo Grau

Montserrat Martín Bover

Maria Isabel Garcia Ruiz

Olga Villagrasa Aguilar

Glòria Ortega Puente

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, Constitucional law and legal History. Very important is also the correct use of the legal terminology.

II. Lecturers:

102300-DRET CIVIL I			
Grup	Professorat	Horari	Idioma
1	Cecchini	dj. 8.30 - 10 h (dll 10,15-11,45h. 3 primeres setmanes)	ca
2	Izquierdo	dj.12-13.30 h (dj. 13,35-15,05h. 3 primeres setmanes)	ca
3	Ortega	dm. 10,15-11,45 h. (dll. 8,30-10h. 3 primeres setmanes)	sp
51	Planas	dj.16-17.30 h (dll. 17,45-19,25h. 3 primeres setmanes)	ca
Seminaris			
11	Ortega	dll. 10.15-11.45 h	ca
12	Cecchini	dll. 10.15-11.45 h	ca
13	Izquierdo	dll. 10.15-11.45 h	ca
21	Vilagrasa	dj.13.35-15.05 h	ca
22	Izquierdo	dj.13.35-15.05 h	ca
23	Torra	dj.13.35-15.05 h	ca
31	Martín	dll. 8,30-10 h.	sp
32	Ortega	dll. 8,30-10 h.	sp
33	Torra	dll. 8,30-10 h.	sp
511	Vilagrasa	dll. 17.45-19.15 h	ca
512	Planas	dll. 17.45-19.15 h	ca
513	Garcia	dll. 17.45-19.15 h	ca
70	Cecchini	teoría: dx. 8.30-10 h (dj. 10.15-11,45 h. 3 primeres setmanes)	ca
701	Torra	dj. 10,15- 11,45 h	ca
702	Cecchini	dj.10,15-11,45 h	ca
703	Martín	dj. 10,15-11,45 h	ca

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.

Start of the course and schedule of teaching weeks

The course will start on September 12.

Each semester has a schedule of 13 effective teaching weeks. Therefore, the days affected by holidays and other incidents must be rescheduled within the 14th and 15th weeks of each semester, so that each subject has the same teaching hours.

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 LAW I PROGRAMME

UNIT 1. CIVIL LAW AND CIVIL REGULATIONS

1. Public Law and Private Law. Concept of civil law. Difference between Code and compilation.
2. The European codification process. The Spanish civil codification. The Spanish Civil Code.
3. The codification of Catalan Private Law. The Civil Code of Catalonia.
4. The plurality of civil laws in the Spanish state.
5. Legislative powers of the autonomous communities in civil matters: art. 149.1.8 CE.

UNIT 2. THE CIVIL VICINITY

1. Civil vicinity: concept and characteristics. The existing civil vicinities.
2. Acquisition of the civil vicinity.
3. Modification or exercise of option.
4. Conservation, loss and recovery of the civilian civinity.
5. Vicinity and nationality.
6. Proof and evidence in the civil registry.

UNIT 3. THE SOURCES OF CIVIL LAW

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

UNIT 4. SPATIAL EFFECTIVENESS AND APPLICATION OF THE CIVIL LAW

1. Spatial effectiveness of the rules.
2. Temporary effectiveness of the rules: entry into force, loss of force, retroactivity, transience.
3. General effectiveness of the rules: subjection to the legal system and the law, ignorance of the law, error of law, voluntary exclusion of the law.
4. Sanctioning effectiveness: nullity, legal fraud.
5. Application of the civil law.
6. Interpretation: object, purpose and classes. Ways of interpretation. The integration.
7. Analogy and equity.

UNIT 5. TIME AND ITS LEGAL EFFECTS IN CIVIL LAW

1. Time: units of time, computation.
2. Extinctive prescription: object, characters, subjects, terms, interruption, suspension and renunciation.
3. Expiration: concept, object, characters, classes and legal regime.
4. The preclusion.

UNIT 6. THE NATURAL PERSON. PERSONALITY AND CAPACITY

1. The person: characterization. The birth. The protection of the conceived. Registration of birth.
2. Legal capacity: concept and characteristics.
3. Extinction of personality: death, death at the same moment, registration of death.

UNIT 7. CIVIL STATUS AND PERSONAL CONDITIONS. REGISTRATION CONSTANCE

1. Civil status: concept and characteristics.
2. Traditional civil statuses and emerging personal conditions.
3. Civil status certificates.
4. Registration certificate.

UNIT 8. PERSONALITY RIGHTS

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 patient's health.
3. The rights in the moral sphere: the right to the name; the right of honour, personal and family privacy and one's image; freedom of expression and information; the right to rectification; the right to protection of personal data; the moral right to intellectual property.

UNIT 9. THE SITUATION OF MINORITY AND HOMELESSNESS

1. Age.
2. The situation of minors: 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, family care and foster care, pre-adoptive care, transition measures to adult life and personal autonomy.

UNIT 10. ASSISTANCE FOR PERSONS WITH DISABILITIES

1. The adaptation of domestic law to the International Convention on the Rights of Persons with Disabilities.
2. Preventive powers.
3. Assistance.
4. The protected patrimony.

UNIT 11. INSTITUTIONS FOR THE PROTECTION OF MINORS

1. Parental authority: concept and characteristics, appointment and exercise, content, vicissitudes, suspension and deprivation.
2. Guardianship: constitution, content, exercise and termination. The guardianship council.
3. The de facto guardian.
4. Judicial aid.

UNIT 12. LOCATION OF THE PERSON

1. Domicile, residence and whereabouts.
2. Situations of absence: the situation of the missing person.
3. Legal absence. Concept, terms and effects.
4. Presumption of death. Concept, terms and effects. The revocation of presumption of death. Effects
5. Registration certificate.

UNIT 13. THE LEGAL ENTITY

1. The legal entity: concept. Classes. Legal personality. Capacity. Extinction
2. Foundations: regulatory rules, classes, concept and structure. Constitution and acquisition of personality, organs and regime, modifications and dissolution.
3. Associations: right of association, regulatory rules, concept, requirements, constitution, bodies and operation. Structural modifications and dissolution.
4. Civil partnership.

UNIT 14. FAMILY AND RELATIONSHIP

1. Family and families.
2. Kinship: concept, classes and degrees.
3. Assistance of family origin.

4. Filiation: classes. Determination effects. Filiation actions. The adoption of a child.
5. Marriage: capacity, consent and forms.
6. Personal and patrimonial effects of marriage: economic relations between the spouses.
7. Separation, divorce and marriage annulment: general characterization and common effects.
8. The regulation of stable cohabitation as a couple.
9. Reference to family mediation.

UNIT 15. THE SUCCESSION PROCESS

1. The call of the successor.
2. The opening of the succession. Phases of succession.
3. The principles of Catalan succession law.
4. Object of succession: the inheritance.
5. The heir and the legatee. The heir in rem and the legatee in aliquot share.
6. Wills, codicils and testamentary memoranda: concept.
7. Intestate or law succession: orders and degrees.
8. The legitimate: subjects, amount and calculation.

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's 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.

The theory teacher will be in charge of Seminar Group 2.

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, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19
lectures, resolution of cases, process and mediation role playing, oral presentations	19.5	0.78	1, 2, 4, 5, 6, 8, 10, 12, 13, 14, 17, 19
Type: Autonomous			
Search of bibliography and case law, learning, readings, production of legal documents	101	4.04	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19
assessment	5	0.2	2, 4, 7, 13, 17

Assessment

EVALUATION SYSTEM OF THE ACQUISITION OF SKILLS AND QUALIFICATIONS SYSTEM (5 Hours)

ORDINARY EVALUATION AND QUALIFICATION SYSTEM:

I. Continuous evaluation:

The continuous assessment is made up of three main parts:

The first part is the realization of practical activities that will be carried out at home and discussed in class. The students will not have to present anything in writing unless the teaching staff so indicate. This part has a value of 20%.

The second part is the completion of a non-liberating partial exam. The partial will consist of a first test-type part and a second part of theoretical questions to be developed. The value of this part is 15%.

The third part is the so-called reverse teaching, where the student will have to deliver a video about the content of a subject of the program that the professor will assign to him. The value of this part is 15%.

The remaining 50% to obtain the approved subject will be made up of the final exam. The final exam will consist of three theoretical questions to be developed.

II. Final exam

Students will be able to take the final exam regardless of the grade obtained in the continuous assessment.

The subject will only be passed if a grade of 4 out of 10 or higher is obtained in the final exam.

The specific type of final exam will be written. Students are examined for the entire subject program, even if for academic or extra-academic reasons it has not been possible to give all the content in the lectures.

III. Unique evaluation:

Content of the single evaluation

The single evaluation must have the same level of complexity as the continuous evaluation and in it the students must demonstrate the acquisition of the knowledge and skills specific to each subject, in accordance with what is established in the teaching guide, in which the content of the single evaluation test will be specified.

In any case, the single evaluation, like the continuous assessment, must include a minimum of three assessable activities, of two different types, none of which can represent more than 50% of the final grade.

In the event that it is required to present evidence that the student has carried out his learning independently during the academic year, on the single assessment date it must be verified that the student has acquired the knowledge and skills through his completion planned

The single evaluation will consist of the following tests, which must be carried out individually and individually for each student, on the official date scheduled for the final exam:

- a) the resolution of a transversal practical case, where the student will have to answer the questions asked about the case. (40%)
- b) the completion of a 30-question test (true/false) where incorrect questions and those left blank will be penalised. (20%)
- c) the completion of a written test of theoretical content, where students will have to demonstrate their knowledge of the subject's program. (40%)

IV. Subject qualification with the continuous evaluation system

The score obtained in the continuous evaluation will be worth 50% of the subject's grade. The final exam score will be worth 50% of the subject's grade.

Continuous evaluation note: it will consist of the notes obtained in the practical activities proposed in the seminars, as well as the reverse teaching activities and the partial exams carried out during the course.

Final exam grade: in order to pass the subject, the final written exam must be passed with a minimum grade of 4 out of 10.

The subject will be approved by obtaining a minimum of 5 out of 10, in accordance with the established percentages.

V. RE-EVALUATION

To access the re-evaluation, a minimum grade of 3 out of 10 must be obtained for the subject, whether the student has opted for the single evaluation or the continuous evaluation. Students are examined for all the subject's program.

To be able to access the re-evaluation, you must have taken the final exam.

The subject will be approved by obtaining a minimum of 5 out of 10, in accordance with the established percentages. The final mark will be the one obtained in the re-evaluation exam.

In the re-evaluation exam, the student is examined for 100% of the subject without taking into account the grade of the continuous evaluation.

Students who have opted for the single evaluation will have the same type of exam as in the final exam carried out in the single evaluation: it must include a minimum of three assessable activities, of two different types, none of which may represent more than 50% of the final grade.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
EVALUATION	100%	5	0.2	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19

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)
<https://biblioteca-tirant-com.are.uab.cat/cloudLibrary/ebook/show/9788413130620>

- *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/show/9788413130620>

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