

Civil Law III

Code: 102239
ECTS Credits: 6

2024/2025

Degree	Type	Year
2500786 Law	OB	2

Contact

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Teachers

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Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

A good follow-up to the Civil Law course III requires a good knowledge of the fundamentals of Roman law, Civil law I and civil law II, together with the correct use of legal terminology. Indispensable is, also, attendance and performance of all evaluable activities and tests that make up continuous assessment, as well as the continuous study of the subject that is taught in the subject from the very beginning of the course, with the help of the corresponding manuals.

The teaching assignment among teachers is distributed as follows:

Grup	Professorat	Horari
1	Robert	dm. 10.15 - 11.45 h (dm.8,30-10h primera setmana)
2	Nuñez	dll.13.45 -15.15 h (dll. 12-13,30 h primera setmana)
51	Núñez	dm. 17.45 -19.15 h (dm. 16-17,30 h primera setmana)
Seminaris		
11	Robert	dm.8.30 - 10 h Setmana 15 només 2 hores seminaris

12	Arroyo	dm.8.30 - 10 h Setmana 15 només 2 hores seminari
13	Hurtado	dm.8.30 - 10 h Setmana 15 només 2 hores seminari
21	Núñez	dll.12 - 13.30 h Setmana 15 només 2 hores seminari
22	Arroyo	dll.12 - 13.30 h Setmana 15 només 2 hores seminari
23	Martín	dll.12 - 13.30 h Setmana 15 només 2 hores seminari
511	Núñez	dm. 16 - 17.30 h Setmana 15 només 2 hores semina
512	Alonso	dm. 16 - 17.30 h Setmana 15 només 2 hores semina
513	Planas	dm. 16 - 17.30 h Setmana 15 només 2 hores semina
70	Robert	dj. 10,15-11,45 h. (dj. 8,30-10 h. Primera setmana)
701	Robert	dj. 8,30-10 h. Seminari Setmana 15 només 2 hores seminari
702	De la Rosa	dj. 8,30-10 h. Seminari Setmana 15 només 2 hores seminari

"The teaching of the subject will be taught taking into account the perspective of the Sustainable Development Goals".

Objectives and Contextualisation

Civil law III is a subject that is taught in the second semester of the second year. It has as its purpose the acquisition of the basic notions, both of the general theory of the contract, and the types of contracts in particular most used in the legal traffic. The objective is the acquisition of the aforementioned knowledge, not only at the state and regional level (study of Catalan regulation in the matter), but also, from a European perspective, given the increasing influence of Community law on contracts in the ordering of our state and in the Catalan order.

It is an essential subject because it constitutes the basis from which other subjects of the degree will be developed, such as civil law IV, family Law, inheritance law, civil responsibility or right of consumption.

Civil law III aims for the student to achieve several objectives, notably:

- Identify the fundamental concepts of the general theory of the contract and the contracts in particular.
- differentiate between the various contractual legal relations in the field of patrimonial civil law, and
- To connect the right of contracts with the right of obligations.

Competences

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- 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 the underlying conflicts of interest in disputes and real cases.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Planning and organising: managing of time, resources, etc.
- 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 demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- 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 fundamental concepts of civil law.
2. Analysing the specific institutions of the property law.
3. Applying communicative strategies in order to identify and explain legal conflicts in the different fields of civil law, family law, successions, consumption, minors and civil responsibility.
4. Applying concepts in a cross-cutting way to the several subjects of civil Law from the jurisprudence of the different jurisdictional bodies.
5. Applying strategies in order to produce written and oral texts in the several fields of civil law.
6. Applying the knowledge acquired in the preparation of documents that reflect specific legal interests.
7. Contextualising the creation forms of Law in the property field.
8. Critically interpreting the foundations of the civil law.
9. Defining the European and international concepts in terms of equality.
10. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
11. Distinguishing the socio-legal context of several civil institutions.
12. Drawing up written texts (contracts, wills).
13. Identifying the conflicts of interest that are trying to be solved by the legislator when elaborating civil regulations.
14. Managing bibliographic and documentary resources: databases, browsing, etc.
15. Planning and organising: managing of time, resources, etc.
16. Presenting orally, with a critical discourse, the reforms of civil institutions.
17. Producing oral and written texts and presenting points of view about civil-legal institutions.
18. Producing oral and written texts of egalitarian discourse.
19. Producing oral texts in the several fields of civil law, showing specific communicative abilities.
20. Producing reports about new legal changes.
21. Solving interferences between the several conflict interests of civil regulations.
22. Students must be capable of communicating their points of view in a compelling way.
23. Students must be capable of learning autonomously and having an entrepreneurial spirit.
24. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
25. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

The subject under study in this subject has been regulated by the Catalan legislator, which has approved "Law 3/2017, of 15 February, of the Sixth Book of the Civil Code of Catalonia", relating to obligations and contracts, which for the time being, has contemplated the following contractual figures: the contract of sale, the contract of rustic lease, the contracts of cultivation, the partnership, the contract of integration, the contract of exchange, the contract of cession of property to change of future construction, representative mandate, management of other people's business, violating and food contract.

The Law of the Sixth Book of the Civil Code of Catalonia, has undergone a modification in the regulations of the sale and purchase by means of the Decree Law 27/2021, of 14 December, of incorporation of the Directives (EU) 2019/770 and 2019 / 771, in order to regulate in the Catalan system the sale and purchase of

goods that incorporate or are interconnected to digital content or services, and also incorporate a new fourth section which regulates a new contractual category considered different from the sale: the contract for the supply of digital content and services.

In the rest of the matter not regulated by the Catalan legislator, it is necessary to apply and manage the state legislation.

The contents of the subject are as follows:

ASSIGNMENT PROGRAM

GENERAL THEORY OF CONTRACT

UNIT 1. PRIVATE AUTONOMY. THE CONTRACT AND ITS ELEMENTS

1. The declaration of will. The legal value of silence
2. Private autonomy: legal limits (law, morality and public order); de facto limits (adhesion contracts and compulsory contracts).
3. The contract: concept and types of contracts
4. The elements of the contract:
 - 4.1. The consent
 - 4.2. The object
 - 4.3. The cause
 - 4.4. The shape

SUBJECT 2. THE FORMATION OF THE CONTRACT

1. Duties and responsibility in the pre-contractual phase:
 - 1.1. Information duties in the offer or advertising; good faith and honesty in dealings.
 - 1.2. The formation of the contract as a result of some preliminary agreements: the duties of the parties in the phase of preliminary agreements and the responsibility for the breach of agreements. The letters of intent.
2. The formation of the contract by the offer and acceptance:
 - 2.1. The offer of the contract: concept, requirements, validity, revocation of the offer.
 - 2.2. The acceptance of the offer: concept, requirements, term to issue the acceptance.
 - 2.3. The perfection of the contract: moment; place of conclusion of the contract; distance contracting; contracting by electronic means
3. The preparatory contracts: characterization; the pre-contract; the option contract.

SUBJECT 3. THE GENERAL CONDITIONS OF THE CONTRACT, THE ABUSIVE CLAUSES AND THE INTERPRETATION OF THE CONTRACT

1. Serial contracting: concept and characterization.
2. General contracting conditions: concept; incorporation control.
3. Unfair clauses: concept; control of incorporation, transparency and content. Legal effects.
4. Record of general conditions of the contract.

5. The interpretation of the contract.

6. The integration of the contract.

UNIT 4. THE IRREGULAR FORMATION OF THE CONTRACT IN THE EXTERIORIZATION OF CONSENT

1. The absolute lack of consent:

1.1. dissent

1.2. The declaration without seriousness or declaration iocandi causa

1.3. the mental reservation

1.4. the simulation

2. The vices of consent:

2.1. The declaration without freedom: violence and intimidation

2.2. The error-vice

2.3. The idol

SUBJECT 5. THE EFFECTIVENESS AND THE MODIFICATION OF THE CONTRACT

1. The contractual effectiveness:

1.1. Rule of thumb: typical binding efficiency

1.2. Exceptions to the general rule:

1.2.1. The effectiveness with respect to third parties

1.2.2. Modification of the contract due to altered circumstances.

1.2.3. The one-sided withdrawal

UNIT 6. INEFFECTIVENESS AND DISABILITY

1. Invalidity and ineffectiveness; non-existence: conceptual precisions.

2. Types of contractual ineffectiveness:

2.1. Nullity: concept, causes, action and consequences of the nullity of the contract.

2.2. The annulability: concept, causes, challenge action; the confirmation

3. Termination: general characterization of the action

3.1. Termination in Catalan law: the unfair advantage and the injury in more than half.

CONTRACTS IN PARTICULAR

SUBJECT 7. THE CONTRACT OF MANDATE AND THE FIGURE OF THE MANAGEMENT OF OTHER BUSINESSES

1. Representation in general: concept, classes.

2. The mandate contract: mandate with representation and without representation.

3. Management of other people's businesses.

UNIT 8. THE PURCHASE CONTRACT

1. The sale: concept and characters. Civil comes out; trade; of consumption.
2. Subjects and capacity. buying bans
3. Object: the thing and the price; the double sale
4. Obligations of the seller
5. Obligations of the buyer
6. The remedies in the event of default by the parties.
7. Domain reservation agreement
8. The resolutive condition agreement
9. The question of risks
10. Special sales: the sale by letter of grace; sale of movable property in installments.

SUBJECT 9. THE AGREEMENT OF EXCHANGE AND ASSIGNMENT OF PROPERTY

1. The exchange: concept, characteristics and legal regime
2. The transfer of land or building in exchange for future construction: concept, elements of the contract, obligations of the parties, regime of non-compliance and termination

UNIT 10. THE THING LEASE CONTRACT

1. The lease of thing: general legal regime.
2. Leasing
3. Legal regime of urban leases:
 - 3.1. Housing rental and rental for use other than housing
4. The rustic lease: basic notions.

SUBJECT 11. THE LEASING OF SERVICES AND WORKS

1. The service lease contract
2. The deposit contract
3. The construction lease contract.
 - 3.1. The construction contract in the Building Regulation Law.
4. Provision of services and work in collaboration contracts: the partnership contract.
5. The contract for the supply of content and digital services

UNIT 12. LOAN AND FINANCING CONTRACTS

1. The loan-loan
2. The loan-mutual
3. The consumer loan agreement.

4. Financial leasing or financial leasing.

UNIT 13. RANDOM CONTRACTS

1. Characterization

2. the rapist

3. The food contract

4. The game and the bet

5. The insurance contract

SUBJECT 14. THE EXTRAJUDICIAL SYSTEMS OF CONFLICT RESOLUTION

1. The transaction.

2. Mediation.

3. Arbitration:

3.1. ordinary arbitration

3.2. Consumer arbitration. The out-of-court resolution of online consumer disputes.

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminar	22	0.88	1, 6, 3, 22, 9, 10, 20, 16, 12, 21, 24, 25
theoretical lessons	22	0.88	1, 2, 4, 6, 7, 9, 10, 11, 20, 14, 13, 19, 17, 24
Type: Supervised			
Tutoring and evaluation activities	15	0.6	1, 6, 19, 12
Type: Autonomous			
Legal texts reading	15	0.6	1, 2, 20, 14, 19, 18, 17, 12, 24

Study	25	1	4, 3, 5, 7, 10, 20, 14, 13, 8, 15, 19, 18, 17, 23, 24
Works writing	15	0.6	1, 2, 5, 22, 7, 9, 10, 20, 8, 15, 19, 18, 12, 25
assessment	0	0	1, 2, 4, 6, 5, 22, 10, 16, 14, 13, 8, 15, 19, 18, 17, 24, 25
bibliography and jurisprudence search	15	0.6	15, 23, 24, 25
resolution of practical cases	16	0.64	1, 4, 6, 5, 7, 10, 8, 15, 17, 12, 23, 25

The learning process starts, mainly, from the continuous work of the student, through a process of assessment of the assumption of the knowledge and formative aims fixed, that give to know through proofs of diverse typology, his academic progress throughout the course, so that it allows you to improve.

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

1. Directed activities: those that respond to a predetermined schedule, that requires the face-to-face direction of the teaching staff and that is developed in groups:

1.1 Master classes: The theory teachers will present the fundamental concepts of each topic to deepen and work in the seminars in a practical way. The student achieves the conceptual bases of the subject. You can work on theoretical content based on questions asked by students in the classroom or by teachers, based on a news item that has appeared in the press, etc ...

1.2. Seminars: Attendance at seminars is mandatory. The teacher will propose at the beginning of the course the activities that they consider pertinent for the purposes of the continuous assessment by publishing in the moodle classroom a calendar with the schedule of activities. These are activities that students will develop in the classroom. , with the supervision and support of the teachers of each seminar.

2. Autonomous activities: those in which students organize their time and effort autonomously, either individually or in groups (study, bibliographic or documentary consultations, coursework, reports, etc.):

3. Supervised activity: that which, although it can be carried out autonomously, requires the more or less punctual supervision of the teaching staff (tutorials, external internships, final degree / master's thesis).

Part of the material of the activities is made available to students through the Virtual Campus.

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.

Assessment

Continous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
continuous evaluation	50%	2	0.08	2, 4, 6, 3, 5, 22, 9, 10, 20, 16, 14, 8, 15, 19, 18, 17, 12, 21, 23, 24, 25
final exam	50%	2	0.08	1, 2, 4, 6, 3, 5, 22, 7, 9, 10, 11, 20, 16, 14, 13, 8, 15, 19, 18, 17, 12, 21, 24, 25
re-evaluation	100%	1	0.04	1, 2, 4, 6, 3, 5, 22, 7, 9, 10, 11, 20, 16, 14, 13, 8, 15, 19, 18, 17, 12, 21, 24, 25

Continuous assessment (has a weight of 50% of the overall grade for the subject):

It is integrated by the different practical activities that are carried out in the seminars. The following evaluable activities are proposed: various types of practical activities (with a weight of 20% of the overall score) + a partial liberatory exam (20% on overall grade) + an oral presentation (10% on overall grade).

The head teachers of the theory of each one of the groups will coordinate with their teachers of the seminars to specify the form, content, methodology and schedule of the different continuous assessment tests.

The score in the continuous assessment will be the result of adding the grade obtained in each of the tests.

Attendance at seminars is mandatory.

The schedule that will contain the calendar of the different tests and practical activities that are carried out in the seminars must be available to the students before the beginning of the course through the virtual campus.

Final exam (has a weight of 50% of the overall grade for the subject):

All students, whether or not they have passed the continuous assessment, can take the final exam. The specific type of exam (oral, written, test, development of questions, multiple choice, etc...) will be determined by the teaching team of each group of the subject.

In order to add the total final grade for the subject (continuous assessment + final exam), students must obtain at least 4 out of 10 in the final theory exam.

Final grade of the subject with the continuous assessment system:

The score obtained in the continuous assessment will have a value of 50% of the course grade. The score obtained in the final exam will be worth 50% of the course grade.

The course is approved by obtaining a minimum of 5 out of 10, according to the established percentages and the result of adding the score obtained in the continuous assessment plus the score obtained in the final exam.

In this exam, the score must be at least 4 out of 10 to be able to average with the continuous assessment tests. If the students do not reach a 4 in this exam, they must necessarily take the retake.

REEVALUATION/RECOVERY SYSTEM

To access the re-evaluation, a minimum mark of 3 out of 10 must be obtained between the mark of the continuous evaluation and the final exam. The students are examined in the entire program of the subject.

The final grade of the students who take the reassessment will only be the one obtained in this exam, without the grade obtained in the continuous assessment being computed.

The grade required to pass the course in recovery is 5 out of 10.

SINGLE ASSESSMENT

Students have the possibility of taking the single assessment. The request for a single evaluation implies the waiver of continuous evaluation, and implies the delivery on a single date of the necessary number of evaluative evidence to accredit and guarantee the achievement of the objectives and learning results established in the subject. To request the single assessment, students must submit a reasoned request to the center within the established deadlines. It is based on the fact that the form of evaluation, most appropriate to the achievement of the formative objectives of the students, is continuous evaluation. However, it is recognized that there may be situations that prevent students from following this continuous assessment. In these cases, the aim is to establish a single assessment system that allows students to demonstrate the achievement of the training objectives set out in the subjects.

It will be made up of the following types of evaluative tests: a practical evaluation test (25%) + an oral presentation (25%) + an exam on theoretical knowledge of the subject program (50%).

The teachers responsible for each group will be in charge of explaining to the students the specific content of each of these tests.

The same recovery system that is followed for the normal continuous evaluation will be applied.

STUDENT NOT EVALUABLE

Student who must be classified as "non-evaluable". This situation occurs when the student has not been able to provide sufficient evidence of evaluation of the subject (art. 266.9 UAB Academic Regulations).

"Students will be assessable as long as they have completed a set of activities whose weight is equivalent to a minimum of 2/3 of the subject's total grade. If the value of the activities carried out does not reach this threshold, the teacher of the subject may consider the student as non-evaluable".

Important Note: A person who cheats or attempts to cheat on a test will get a 0 on the test. Students who present a practice in which there are signs of plagiarism or who cannot justify the arguments of their practice will get a 0 and receive a warning. In case of reiteration of the behavior, she will fail the subject.

Bibliography

REQUIRED BIBLIOGRAPHY

1. Curso de Derecho Civil de Cataluña. Derecho de Obligaciones y Contratos. Editorial Tirant lo Blanch, 2021. Coord. por Antonio Monserrat Valero. Disponible en formato digital Biblioteca Virtual Tirant.

2.Derecho Civil de Cataluña. Derecho de obligaciones y contratos. Editorial Marcial Pons, 2021; Del Pozo Carrascosa, Pedro/Vaquer Aloy, Antoni/ Bosch Capdevila, Esteve.

3.Derecho de Obligaciones y Contratos de Cataluña. Editorial Atelier, 2021. Coord. por M^a Carmen Gete-Alonso y Calera y Judith Sole Resina.

RECOMMENDED BIBLIOGRAPHY

1. Curso de Derecho Civil II. Derecho de Obligaciones, contratos y responsabilidad por hechos ilícitos. Editorial Tirant lo Blanch, 2021. Coord. Por Francisco Javier Sánchez Calero. Disponible en formato digital cercador Biblioteques UAB y en Biblioteca virtual Tirant.

2. Principios de Derecho Civil III. Contratos. Editorial Marcial Pons, 2021; Carlos Lasarte Álvarez.

Software

The subject does not require any specific software.

Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Catalan	second semester	morning-mixed
(TE) Theory	2	Spanish	second semester	morning-mixed
(TE) Theory	51	Spanish	second semester	afternoon
(TE) Theory	70	Catalan	second semester	morning-mixed