

| Degree | Type | Year |
|--------|------|------|
| Law | OB | 2 |

Contact

Name: Guillem Izquierdo Grau

Email: guillem.izquierdo@uab.cat

Teachers

Xavier Cecchini Rosell

Fernando Hurtado Parras

Maria Planas Ballvé

Guillem Izquierdo Grau

Laura Arroyo San Jose

Ricardo Fernando de la Rosa Fernandez

Montserrat Martin Bover

Maria Isabel Garcia Ruiz

Gloria Ortega Puente

Teaching groups languages

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

Prerequisites

Preliminary note

In order to follow and make the most of Civil Law II, it is necessary to have a good knowledge of Civil Law I and of the concepts of property law in Roman Law. It is essential to have knowledge and use of legal terminology.

Beginning of the course and schedule of the teaching sessions:

The course will begin on 9 September.

Each semester consists of 15 teaching weeks. During the first week, 3 hours of teaching will be theory. The final teaching week of the semester will consist of two hours of seminars.

The teaching of the course will be given taking into account the perspective of the Sustainable Development Goals.

The assigned teaching groups and professors are as follows:

| Grup | Professorat | Horari | Idioma |
|-----------|--------------|---|----------|
| 1 | Cecchini | dx. 10.15 - 11.45h (dm. 8.30-10h 1a setmana) | català |
| 2 | Ortega | dll.13.45 -15.15h (dll. 12 - 13.30h 1a setmana) | català |
| 51 | Izquierdo | dj. 17.45 -19.15h (dj. 16 - 17.30h1a setmana) | català |
| seminaris | | | |
| 11 | De la Rosa | dx.8.30-10 h | català |
| 12 | Planas | dx.8.30-10 h | català |
| 13 | Cecchini | dx.8.30-10 h | català |
| 21 | A determinar | dll.12-13.30 h | castellà |
| 22 | Hurtado | dll.12-13.30 h | català |
| 23 | Ortega | dll.12-13.30 h | català |
| 511 | Garcia | dj. 16 - 17.30 h | castellà |
| 512 | Arroyo | dj. 16 - 17.30 h | català |
| 513 | Izquierdo | dj. 16 - 17.30 h | català |
| 70 | Ortega | dj. 10,15-11,45 h. | català |
| 701 | Hurtado | dj. 8,30-10 h. | català |

| | | | |
|-----|--------|----------------|--------|
| 702 | Martín | dj. 8,30-10 h. | català |
| 703 | Ortega | dj. 8,30-10 h. | català |

Objectives and Contextualisation

Dret Civil II (Obligations) is one of the parts in which the subject of Civil Law in the Degree of Law is distributed, academically for teaching and evaluation:

It is located in the first semester of the second year. The matter focuses on the relations of credit and debt, the fundamental concepts and the regime of the patrimonial relations.

It is an essential subject in the Degree, the concepts, institutions and regimes of these relationships are necessary for Civil Law and the rest of the legal subjects of the Degree.

This subject is academically necessary to acquire and take on the general concepts of the obligatory relationships developed later in the other subjects of civil Law and especially in the optative subjects. Civil Law II (Obligations) is the basis from which will be developed, on the one hand, Dret Civil III (Contracts) and Dret Civil IV (Real Rights) and of another, the optionally subjects of Family Law, Law of Succession and Civil tort. In addition, this subject has a special impact on a large part of other subjects of the Degree.

Among the specific objectives, the study of the Dret Civil II (Obligations) will allow the student:

- Identify the object, sources and fundamental concepts of the right to obligations, and assume them.
- Distinguish and identify juridical relationships.
- Understand and assume the basic elements of the regime of the 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, knowing and applying the basic and general principles of the legal system.
- Identifying the underlying conflicts of interest in disputes and real cases.
- 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 positive law that is the subject of study and assessment is the Civil Law applicable in Catalonia.

TOPIC 1. THE LEGAL RELATIONSHIP

1. The legal relationship:
 - 1.1. Concept and classification;
 - 1.2. Structure.
2. Subjective rights:
 - 2.1. Structure;
 - 2.2. Categories;
 - 2.3. Secondary legal situations.
3. The object: goods and things:
 - 3.1. Concept and legal characteristics.
4. The estate (patrimony): concept and functions.

TOPIC 2. THE OBLIGATORY RELATIONSHIP

1. The obligatory legal relationship:
 - 1.1. Concept and structure;
 - 1.2. Legal features.

2. The credit (claim).
3. The debt (obligation to perform).
4. The object of the obligation:
 - 4.1. Definition;
 - 4.2. Requirements.
5. Debit and liability:
 - 5.1. Concept;
 - 5.2. Natural obligations.

TOPIC 3. SOURCES OF OBLIGATIONS

1. Sources of obligations.
2. Legal obligations.
3. Contractual obligations.
4. Non-contractual sources:
 - 4.1. Quasi-contracts;
 - 4.2. Civil liability.
5. Unilateral declarations of will.

TOPIC 4. TYPES OF OBLIGATIONS (I)

1. Obligations to give, to do, and not to do:
 - 1.1. Obligations to do;
 - 1.2. Obligations not to do;
 - 1.3. Obligations to give;
 - 1.4. Obligations of means and obligations of result.
2. Generic and specific obligations.
3. Alternative and facultative obligations.
4. Monetary obligations:
 - 4.1. Concept, features, and functions;
 - 4.2. The Spanish monetary system;
 - 4.3. The nominalism principle and its adjustments: stabilization clauses;
 - 4.4. Interest-bearing obligations;
 - 4.5. Credit cards: concept, types, and functions;
 - 4.6. Electronic money.

TOPIC 5. TYPES OF OBLIGATIONS (II)

1. Plurality of performances:
 - 1.1. Principal, ancillary, and subsidiary obligations;
 - 1.2. Divisible and periodic obligations.
2. Unity and plurality of legal ties.
3. Reciprocal (synallagmatic) obligations:
 - 3.1. Concept and characteristics;
 - 3.2. Default regime;
 - 3.3. Termination for breach.

TOPIC 6. CIRCUMSTANCES OF THE OBLIGATORY RELATIONSHIP

1. Circumstances of the obligation.
2. The place of performance.
3. Time and duration of performance:
 - 3.1. Instantaneous and continuing obligations;
 - 3.2. Time as an essential element;
 - 3.3. Immediate and deferred effect of the obligation.
4. Obligations subject to a term: concept, legal characterisation, and types of terms. Legal regime.
5. Conditional obligations: concept, function, and classification:
 - 5.1. Legal regime of the suspensive condition;
 - 5.2. Legal regime of the resolutive condition.
6. Modal obligations: legal regime and effects.

TOPIC 7. SECURITIES AND GUARANTEES IN OBLIGATIONS

1. Securities and guarantees of the obligatory relationship.
2. Contractual penalties (penalty clauses).
3. Earnest money.
4. Suretyship:
 - 4.1. Concept, function, features, and types;
 - 4.2. Categories of surety;
 - 4.3. Object and form;
 - 4.4. Relationship between creditor and surety (guarantee relationship);
 - 4.5. Relationship between debtor and surety (coverage relationship);
 - 4.6. Plurality of sureties;
 - 4.7. Termination of suretyship.

TOPIC 8. PERFORMANCE OF OBLIGATIONS

1. Payment (performance) of the obligation:
 - 1.1. Concept and functions;
 - 1.2. Objective requirements - the principle of exactness;
 - 1.3. Subjects of payment:
 - 1.3.1. The *solvens* - payment by a third party;
 - 1.3.2. The *accipiens* - payment to someone other than the creditor;
 - 1.3.3. Payment by credit card;
 - 1.4. Place of payment;
 - 1.5. Time of payment;
 - 1.6. Costs associated with payment.
2. Allocation of payments.
3. Undue payment (recovery of undue payment).

TOPIC 9. SUBSTITUTES FOR PERFORMANCE

1. Substitutes for performance: concept and function.
2. Tender and deposit (*consignation*).
3. Set-off (*compensación*).
4. *Datio in solutum* (payment in kind).

5. Payment by transfer of assets.
6. Remission of debt.

TOPIC 10. BREACH AND CONTRACTUAL LIABILITY

1. Breach of obligation: types and scenarios.
2. Debtor's default (*mora debitoris*): concept, requirements, effects, and termination.
3. Defective performance.
4. Definitive non-performance.
5. Contractual liability:
 - 5.1. Attribution criteria;
 - 5.2. Clauses modifying debtor liability. Fortuitous events and force majeure.
6. Third-party interference with credit.
7. Creditor's default (*mora creditoris*): concept, requirements, effects, and termination.

TOPIC 11. PROTECTION OF CREDIT

1. Credit protection. Preventive remedies for the protection of credit rights.
2. Protection of consumers and users. Conformity and contractual remedies. Commercial guarantees.
3. Specific performance.
4. Compulsory enforcement of the obligation.
5. Price reduction.
6. Damages and compensation.
7. Direct action.
8. Subrogatory (indirect) action.
9. Revocatory action (*actio pauliana*).
10. Plurality of creditors. Priority and ranking of claims:
 - 10.1. Privileged claims;
 - 10.2. Priority of claims.

TOPIC 12. MODIFICATION OF THE OBLIGATORY RELATIONSHIP

1. Modification:
 - 1.1. Modification as a legal mechanism;
 - 1.2. Modification as a legal consequence.
2. Novation:
 - 2.1. Requirements;
 - 2.2. Effects.
3. Change of creditor:
 - 3.1. Assignment of claims;
 - 3.2. Subrogation.

4. Change of debtor:
 - 4.1. Types of debtor substitution;
 - 4.2. Effects of the substitution.

TOPIC 13. EXTINCTION OF THE OBLIGATORY RELATIONSHIP

1. Causes of extinction of obligations.
2. Merger or confusion (*confusio*).
3. Other causes of extinction:
 - 3.1. Mutual dissent;
 - 3.2. Unilateral termination;
 - 3.3. Withdrawal in consumer obligations.

TOPIC 14. PLURALITY OF SUBJECTS

1. Plurality of parties in the obligation.
2. Divisible and indivisible obligations.
3. Joint obligations with divisible performance (partial obligations).
4. Joint obligations with indivisible performance:
 - 4.1. Joint credit;
 - 4.2. Joint debt.
5. Solidary obligations:
 - 5.1. Solidary credit;
 - 5.2. Solidary debt.

TOPIC 15. EXTRA-CONTRACTUAL LIABILITY

1. Civil liability: concept and functions.
2. Types of liability.
3. Requirements of liability. Liability for one's own acts:
 - 3.1. Action or omission;
 - 3.2. Fault or negligence;
 - 3.3. Damage;
 - 3.4. Causal link.
4. Vicarious liability:
 - 4.1. Liability of parents and guardians;
 - 4.2. Employer's liability;
 - 4.3. Liability of non-higher education institutions.
5. Limitation of actions.

Activities and Methodology

| Title | Hours | ECTS | Learning Outcomes |
|----------------|-------|------|-------------------|
| Type: Directed | | | |

| | | | |
|---|----|------|---|
| Seminars | 21 | 0.84 | 2, 14, 19, 21, 24 |
| Theoretical classes | 21 | 0.84 | 1, 2, 6, 11, 20, 14, 13, 8, 18, 12, 21, 24 |
| Type: Supervised | | | |
| Tutoring and evaluation activities | 6 | 0.24 | 1, 2, 4, 6, 5, 7, 10, 20, 16, 13, 8, 18, 12, 24 |
| Type: Autonomous | | | |
| Readings, preparation and writing of texts, search of bibliography and jurisprudence. | 49 | 1.96 | 1, 2, 5, 14, 13, 15, 19, 18, 17, 25 |
| Study and work outside the classroom | 49 | 1.96 | 1, 2, 8, 21 |

The learning process is based on the work of the person enrolled in the subject that learns working, the mission of the teacher is to provide information, indicate the sources of knowledge and supervise the work.

The teaching of the subject and training is developed on the following activities:

1. Directed activities:

1.1 Theoretical classes: in which the conceptual and legal bases of the subject are assumed as well as learned from the doctrine and jurisprudential decisions. The theoretical classes are conceived as a fundamentally unidirectional method of transmitting the knowledge of the teaching staff to the students, which does not exclude the participation in class and the maintenance of a learning attitude.

1.2. Seminars: The attendance at the seminars is compulsory.

in which previously elaborated practical cases are analysed and resolved with the teachers' direction. On specific occasions, the cases will be elaborated in class. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained in the theoretical classes.

2. Autonomous activities:

Fundamentally are those related to the study of the subject to assume the basic knowledge. In addition to the study, they include, among others:

2.1. The preparation of documents: those required for seminars. They can be in relation to practical cases proposed in advance or that have to be created by the students. A partial exam is part of the autonomous activity, whose specific form is determined by the teachers of each group.

2.2. Search of bibliography and instrumental jurisprudence for the resolution of the practical cases and the preparation of the exam.

2.3. Comprehensive reading of legal texts: The texts can be sentences, journal articles, monographs. The faculty of each group will determine the type of text.

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

Continuous Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|--|-----------|-------|------|---|
| Assessable activities indicated by teachers in advance which must be of two different types. At least two. | 50% | 0 | 0 | 6, 5, 9, 10, 20, 16, 14, 8, 15, 18, 12, 23 |
| 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 |
| Reevaluation | 100% | 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 |

ASSESSMENT SYSTEM OF THE ACQUISITION OF SKILLS AND QUALIFICATIONS SYSTEM 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 in the classroom with prior preparation by the students. Active participation in class will be valued. This part has a value of 20%.

The second part is the completion of a non-liberating partial exam. The faculty will determine the form and type of the exam. The value of this part is 15%.

The third part will consist of the oral presentation in class by groups of legal topics previously assigned by the teachers to the students. The value of this part is 15%.

The remaining 50% to obtain the approved subject will be made up of the final exam. The type of final exam will be specified by the teaching staff in class.

Not assessable:

Students will be assessable as long as they have completed a set of activities whose weight is equivalent to 2/3 of the subject's total grade. If the value of the activities does not reach this threshold, the teaching staff of the subject may consider the student as not assessable.

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 exam (oral, written, test, essay questions, multiple choice, etc.) will be determined by the teaching team of each group of the course. 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.

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.

III. Unique assessment:

Content of the single assessment

The single assessment must have the same level of complexity as the continuous assessment 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 assessment test will be specified.

In any case, the single assessment, 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 independently during the academic year, on the date of the single assessment it must be verified that the student has acquired the knowledge and skills expected through his performance.

The single assessment 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 assessment system

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

Continuous assessment 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.

Not assessable: the same criteria as the continuous assessment will be applied.

V. RE-ASSESSMENT

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

To be able to access 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-assessment exam, the student is examined for 100% of the subject without taking into account the grade of the continuous assessment.

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

VI. USE OF AI

Restricted use: For this course, the use of Artificial Intelligence (AI) technologies is permitted exclusively for support tasks, such as bibliographic or information searches, text correction, or translations, among others. Students must clearly identify which parts have been generated using such technology, specify the tools used, and include a critical reflection on how these tools have influenced both the process and the final outcome of the activity. Failure to disclose the use of AI in this assessed activity will be considered a breach of academic integrity and may result in a partial or total penalty in the grade for the activity, or more severe sanctions in serious cases.

VII. FRAUDULENT BEHAVIOUR IN ASSESSABLE ACTIVITIES

Students who cheat or attempt to cheat during an exam will receive a grade of 0 on the final exam. Students who submit an assessable activity that shows signs of plagiarism or who are unable to justify the arguments in their work will receive a grade of 0 and a formal warning. In the event of repeated misconduct, the student will fail the course.

Bibliography

Books

Derecho de obligaciones y contratos de Cataluña, M^a del Carmen Gete-Alonso y Calera, Judith Solé Resina (Dirs.), Atelier, 2021.

Lliçons de Dret Civil Català IV. Dret d'obligacions. M^a del Carmen Gete-Alonso y Calera / Judith Solé Resina. Tirant lo Blanch, 2017. Available in electronic format

Derecho civil de Cataluña. Derecho de obligaciones y contratos. Pedro del Pozo Carrascosa/Antoni Vaquer Aloy/Esteve Bosch Capdevila. Marcial Pons 2018

Elementos de Derecho civil. Derecho de obligaciones. José Luis Lacuz Berdejo et alii. Dykinson 5^a ed, 2013

Legal Texts

Codigo Civil español

Codi Civil de Catalunya

Texto Refundido de la Ley General de Consumidores y Usuarios

Codi de Consum de Catalunya

LINKS

http://justicia.gencat.cat/ca/ambits/dret_civil_catala/

<http://www.mjusticia.gob.es/cs/Satellite/Portal/es/actividad-legislativa/normativa>

<https://www.boe.es/legislacion/>

<http://www.poderjudicial.es/search/indexAN.jsp>

Software

The subject does not require any specific software.

Groups and Languages

Please note that this information is provisional until 30 November 2025. You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject.

| Name | Group | Language | Semester | Turn |
|--|-------|----------|----------------|---------------|
| (SEM30) Seminaris (30 estudiants per grup) | 11 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 12 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 13 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 21 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 22 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 23 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 511 | Spanish | first semester | afternoon |
| (SEM30) Seminaris (30 estudiants per grup) | 512 | Catalan | first semester | afternoon |

| | | | | |
|--|-----|---------|----------------|---------------|
| (SEM30) Seminaris (30 estudiants per grup) | 513 | Catalan | first semester | afternoon |
| (SEM30) Seminaris (30 estudiants per grup) | 701 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 702 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 703 | Catalan | first semester | morning-mixed |
| (TE) Theory | 1 | Catalan | first semester | morning-mixed |
| (TE) Theory | 2 | Catalan | first semester | morning-mixed |
| (TE) Theory | 51 | Catalan | first semester | afternoon |
| (TE) Theory | 70 | Catalan | first semester | morning-mixed |