

Degree programme	Type	Course
Law	FB	1

Contact lecturer

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Teaching staff

Jakob Fortunat Stagl

Teaching staff (external to UAB)

BECARES MENDIOLA, CRISTINA

Group languages

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

Prerequisites

Coordination of the Roman Law unit: Prof. Jakob F. Stagl

COURSES

Group 1: Prof. Jakob Stagl

Group 2: Prof. Nuria Coch

Group 3: Prof. Jakob Stagl

Group 51: Prof. Nuria Coch

Group 70: Prof. Jakob Stagl

SEMINARS

Sem. 11: Prof. Jakob Stagl

Sem. 12: Prof. Cristina Becares Mendiola

Sem. 13: Prof. Teresa Toro Puig

Sem. 21: Prof. Nuria Coch

Sem. 22: Prof. Cristina Becares Mendiola

Sem. 23: Prof. Celia Alvarez Mancebo

Sem. 31: Prof. Jakob F. Stagl

Sem. 32: Prof. Cristina Becares Mendiola

Sem. 33: Prof. Teresa Toro Puig

Sem. 511: Prof. Nuria Coch

Sem. 512: Prof. Celia Alvarez Mancebo

Sem. 701: Prof. Jakob F. Stagl

Sem. 702: Prof. Cristina Becares Mendiola

Sem. 703: Prof. Teresa Toro Puig

All seminars will be conducted in Spanish

The subject will be taught from the perspective of the Sustainable Development Goals.

Objectives

The course aims to provide students with a good knowledge and understanding of the basic institutions included in the Programme.

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).

Learning outcomes

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

Contents

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 introducing 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.

The specific programme will be posted on the Virtual Campus, and will deal with the following points

Program.

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

Learning activities and methodology

Title	Hours	ECTS	Learning outcomes
Theoretical classes	22	0.88	3, 4, 5, 6, 9, 12, 14
Seminars	22	0.88	1, 2, 4, 8, 13
Search for documentation and bibliography	9	0.36	4, 7
Evaluation	0	0	
Reading texts	31	1.24	3, 4, 5, 6, 9, 11, 12, 14
Study	66	2.64	5, 6, 14

It is assumed that the learning process of students is their own work: students learn by working, and teachers feel it is their mission to help them in this task by providing support, guidance, and information on the

resources they can use to achieve this.

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

I. Theoretical classes (guided activity): lecture on the subject, combined with discussion questions formulated by the teacher and by the students themselves. Student participation will be assessed.

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

III. Tutorials (supervised activity): students may request individual and group tutorials for any aspect of their learning.

IV. Study for the final exam, which may be entirely or partly multiple choice - this will be determined on the virtual campus.

Attendance and participation in lectures, participation in course practicals and attendance at other seminars and conferences will be assessed.

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

1. Guided activities:

1.1 Theoretical/lecture classes: these are designed as a method of transferring knowledge from teachers to students.

1.2. Seminars and tests: where students analyse and solve case studies. The basis of seminars and tests is the understanding and critical application of solutions from 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. These include the preparation of a proposed practical case study, in some cases comments on cases previously worked on at home, and oral presentations on questions proposed by the students or the teaching staff. The use of tutorials, either individually or in groups, is also considered a supervised activity.

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

2. Independent activities:

2.1. Preparation of practical activity documents: These are practical cases proposed by the teaching staff.

2.2. Search for bibliography and case law instrumental to the resolution of practical cases. In some cases, students will have to search for documentation independently.

The continuous assessment system combines lectures (student participation is assessed), participation in seminars, two assessable practical tests and a final exam (which may be entirely or partly multiple choice). This will be determined on the Virtual Campus

The single assessment system includes the same number of assessable tests, in principle three tests: two of a more practical nature and an exam with a structure similar to that of students who follow continuous assessment (all these tests will be taken in a single session).

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

Course evaluation

There are two assessment models: regular or continuous assessment and single assessment (the requirements and procedure for granting the latter are regulated by the Faculty of Law).

Continuous assessment requires compulsory attendance at guided activities (classes and seminars).

Single assessment does not require attendance at classes and seminars, only at assessable tests.

1.- Continuous assessment:

Students must attend guided activities (lectures and seminars). Seminars allow for participation and monitoring of students' knowledge acquisition due to their smaller format. Through the practical work carried out in the seminars, it is possible to verify the students' progress and their development in the subject.

Students can benefit from supervised activities (tutorials) both individually and in groups.

If this system is followed, the final grade for the subject is obtained from the marks for the two assessable practical exercises that the student has to do throughout the course, as well as the final exam mark.

1.1- Practical exercises (50% of the final mark)

There are two assessable practical assignments. Each one accounts for 25% of the final grade for the course and takes place on dates that will be announced in advance on the Virtual Campus. The subject matter is a text or practical case study, which in some cases may be provided in advance so that each student can prepare it in depth at home. The test consists of questions about the case study, which are posed and answered individually in class.

Practical assignments that are not completed will receive 0 points.

If there is a justified reason (which must be stated and proven immediately before or after, in a reliable manner), this practical assignment can be retaken in the manner and on the date agreed upon by the teacher.

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

This will consist of a single exam covering the entire course programme, which will account for 50% of the final grade for the course. The exam, which may be entirely or partly multiple choice, aims to test not only whether the student has memorised the material, but above all whether they have understood it. Details will be published on the Virtual Campus.

1.3 Course re-evaluation.

Students who fail the course, i.e. whose average between the two assessable practicals and the final exam is a fail, may take a re-assessment exam provided they have taken the two assessable practicals (even if they have not passed them).

The type of exam and the conditions will be published in due course on the Virtual Campus. The final mark for this test will be the final mark for the course.

1.4 Students will be assessed provided that they have completed a set of activities whose weight is equivalent to at least 2/3 of the total mark for the subject. If the value of the activities completed does not reach this level, the subject teacher may consider the student as not assessable.

2. Single assessment.

In the single assessment, students do not have to attend the guided activities (theory classes and seminars).

The single assessment must be requested within the deadlines and in the manner established by the Faculty, and implies the renunciation of the continuous assessment.

This means that the assessment is concentrated on a single date, even though tests of various types and with the same number of pieces of evidence as the continuous assessment have to be taken. Specifically, three tests will be carried out together, two of a practical nature (questions on practical cases or text commentary) 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 will be worth 50%.

The same resit system (re-assessment) will apply as for continuous assessment.

Restricted use of Artificial Intelligence

For this course, the use of Artificial Intelligence (AI) technologies is permitted exclusively for instrumental support tasks, such as bibliographic or information searches and text translation. Students must clearly identify which parts have been generated using this technology, specify the tools used, and include a critical reflection on how these have influenced the process and the final result of the activity. Lack of transparency in the use of AI in any activity will be considered academic dishonesty and may result in penalties or greater sanctions in serious cases.

IMPORTANT

If a student copies, commits plagiarism, or is found in possession of a prohibited device during an assessment, the teaching staff will assign a grade of 0 for that assessment and notify the Faculty Dean's Office, submitting a report detailing the circumstances and evidence to request the potential opening of disciplinary proceedings. This assessment cannot be retaken. Should more than one irregularity occur during assessments for the same course, the final grade for that course will be 0.

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., Alburquerque, 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.

Course groups and languages

The information provided is provisional until November 30. After this date, you will be able to consult the language of each group through this [link](#). To access the information, you will need to enter the course CODE

Type of teaching	Group	Language	Semester	Shift
(TE) Theory	1	Spanish	first semester	morning-mixed
(TE) Theory	2	Spanish	first semester	morning-mixed
(TE) Theory	3	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	11	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	12	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	13	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	21	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	22	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	23	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	31	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	32	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	33	Spanish	first semester	morning-mixed
(TE) Theory	51	Spanish	first semester	afternoon
(TE) Theory	70	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	511	Spanish	first semester	afternoon

(SEM30) Seminaris (30 estudiants per grup)	512	Spanish	first semester	afternoon
(SEM30) Seminaris (30 estudiants per grup)	701	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	702	Spanish	first semester	morning-mixed
(SEM30) Seminaris (30 estudiants per grup)	703	Spanish	first semester	morning-mixed