SUBJECT TEACHING GUIDE

G454 - Civil Law II

Double Degree in Law and Administration and Business Management
Degree in Law

Academic year 2018-2019

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management			Type and Year	Compulsory. Year 2 Compulsory. Year 2
Faculty	Faculty of Law				
Discipline	Topic: Civil Law				
Course unit title and code	G454 - Civil Law II				
Number of ECTS credits allocated	6	Term		Semester based (2)	
Web					
Language of instruction	Spanish	English Friendly	Yes	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PRIVADO
Name of lecturer	SONIA MARTIN SANTISTEBAN
E-mail	sonia.martin@unican.es
Office	Edificio de las Facultades de Derecho y Ciencias Económicas y Empresariales. Planta: + 1. DESPACHO (D132)
Other lecturers	FRANCISCO JAVIER DAVILA GONZALEZ JESUS DANIEL AYLLON GARCIA JOSE LUIS SANCHEZ GALL

3.1 LEARNING OUTCOMES
- Introduction to the knowledge of the "law of things" (property law and other rights "in rem"), providing the basic conceptual and methodological tools, as well as a complete and comprehensive view of the Spanish legal system in this area.
- Acquisition of the ability to apply the acquired theoretical knowledge to a concrete practical reality, Identification of the issue, the relevant facts, and the rule of law used by the courts to make a decision
- 307/5000 Acquisition of the ability to understand the deep logic underlying the legal system, of reasoning with the own rules, and of relating the different branches of Spanish Law. Ability to search and discriminate relevant information, and to have a critical judgement over the applicable regulations in each case .

4. OBJECTIVES
Acquisition of complete legal knowledge, with the capacity to gather and interpret data and make reflective judgments on relevant topics, bearing in mind fundamental rights and democratic principles and values.
Introduction to the "law of things", providing the basic conceptual and methodological tools
To provide the student with a complete and comprehensive view of the Spanish "law of things"legal system, facilitating comparison with other legal systems.
Ensure that the students acquire the essential knowledge and apply correctly the legal reasoning to solve disputes related with real rights.
To generate a reflexive and critical attitude both on the rule of law and case law

6. COURSE ORGANIZATION

	CONTENTS
1	THE LAW OF THINGS. THE CONCEPT OF "RIGHT IN REM". CLASSIFICATION LESSON 1: THE LAW OF THINGS. • Meaning and juridical-political significance of the Law of Things. • Constitutional principles and basic rules of the Law of Things. The economic Constitution. • The system of the Civil Code and the Special Laws. • The theoretical figure of "right in rem". "Rights in rem" and personal rights. Distinction. • The concept of "right in rem", characteristics and distinction of related figures. • Organization and legal discipline of "rights in rem". LESSON 2: THE STRUCTURE AND CONTENT OF THE LEGAL RELATIONSHIP involving "rights in rem". • The subject of the legal relationship. • The object of the legal relationship. • >"Right in rem" and lien. • Powers included in the "right in rem". • The protection of the "right i rem". • The concurrence of "rights in rem". Organization criteria.
2	THE LEGAL RELATIONSHIP INVOLVING A "RIGHT IN REM" LESSON 3: DYNAMICS OF "RIGHTS IN REM". CONSTITUTION / ACQUISITION, MODIFICATION AND EXTINCTION OF "RIGHT IN REM". • The systems of constitution and acquisition of "rights in rem". • The theory of the "título y modo". The doctrine of the consensual transmission of ownership. The doctrine of the abstract translational agreement. • "Traditio" and translational agreements in Spanish law. • Derivative acquisition of "rights in rem". Acquisitions "a non domino". • "Usucapio", Concept, structure and scope of the "usucapio". Requirements and effects of the "usucapio". The "usucapio" and the Land Registry (remission). • The modification of the lega relationship. Shapes. • Termination of the legal relationship. Loss and extinction of the ownership and other "rights in rem". Causes. Especially, the loss of the thing. The consolidation The resignation.
3	THE PUBLICITY OF "RIGHTS IN REM". LESSON 4: PUBLICITY OF "RIGHTS IN REM". • Publicity. The concept of legitimation and the protection of the legal traffic. • The Inmovable Property Registry. General principles. The object of the registration and mortgage principles. The registration system. • The Registry of Movable Property.

4	POSSESSION, OWNERSHIP AND OTHER "RIGHTS IN REM". LESSON 5: POSSESSION. CONCEPT, TYPES AND STRUCTURE. • Historical evolution, legal nature, concept and policy behind possession. • Possession functions. • Possession types and concept of each of them. • Fair possession. • The subject of possession. The co-possession. • The object of possession. Possession of things and possession of rights. • Acquisition of possession. • The ability to acquire possession. • The defense of possession. • The contradictory concurrence of possessions. • The legitimating function of possession: possession and title. • The loss of possession. Causes. • The liquidation of the possessory state. LESSON 6: THE PROPERTY RIGHT. • Concept and characters of ownership. Private property in the 1978 Constitution. • Subject, object and objective extension of ownership. • The content of ownership. Ownership powers: the power to dispose. The prohibitions to dispose (remission). • The legal defense of ownership • The responsibility of the owner. • Limits and limitations of ownership. LESSON 7: ACQUISITION OF ownership • The ocupation. Legal nature. • The hidden treasure. • The finding of lost things. • The accession. Guiding principles. • The construction, planting and sowing in other people's land. The overreaching construction. The inverted accession. • The accession of moveable to moveable goods • The modification of the configuration of the plots of land by water works. LESSON 8: THE COMMUNITY OF ASSETS • The community of goods. Concept and nature. Community and society. • Types of community. The Romanic community and the Germanic community. • Structure and functioning of the community. • The extinction of the community. The division of the common thing. • Grassland, wood and mountain communities. • The "medianería". Concept, nature and legal regime. LESSON 9: HORIZONTAL PROPERTY AND SPECIAL PROPERTIES. • Horizontal property. Concept, function, constitution and elements. Content of the horizontal property: rights and obligations of the owners. • Collective organization of horizontal property: management and representation bodies. Agreements. • Termination of the horizontal property regime. • Private real estate complexes • Statute of rural property and urban property. • Special properties. Legal regime of intellectual and industrial property.

5	OTHER LEGAL RELATIONSHIPS RELATED WITH RIGHTS "IN REM" LESSON 10: OTHER LEGAL RELATIONSHIPS RELATED WITH RIGHTS "IN REM" • Legal regime of the right of usufruct. Special usufructs and rights of use and room. • Legal regime of the right of servitude. Classification. • Legal regime of liens and censuses, emphyteusis and similar rights. • Legal regime of the surface right. The right to elevate and to build underneath. • Legal regime of the real rights of acquisition. Preemption, redemption and option. LESSON 11: MOVEABLE AND INMOVABLE GUARANTEES • Legal regime of real rights of guarantee. Moveable and Inmoveable guarantees. Pledge, mortgage and antichresis.

7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Final exam	Written exam	Yes	Yes	60,00
hypothetical cases	Others	No	No	40,00
TOTAL				100,00

Observations

The exam accounts for 60% of the grade. The remaining 40% of the qualification will be obtained through the work done in the practical classes in continuous assessment regime.

Observations for part-time students

Los alumnos a tiempo parcial que no puedan seguir la evaluación continua deberán examinarse de la parte práctica de la asignatura el día del examen final. Al igual que en el caso del resto de sus compañeros, esta parte de la nota no será recuperable.

250/5000
Part-time students who can not follow the continuous assessment shall take an exam on the practical part ot the subject on the day of the final exam. As in the case of the rest of the students, this part of the grade will not be recoverable.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

DÍEZ-PICAZO, L. Y GULLÓN BALLESTEROS, A. Sistema de Derecho civil. III Última edición.