

SUBJECT TEACHING GUIDE

G361 - Introduction to Civil Law

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

Academic year 2019-2020

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management			Type and Year	Core. Year 1 Core. Year 1
Faculty	Faculty of Law				
Discipline	Topic: Civil Law				
Course unit title and code	G361 - Introduction to Civil Law				
Number of ECTS credits allocated	6	Term	Semester based (2)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PRIVADO				
Name of lecturer	CARMEN FERNANDEZ CANALES				
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Other lecturers	EVA VILAR CORTABITARTE LAURA FERNANDEZ ECHEGARAY JESUS DANIEL AYLLON GARCIA				

3.1 LEARNING OUTCOMES

- Basic knowledge of sources of law and major legal institutions.

- Basic knowledge of legal system and legal institutions of Private Law, referring to legal personality, subjective rights, patrimony, legal facts or situations, representation and legal transaction.

- Practice: use of theoretical concepts in order to solve problems.

4. OBJECTIVES

Aims to provide the student with concept and structure of Civil Law, basic knowledge about legal institutions and sources of law; also, to teach basis for legal personality, legal facts and situations, patrimony, representation and legal transaction.

6. COURSE ORGANIZATION

CONTENTS

1	SUBJECT 1. CIVIL LAW. 1.1.- LAW AND SOCIETY. 1.2. FUNCTIONS OF LAW. 1.3. LEGAL SYSTEM, CONCEPT AND CHARACTERISTICS. CONCEPT OF CIVIL LAW. 1.4. BRIEF REFERENCE TO HISTORICAL EVOLUTION OF CIVIL LAW. 1.5. BRIEF REFERENCE TO SPECIAL LAWS.
2	SUBJECT 2. SOURCES OF LAW. 2.1. CONCEPT OF SOURCES OF LAW, AND BASIC CHARACTERISTICS OF THE SYSTEM. THE SPANISH CONSTITUTION. 2.2. LAW IN A STRICT SENSE. SORTS OF LAW. 2.3. REGULATIONS OF THE GOVERNMENT. 2.4.- LEGISLATIVE DECREES AND DECREE LAWS. 2.5. LAWS FROM THE EUROPEAN UNION. 2.6.- INTERNATIONAL TREATIES. 2.7. CUSTOMS AND LEGAL USES. 2.8. GENERAL LEGAL PRINCIPLES. 2.9. CASE LAW: ITS VALUE AS CRITERIA IN ORDER TO CONSTRUCT LAWS.
3	SUBJECT 3. THEORY ABOUT LAW. 3.1.- CONCEPT, STRUCTURE AND CHARACTERISTICS OF LAW. DIFFERENCE BETWEEN LEGAL STANDARD AND NORMATIVE. TYPES OF LAWS. 3.2. APPLICATION OF LAW. 3.2.1. EFFICACY OF LAWS REFERRING TO TIME: ENTRY INTO FORCE, VACATIO LEGIS, REPEALING PROVISIONS, TRANSITIONAL PROVISIONS. 3.2.2. EFFICACY OF LAW REFERRING TO TERRITORY: PRINCIPLES OF TERRITORY AND OF PERSONALITY; COEXISTENCE OF LAWS. 3.2.3. GENERAL ASPECTS OF EFFICACY OF LAW. THE DUTY TO OBEY LAW. PRINCIPLE IURA NOVIT CURIA. SANCTIONS. 3.3. ENFORCEMENT OF LAW. CRITERIA CONTAINED IN ARTICLE 3.1 OF THE SPANISH CIVIL CODE. LEGAL LOOPHOLES AND REMEDIES. EQUITY AND JUSTICE, ANALOGY.
4	SUBJECT 4. LEGAL PERSONALITY. 4.1. DISTINCTION BETWEEN NATURAL PERSONS AND LEGAL ENTITIES. 4.2. LEGAL ENTITIES. CONCEPT. PERSONALITY. DOCTRINE OF "LEVANTAMIENTO DEL VELO". TYPE OF LEGAL ENTITIES. CIVIL CAPACITY. EXTINCTION. NATIONALITY. DOMICILE. ASSOCIATIONS, CORPORATIONS AND FOUNDATIONS. 4.3.- FUNDAMENTAL RIGHTS OF NATURAL PERSONS. CONCEPT AND CHARACTERISTICS. RIGHT TO LIFE. RIGHT TO PHYSICAL AND MORAL INTEGRITY. RIGHT TO FREEDOM. RIGHT TO HONOUR, PERSONAL AND FAMILY PRIVACY AND OWN IMAGE. RIGHT TO HAVE A NAME. 4.4. BEGINNING AND END OF PERSONALITY. PROTECTION OF "NASCITURUS". "CONMORIENCIA" PRESUMPTION. 4.5.- CIVIL CAPACITY. SPECIAL CAPACITIES AND LEGAL PROHIBITIONS. 4.6. CIVIL STATUS AND CAPACITY. AGE. INCAPACITATION. NATIONALITY. SUBMISSION TO REGIONAL LAW. 4.7. PRODIGAL PERSONS. 4.8. DOMICILE OF NATURAL PERSONS. 4.9. CIVIL REGISTRY: CONCEPT AND PURPOSES..
5	SUBJECT 5. PRIVATE AUTONOMY. PATRIMONY. SUBJECTIVE RIGHTS. 5.1. PRIVATE AUTONOMY: CONCEPT AND LIMITS. 5.2. CONCEPT OF PATRIMONY AND PATRIMONIAL LAWS. CLASSIFICATION OF PROPERTY. QUALITIES OF PROPERTY. 5.3. LEGAL RELATION. CONCEPT. ACTIVE AND PASSIVE POSITION. 5.4. SUBJECTIVE RIGHT. CONCEPT AND TYPES. STRUCTURE: SUBJECTS, OBJECT AND CONTENT. LIMITS FOR SUBJECTIVE RIGHT: GOOD FAITH, ABUSE OF RIGHT, TEMPORAL LIMITS. PRESCRIPTION.
6	SUBJECT 6. LEGAL TRANSACTION. REPRESENTATION. 6.1. LEGAL TRANSACTION. CONCEPT AND TYPES. CONSENT AND VALUE OF SILENCE. MAIN AND SECONDARY PARTS OF LEGAL TRANSACTION. INVALIDATION OF CONSENT. CAUSE OF THE OBLIGATION. FORM. INEFFECTIVENESS. 6.2. REPRESENTATION: LEGAL AND VOLUNTARY REPRESENTATION.

7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
WRITTEN EXAM ABOUT SOME OF THE SUBJECTS.	Written exam	No	Yes	30,00
FINAL EXAM.	Written exam	Yes	Yes	50,00
EXAM CONSISTING ON PRACTICAL EXERCISES.	Written exam	No	Yes	20,00
TOTAL				100,00

Observations

There will be a partial exam on theory. The exam will consist on brief questions, or test questions or a mixture of both types of questions. Also, there will be a practical exam, and the student will have to solve one or several cases, referring to contents previously explained. It will be indicated which books or documentation can be used by the students in order to solve the exercises.

The grade obtained in these exams, of theory and practice, will be, respectively, 60% and 40% of the final partial grade. In order to pass, it is necessary to achieve 5/10 points (3/6 at least in theory exam) and to take both exams.

In June, the final exam will consist on a part of theory and a part of practice, and they will be, respectively, 60% and 40% of the exam grade. In order to pass, it is necessary to achieve 5/10 points (3/6 in theory exam).

Those students who have obtained 5 points in the final partial grade, will take the exam, in June, only about the contents which were not the scope of the partial exams. Their final grade will be the arithmetic mean of the final partial grade and the final exam grade, if they are both of a minimum of 5/10 points (and 3/6 in theory exam). The student who, having passed the partial grade, fails the final exam, will fail.

Those students who have not taken one of the partial exams, or have not passed the partial grade, will take their exam in June about all the contents of all the Subjects. Their final grade will be just the one obtained in the final exam. In order to pass, it is necessary to achieve 5/10 points (3/6 in theory exam).

The extraordinary final exam will consist, as well, on a part of theory and a part of practice, and they will be, respectively, 60% and 40% of the exam grade. In order to pass, it is necessary to achieve 5/10 points (3/6 in theory exam).

Those students who have obtained 5/10 points in the final partial grade (and 3/6 in theory exam), will take the extraordinary exam only about the contents which were not the scope of the partial exams. Their final grade will be the arithmetic mean of the final partial grade and the final exam grade, if this is of a minimum of 5/10 points (3/6 in theory exam). The student who fails the final extraordinary exam (less than 5/10 points), will fail.

The rest of the students, will take the extraordinary exam about all the contents of all the Subjects. Their final grade will be just the one obtained in the final extraordinary exam. In order to pass, it is necessary to achieve 5/10 points (3/6 in theory exam).

To decide the final grade, both in ordinary or extraordinary exam, the Professor can consider the attitude of the student in academic activities.

Observations for part-time students

Part-time students can, if they wish, take only the final exam. In that case, they can ask to be evaluated according to the following criteria: 80% for theory and 20% for practice. If they do not ask so, they will be evaluated according to the usual criteria of 60% for theory and 40% for practice. The request must be made by e-mail addressed to carmen.fernandez@unican.es.

The request must be made BEFORE they take the exam (whether it is the ordinary or the extraordinary), by e-mail. If the student takes both final exams (ordinary and extraordinary), the choice must be made on both occasions.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

DIÉZ-PICAZO, L. Y GULLÓN, A. "SISTEMA DE DERECHO CIVIL, VOL. I", EDITORIAL TECNOS, MADRID.

