

SUBJECT TEACHING GUIDE

G361 - Introduction to Civil Law

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

Academic year 2020-2021

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, 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	%
Self evaluation examination (Moodle exercises).	Activity evaluation with Virtual Media	No	Yes	0,00
Final exam.	Written exam	Yes	Yes	50,00
Partial or midterm exam.	Written exam	No	Yes	50,00
TOTAL				100,00
Observations				
<p>During the quarter, students will be able to take self evaluation examinations in MOODLE platform.</p> <p>Also, the week beginning the 12th april, students will take a midterm exam (multiple choice), which will contain both theoretical and practical questions.</p> <p>The final exam (multiple choice), will as well contain both theoretical and practical questions about the contents which were not the scope of the partial exam.</p> <p>In order to pass, it is necessary that students take both the midterm and the final exam and achieve, at least, 2/10 points in each exam. In that case, the final grade will be the arithmetic mean of the partial grade and the final exam grade. In order to pass, the final grade must be, at least, 5/10 points.</p> <p>Those students who fail, will have the chance to take an extraordinary exam, on the whole contents of the Subjetc. The exam will be a multiple choice, containing both theoretical and practical questions, and in order to pass, the final grade must be, at least, 5/10 points.</p> <p>Any extraordinary circumstances provoked by COVID 19 pandemic, will imply, as well, the adaption of teaching and examination strategy. Nevertheless, the type of exam and grades will remain as indicated.</p>				
Observations for part-time students				
<p>Part-time students can, if they wish, take only a final exam on the whole contents, under the following conditions: the part-time student has not taken the midterm exam; the student has notified their decision to take only the final exam by e-mail (addressed to carmen.fernandez@unican.es) at least five wokdays before the final exam; and the student has taken, at least 50% of the self evaluation examinations in MOODLE platform.</p>				

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

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