

SUBJECT TEACHING GUIDE

G361 - Introduction to Civil Law

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

Academic year 2021-2022

| 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 |

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|------------------|--|--|--|--|--|
| Department | DPTO. DERECHO PRIVADO | | | | |
| Name of lecturer | CARMEN FERNANDEZ CANALES | | | | |
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| Other lecturers | EVA VILAR CORTABITARTE TIMOTEO ANGEL VIVANCO ARRATIBEL | | | | |

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 knowlegde 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. FUNCTIONS OF LAW. 1.2. LEGAL SYSTEM, CONCEPT AND CHARACTERISTICS. CONCEPT OF CIVIL LAW. 1.3. BRIEF REFERENCE TO HISTORICAL EVOLUTION OF CIVIL LAW. 1.4. 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 CONSTRUE 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 OW 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. 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. 4.3. BEGINNING AND END OF PERSONALITY. PROTECTION OF "NASCITURUS". "CONCEPTURUS". "CONMORIENCIA" PRESUMPTION. 4.4.- CIVIL CAPACITY. SPECIAL CAPACITIES AND LEGAL PROHIBITIONS. 4.5. CIVIL STATUS AND CAPACITY. AGE. INCAPACITATION. NATIONALITY. SUBMISSION TO REGIONAL LAW. 4.6. PRODIGAL PERSONS. 4.7. DOMICILE OF NATURAL PERSONS. 4.8. CIVIL REGISTRY: CONCEPT AND PURPOSES. 4.9. LEGAL ENTITIES. CONCEPT. PERSONALITY. DOCTRINE OF "LEVANTAMIENTO DEL VELO". TYPE OF LEGAL ENTITIES. CIVIL CAPACITY. EXTINCTION. NATIONALITY. DOMICILE. ASSOCIATIONS, CORPORATIONS AND FOUNDATIONS. |
| 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. INNEFFECTIVENESS. 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

During the quarter, students will be able to take self evaluation examinations in MOODLE platform.

Also, at the middle of the quarter, students will take a midterm exam (multiple choice), which will contain both theoretical and practical questions.

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.

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.

Those students who fail, will have the chance to take an extraordinary exam, on the whole contents of the Subject. 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.

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.

Observations for part-time students

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 workdays before the final exam; and the student has taken, at least 50% of the self evaluation examinations in MOODLE platform.

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

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