

Academic Year: (2019 / 2020)

Review date: 07-05-2020

Department assigned to the subject: Private Law Department

Coordinating teacher: SIRVENT GARCIA, JORGE

Type: Basic Core ECTS Credits : 6.0

Year : 1 Semester : 2

Branch of knowledge: Social Sciences and Law

OBJECTIVES

The student shall reach, from the comprehension and critical analysis, a reasonable level of knowledge with regard to the discipline, and shall conveniently learn to solve practical conflicts. The student shall achieve, in this first course, skills in the use of technical legal terminology within the Civil Law, as well as to deal with bibliographic and jurisprudential sources.

DESCRIPTION OF CONTENTS: PROGRAMME

This subject starts with an introduction which aim is to give the student one of the most significant features of our Law: the legal-civil plurality of the Spanish System. It continues with the indispensable study of the person, which is the core and axis of the discipline: beginning and end of it, its capacity, civil protection of the so called personality rights and the regime of the different civil statutes. Also subject to analysis is the general legal regime of artificial or legal persons, and of foundations and associations in particular. The last part of the program is dedicated to the core questions of Private Law, such as the patrimony and its types, the subjective right and its limits, the autonomy of will and act of the law and the representation.

The subject deals with essential matters not only for the Civil Law, but also for other fields of Private Law, so we could speak of an introduction to Private Law.

PROGRAM**INTRODUCTION TO CIVIL LAW**

Lesson 1.- Spanish Civil Law.

- 1.- Civil Law: concept and current content.
- 2.- Legal-civil plurality in the Spanish legal system: Foral Laws.
- 3.- Legislative competence with regard to Civil Law.
- 4.- The Civil Code and special civil laws.
- 5.- The system of sources of Civil Law.

PERSON¿S LAW

Lesson 2. The person.

- 1.- Concept of person.
- 2.- Civil or natural capacity and legal capacity. Civil statutes: historic significance and current sense.
- 3.- Starting of personality. Legal protection of the nasciturus.
- 4.- Death and declaration thereof.

Lesson 3. Personality rights.

- 1.- Personality rights: concept and characteristics.
- 2.- Right to life and integrity.
- 3.- Liberty right and how it shows.
- 4.- Honour, personal and family privacy rights.
- 5.- Right to a name.

Lesson 4.- Legal capacity or capacity to act

- 1.- Legal age.
- 2.- Minority. Parental authority.
- 3.- The emancipated minor.
- 4.- Incapacitation. The patrimonial protection of disabled people.
- 5.- Prodigality.
- 6.- Tutorship and curatorship.

Lesson 5.- Nationality. Civil residence. Domicile.

- 1.- Nationality: concept and significance.
- 2.- Basic legal regime of Spanish nationality.
- 3.- Civil residence.
- 4.- Domicile.
- 5.- Absence.

Lesson 6.- Civil Registry.

- 1.- The Civil Registry: concept and purpose.
- 2.- Object and scope of the Civil Registry.
- 3.- Organization of the Civil Registry.
- 4.- Kinds and value of the entries.
- 5.- Publicity of the Civil Registry.

ARTIFICIAL OR LEGAL PERSONS

Lesson 7.- Artificial or legal persons.

- 1.- The basis and significance of the legal person.
- 2.- The abuse of the legal person.
- 3.- Types of legal persons.
- 4.- The constitution of the legal person.
- 5.- Operation of legal person.
- 6.- Domicile and nationality of legal persons.
- 7.- Extinction of the legal person.

Lesson 8.- Associations.

- 1.- Concept and elements of associations.
- 2.- Types of associations.
- 3.- Constitution of associations.
- 4.- Organization of associations.
- 5.- The extinction of associations.

Lesson 9. Foundations.

- 1.- Concept and elements of foundations.
- 2.- Constitution of foundations.
- 3.- Organization of foundations.
- 4.- Modification, merge and extinction of foundations.

THE PATRIMONY

Lesson 10. The patrimony.

- 1.- Patrimony: concept, composition and basic functions.
- 2.- Kinds of patrimony.
- 3.- The goods: concept and requirements.
- 4.- Classification of goods.
5. Products, improvements and expenses.

SUBJECTIVE RIGHT

Lesson 11.- Subjective right.

- 1.- Subjective right: concept, structure and types.
- 2.- Birth, acquisition, modification, transfer, loss and extinction of the subjective right. Waiver of rights.
- 3.- The exercise of the subjective right and its limits.
4. Good faith as limit to the exercise of the subjective right.
- 5.- Abuse of right.

Lesson 12. Prescription and caducity

- 1.- Extinctive prescription: concept and characteristics.
- 2.- Object and effect of prescription.
- 3.- The starting of prescription.
- 4.- Interruption of prescription.
- 5.- Terms of prescription.
- 6.- Waiver to the prescription.
7. Caducity.

AUTONOMY OF WILL AND ACT OF THE LAW

Lesson 13. Act of the Law

- 1.- The legal fact.
- 2.- The legal act.
- 3.- Private autonomy: concept, functions and limits.

- 4.- The act of the Law.
- 5.- Classification of the acts of the Law.

REPRESENTATION

Lesson 14.- Representation

- 1.- The representation phenomena: concept, hypothesis and requirements.
- 2.- Scope and kinds of legal representation.
- 3.- Legal representation and voluntary representation.
- 4.- Voluntary representation: direct representation and indirect representation.
- 5.- Voluntary representation: the act of empowering.
- 6.- Representation with oneself: autocontracting.

LEARNING ACTIVITIES AND METHODOLOGY

Three on-site lessons shall be taught every week. A first theory class (magisterial lesson), of one hour and a half of duration, where the basic contents of the program of subject shall be explained. For the adequate understanding of the explanations, the prior reading of the handbook of reference is absolutely necessary. In a second session (practical), also of one hour and a half, practices and workshops shall be made where the students shall legally discuss and argue about the subjects proposed, acquiring the necessary skills for the solution of real situations and conflicts.

ASSESSMENT SYSTEM

Ordinary sitting

The definitive evaluation of the student shall take into account the mark obtained during the semester in the compulsory practical sessions (up to a 40%), as well as the mark obtained in the Theory exam (up to 60%).

In order to mark the practical part, the following shall be taken into account: the grade obtained in the final practical test (2 points), the participation of the student in the class (1 point), as well as the adequate performance of the individual papers entrusted to the students (1 point).

In the middle of the course, students will have the opportunity to do a voluntary multiple choice test (20 questions), in order to value the acquired knowledge up to that moment. They will be able to get a maximum of 3 points. Students who get at least 2 points will be exempt of the content of the test, and they will only have to do the final exam (20 question test), which will include the rest of the subject. This final test will have a maximum value of 3 points. The final mark of the theoretical part for these students will be the total of both marks.

Students who have not done the voluntary test, or that have not obtained at least 2 points in it, will have to do a theoretical multiple choice exam at the end of the course. This exam will include the whole subject and it will consist of 30 questions. The maximum mark will be 6 points. In both tests incorrect or blank answers shall discount 50% to the value of the correct answers.

To pass the subject, a minimum mark in the final exam shall be required (3 points).

Extraordinary sitting

If the student has followed the continuous evaluation system, the exam shall have the same percentage value as in the ordinary sitting (60%), and the final mark of the subject shall take into account the mark obtained during the semester in the continuous evaluation system (practical sessions). Therefore, for the extraordinary sitting (linked to the ordinary sitting) the mark obtained during the semester in the practical part shall be kept, so that the student only has to take the theory exam.

If the student has not followed the continuous evaluation system, he might take the extraordinary sitting exam with a value of 100% of the total mark of the subject.

Publicity of marks and revisions

The students shall have access to the continuous evaluation system final marks (practical sessions) before the exam period begins. They shall be published in Aula Global.

The final mark of the subject shall be published in the Web within 10 days (from the date of the final exam), through the system provided by the University for the communication of the final marks, indicating the date set for the revision of the exam.

The student can ask to his group teacher for the revision of his final mark if he considers that there is a mistake in it.

No matter if the student has made part of the practical papers within the continuous evaluation system, he shall be marked as NOT ATTENDING if he does not take the final theory exam.

In the ordinary sitting, the students who have not followed the continuous evaluation system shall take a final theory exam with a value of 60% that shall be their only mark.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- Comentarios al Código Civil y Compilaciones Forales (dirigidos por ALBALADEJO)., Edersa. Madrid.
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- ALBALADEJO Derecho civil. I. Introducción y Parte General., Madrid.
- BELUCHE RINCÓN, SIRVENT GARCÍA Introducción al Derecho civil y Derecho de la persona. Libro de ejercicios prácticos y materiales, Tecnos. Madrid. 2009.
- CARRASCO PERERA Derecho civil: Introducción, Derecho de la persona, Derecho subjetivo, Derecho de propiedad, Madrid.
- DIEZ PICAZO y GULLON Sistema de Derecho civil. I. Introducción. Derecho de la persona. Autonomía privada. Persona jurídica., Madrid.
- LACRUZ BERDEJO Elementos de Derecho civil. I. Parte General, Madrid.
- LASARTE ALVAREZ Principios de Derecho civil. I. Parte General y Derecho de la Persona, Madrid.
- LOPEZ, MONTES y ROCA Derecho civil. Parte General. Derecho de la Persona, Valencia.
- PAZ ARES, C (dir.) Comentarios al Código Civil. Ministerio de Justicia. Madrid, Ministerio de Justicia.
- PUIG FERRIOL Manual de Derecho Civil. I., Barcelona.