

Contract Law

Academic Year: (2019 / 2020)

Review date: 07-05-2020

Department assigned to the subject: Private Law Department

Coordinating teacher: CRESPO MORA, MARIA CARMEN

Type: Compulsory ECTS Credits : 5.0

Year : 2 Semester : 1

OBJECTIVES

The purpose of this subject is that the students achieve a satisfactory degree of knowledge of the basic provisions that rule civil contracts. Not only the student has to acquire theoretical knowledge, but also he has to learn the adequate legal technique to solve practical cases, in a subject as dynamic as contract Law, of an extraordinary importance in economic life.

DESCRIPTION OF CONTENTS: PROGRAMME

Contract Law is an essential part of Civil Patrimonial Law. It studies the rules regarding the general theory of contracts and civil contracts in particular. In this sense, we analyze the concept of contract, its essential elements, its effects and inefficacy. With regard to each contract, we study the contents thereof, and in particular, the rights and obligations of the contracting parties. The main contracts to be studied are: the contract of sale, donation, lease of things, rural and urban leases, the contract of provision of services, construction contracts and partnership, among others. We are within a part of the Civil Law that has a scope beyond it, because it extends to other fields of Law, specially Commercial Law and Labour Law. When studying Contract Law we have to take into account the European Law of contracts because there is a tendency towards its uniformity in the European Union. It also has to be studied from the protection of consumer's perspective, making a special reference to the conclusion of contracts with general conditions.

LEARNING ACTIVITIES AND METHODOLOGY

Three on-site hours shall be taught every week. In a first theory class, of one hour and a half, the main contents of the subject shall be explained. For the adequate understanding of the lectures, the previous reading of the subject in the handbook of reference is recommended. In a second class (continuous valuation), practical cases shall be solved and the students will have to discuss and legally argue about them. Personal tutor hours will be essential in order to complete the knowledge of the students.

ASSESSMENT SYSTEM

Normal sitting

The definitive mark to be obtained by the student shall take into account the mark obtained during the term in the practical compulsory sessions (up to a 40%), as well as the mark obtained in the theory exam (up to a 60 %).

The practice part will be evaluated (maximum 4 points):

- a) 1 point: the realization in class of a summary test with 20 questions. The wrong answers will be penalized.
- b) 2 points: The realization in class of a practical case.
- c) 1 point: the participation of the students in the class.

The final examn, a legal theory exam, shall be a multiple choice test of 30 questions with 4 alternative answers each. Each questions shall be evaluated over 0,2 points (maximum value of the exam: 6 points). The wrong answers shall subtract a fourth part of their value; that is, 0,05. The exam shall be the same exam for all students. To pass the subject it shall be necessary to obtain a minimum of 3 points in the theory exam.

Extraordinary sitting

If the student has followed the continuous valuation system, the exam will consist of a questionnaire

type test (the incorrect answers will discount) and shall have the same percentage value as in the normal sitting (60%). In this case, the final mark shall take into account the mark of the continued valuation (practical sessions) obtained during the semester. That is, the mark obtained in the practical part shall be kept and the student will only have to take the theory exam.

According to the current regulation, if the student has not followed the continuous valuation system, he shall be able to take the extraordinary sitting exam with a value of 100 % of the total mark for the subject. In this case, the exam will consist of a questionnaire type test (the incorrect answers will discount) with a value of 60% of the total mark for the subject and the students must solve a practical case (with a value of a 40% of the total mark for the subject).

No matter if the student had followed the continuous valuation system, he shall be marked in the way established in the preceding paragraph (exam: 100%) when it benefits him. To do this, the student must solve the practical case.

Publicity of the marks and revisions

The final marks of the continuous valuation system (practical sessions) shall be published in Aula Global at least two weeks before the examination period.

The final mark shall be published within ten days from date of the final exam in the Web provided therefore by the University, indicating the time and place for the revision of the exam.

The student may ask for the revision of the exam to his group teacher when he considers that there is a mistake in his mark.

If the student does not attend the final exam, he shall be marked as "not present" even if he followed part of the continuous valuation system

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

BASIC BIBLIOGRAPHY

- ALBALADEJO Derecho civil, II, Madrid: Edisofer, Última edición
- DíEZ-PICAZO Fundamentos del Derecho civil patrimonial, I y IV, Cizur Menor: Thomson-Civitas, Última edición
- DíEZ-PICAZO y GULLÓN Sistema de Derecho Civil, II, Madrid: Tecnos, Última edición
- LACRUZ y otros Elementos de Derecho civil, II, Madrid: Dykinson, Última edición
- LASARTE Principios de Derecho civil, III, Madrid-Barcelona: Marcial Pons, Última edición
- LÓPEZ y VALPUESTA (editores) Derecho civil patrimonial, I, Valencia: Tirant lo Blanch, Última edición
- LÓPEZ, MONTÉS Y ROCA Derecho civil. Derecho de obligaciones y contratos, Valencia: Tirant lo Blanch, Última edición
- MARTÍNEZ DE AGUIRRE y otros Curso de Derecho civil, II, Madrid: Colex, Última edición

ADDITIONAL BIBLIOGRAPHY

- BERCOVITZ (director) Tratado de contratos, Valencia: Tirant lo Blanch, Última edición
- BERGEL Handbook on Spanish Patrimonial Law, Madrid: Tecnos, Última edición
- CARRASCO Derecho de contratos, Cizur Menor: Thomson-Aranzadi, Última edición
- GULLÓN Curso de Derecho civil. Contratos en especial. Responsabilidad extracontractual, Madrid: Tecnos, Última edición
- PUIG BRUTAU Fundamentos de Derecho civil, I-2º y II-3º, Barcelona: Bosch, Última edición
- VV. AA. Comentario del Código civil, Madrid: Ministerio de Justicia, Última edición
- VV. AA. Enciclopedia Jurídica Básica, Madrid: Civitas, Última edición
- VV. AA. Código civil comentado (dir. por A. Cañizares y otros), Cizur Menor: Thomson-Civitas, Última edición
- VV. AA. Comentarios al Código civil (dir. por R. Bercovitz), Valencia: Tirant lo Blanch, Última edición
- VV. AA. Comentarios al Código civil (dir. por A. Domínguez Luelmo), Valladolid: Lex Nova, Última edición

BASIC ELECTRONIC RESOURCES

- Consejo General del Poder Judicial . CENDOJ: Buscador de Jurisprudencia: <http://www.poderjudicial.es/search/>
- Proyecto Normacivil . Base de datos de legislación: <http://civil.udg.es/normacivil/>