

Academic Year: (2023 / 2024)

Review date: 24-04-2023

Department assigned to the subject: Private Law Department

Coordinating teacher: RODRIGUEZ GONZALEZ, ANA MARIA

Type: Compulsory ECTS Credits : 3.0

Year : 2 Semester : 1

OBJECTIVES

- High Command of legal terminology
- Understanding of the historical genesis of concepts such as real rights, property, possession, easement, usufruct, etc
- Ability in Legal reasoning skill
- Ability in studying comparative Law
- Law Comprehension as a historic result
- Legal system global view adquisition
- Capacity for debating and critical assesment
- Ability to apply the theoretical knowledge in solving practical problems

DESCRIPTION OF CONTENTS: PROGRAMME

The purpose of this subject is that the students achieve a satisfactory degree of knowledge of the Real rights basics in the Roman Law.

INTRODUCTION.- 1. The subject of Basic Institutions of Roman Law. 2. The Law of Rome and its reception in Europe. 3. The history of Roman Law: what we study and why; 3.1. Periodification; 4. Methodology. 4.1. The peculiarities of Roman Law.

UNIT 1. THE SOURCES OF PRECLASSICAL AND CLASSICAL ROMAN LAW.- 1. The sources of knowledge and normative production. The sources of law and the Roman constitutional organization; 2.- The 'lex comicialis'; 3.- The Edict of the Praetor; 4.- Jurisprudence; 5.- The Imperial Constitutions. 6.- 'Ius civile', 'Ius honorarium' and 'Ius gentium'.

UNIT 2.- BASIC NOTIONS ABOUT THE CIVIL ROMAN PROCESS.-Subjects and procedural action; Characteristics of the form process; the 'formula'

UNIT 3.- PROPERTY RIGHTS. 1. Real Rights: general characteristics. 2. Kinds of things; 3. The right of Civil Property: 'Dominium ex iure Quiritium'. 4. Procedural protection of civil property law. 5. Ways of acquiring Civil Property. 5.1. original ways. 5.1.1. Occupation. 5.1.2. Accession. 5.1.3. Confusion. 5.2. derivative modes. 5.2.1. 'Mancipatio'. 5.2.2. In iure cessio'. 5.2.3. 'Traditio' 5.2.4. 'Usucapio'. 6. Other types of property. 6.1. Failures in the transmission of civil property and praetorian protection: 'In bonis habere' or praetorian property. 6.2. Provincial property. 6.3. The property of the foreigners.

UNIT 4. POSSESSION. 1. Concept. 1.1. Possession and Property. 2. Types of possession. 3. Legal protection of possession: possessory injunctions. Types of possessory injunctions. 3.1. Injunctions to retain possession. 3.2. Injunctions to regain possession

UNIT 5.- PROPERTY EASEMENTS AND USUFRUCT. 1. The real rights on foreign property: Concept and types. 2. Real rights of use and enjoyment. 2.1. Rural and urban property easements. 2.2. Personal easements. 2.2.1. The usufruct. 2.2.2. The use. 2.3. Procedural protection of property and personal easements.

UNIT 6- REAL RIGHTS WITH THE FUNCTION OF GUARANTEE. 1. The Trust. 2. The garment. 3. The mortgage.

LEARNING ACTIVITIES AND METHODOLOGY

Learning activities
Theoretical sessions and seminars

Methodology
Presentation and explanation of the basic legal concepts
Analysis of texts and case studies

ASSESSMENT SYSTEM

The definitive mark to be obtained by the student shall take into account the mark obtained during the term in the practical and theoretical compulsory sessions (up to a 50%), as well as the mark obtained in the final exam (up to a 50%).

To mark the continuous assessment, the following matters shall be evaluated:

1. Weekly evaluation test (10%)
2. Test about the key notions (20%)
3. Final practical case resolution (20%).

With regard to the final exam (multiple-choice test), it shall consist of theoretical and practical questions, which will represent one 50% of the grade of the course.

% end-of-term-examination:	50
% of continuous assessment (assignments, laboratory, practicals...):	50

BASIC BIBLIOGRAPHY

- Arias Ramos, J. - Arias Bonet, J. A. Compendio de Derecho público romano e historia de las fuentes, Valladolid, 1979.
- Arias Ramos, J. - Arias Bonet, J. A., Derecho romano, vols. I y II., Revista de Derecho Privado, Madrid, 1997.
- Betancourt, F. Derecho Romano Clásico (4ª ed), Universidad de Sevilla, 2010
- Castillejo, J. Historia del derecho romano. Política, doctrinas, legislación y administración, Madrid, Dykinson, 2004 (reimpr. ed. 1935).
- Castresana, A. Derecho romano. El arte de lo bueno y de lo justo. 2ª ed., Tecnos, 2015
- Churrua, J.,- Mentxaka, R. Introducción histórica al Derecho romano, Universidad de Deusto, 2015.
- Díaz Bautista, A Manual de Derecho romano, Murcia, Diego Marín, 1996.
- Díaz Bautista, A. et al. El Derecho romano como introducción al Derecho, Diego Marín, 2014
- Fernández Barreiro, A., - Paricio Serrano, J. Fundamentos de Derecho Privado Romano, Madrid, 2011
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- Giménez- Candela, M. Derecho privado romano, Valencia, Tirant lo Blanch, 1999.
- Iglesias, J Derecho romano, Madrid, Sello Editorial, 2010
- Miquel, J. Historia del Derecho romano, Barcelona, PPU, 1995.
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- Miquel, J. Quaestiones. Docencia del Derecho a través del casuismo romano, Ariel, 1989
- Ors Pérez Péix, A. d' Elementos de Derecho privado romano, Pamplona, 2014
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- Rodríguez Ennes, L. - Daza Martínez, J. Instituciones Básicas de Derecho Privado Romano, Tirant lo Blanch, 2009
- Torrent, A. Manual de Derecho privado romano, Zaragoza, Edisofer, 2008
- d'Ors, A. Derecho privado romano, Pamplona, Eunsa, 2008

ADDITIONAL BIBLIOGRAPHY

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- Mantovani, D. Le formule del processo privato romano. Per la didattica delle Istituzioni di diritto romano (2ªed.), Cedam, 1999
- R. Domingo et al. Textos de Derecho romano, Madrid, Aranzadi, 2010.
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- Torrent, A. Diccionario de Derecho romano, Madrid, Edisofer, 2005.