



Teaching Guide 2016/2017

Civil Law

Business Administration Degree

Face-to-face tuition



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Civil Law

Civil Law

Module: **Legal environment.**

Subject: **Legal environment.**

Character: **Basic tuition.**

ECTS: **4.5 ECTS.**

Time period: **First year, second term.**

Lecturer: **Prof. Dr. D. Juan B. Cañizares Navarro.**

Email: **jbcanizares@ucam.edu**

Student's attention timetable: **Wednesday, 17:00-19:00.**

Coordinator of module or subject: **Prof. Dr. D. José Ruiz Espinosa.**

Brief description

The aim of this course is helping the student to be aware of and gain expertise in the three basic areas of Law, specifically Civil Law: the sources of Law, the theory of person and the theory of contract. Prior to this, as an introduction, a training in basic legal concepts will be given. The development of the subject will join theoretical teaching with a practical element so that the student can both gain expertise in the subject and know how to apply it during his future work activity.

Previous requirements

Legal aspects of a company have their roots in the social world. For that reason the student of this subject must be able to side with social, political and economic phenomena that define it, without presupposing previous knowledge further than those of the pre-university education.

Aims

1. Acquisition of necessary legal basic knowledge to start the knowledge of Law.
2. Understanding of the concept of rule and of the source of Law.
3. Knowledge of the theory of person in the scope of Law.
4. Acquisition of the fundamental elements of the legal deal and of the theory of contract.

Competences and learning results

Cross-curricular competences

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- (T1) Ability for analysis and synthesis
- (T3) Written and oral communication in native language
- (T6) Ability to manage information
- (T7) Problem solving
- (T9) Team work
- (T10) Interdisciplinary team work
- (T11) Work in international context
- (T13) Recognition of diversity and multiculturalism
- (T14) Critical reasoning
- (T15) Ethic compromise
- (T16) Autonomous learning
- (T17) Adaptation to new situations
- (T20) Knowledge of other cultures and customs
- (T24) Ability of reflection.
- (UCAM3) Ability to direct the acquired knowledge and skills to promote a society based on the values of liberty, justice, equality and pluralism.

Specific competences

- (E19) Acquire the ability to apply the knowledge in practice.
- (E33) Understand Law principles and relate them with the knowledge about business.
- (E49) Issue advice reports about specific situations of companies and markets.
- (E57) Communicate fluently within the work scope and work in team.

Learning results

- Understand, think thoroughly and systematize contents of the different areas that make up the legal field.
- Be able to express oneself correctly both in oral and written form.
- Organize and know how to use the information from different contexts to value the effects of legal environment in business management.
- Acquire the necessary abilities to solve problems taking into account the legal environment.
- Acquire and implement collaboration strategies and abilities to favor team work.
- Recognize and promote the contributions from other fields of knowledge as enriching factor of professional activity, taking into account the legal environment.

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- Develop the professional activity in a globalized environment taking into account the different legal environments.
- Value plurality and enrichment because of the contact with other cultures and legal environments.
- Issue sentences and take up a stance in a critical way, facing the different situations the legal environment leads to within the business activity.
- Recognize and defend any individual's fundamental rights.
- Manage in a proactive way the learning process in the legal scope.
- Generate learning abilities leading to subsequent learning within the legal environment with a high level of autonomy.
- Adjust their behavior to the changes and demands that raise new requirements in the legal environment.
- Recognize and value the different contributions of the different cultures and legal environments to the construction of a plural society.
- Think in a critical and reasonable way questions related to their study in the legal environment.
- Acquire an ethic compromise in the construction of a just, democratic and plural society
- Understand and apply legal knowledge to the practice through the elaboration and defense of arguments well referred and documented.
- Be able to apply the general principles of the Spanish Legal Order, particularly those related to the Spanish Constitution, to the civil, trading, work and financial fields.
- Understand and know the basic legal system and Civil Law institutions.
- Acquire the necessary ability to issue legal reports about situations raised in the company.
- Solve practice cases in team work.
- Criticize and debate the results obtained.
- Use correct terminology in the tasks.
- Use a logical structure and write con orthographic correction.

Methodology

| Methodology | Hours | Face-to-face hours of work | Non face-to-face hours of work |
|----------------------------------|--------------|----------------------------|--------------------------------|
| Lectures (65%) | 29,25 | 45 hours (40 %) | |
| Practicals: (8%) Workshops | 3,6 | | |
| Assessment (7%) | 3,15 | | |
| Tutorials (20%) | 9 | | |
| Personal study (45%) | 30,38 | | 67,5 hours (60 %) |
| Carrying-out of practicals (30%) | 20,25 | | |
| Preparation of practicals (15%) | 10,13 | | |
| Bibliographic search (10%) | 6,75 | | |
| TOTAL | 112,5 | 45 | 67,5 |

Curriculum

Program of theoretical teaching

UNIT 1. Civil Law.

1. Civil Law concept: traditional division of the Law between public and private Law.
2. Historical formation of the Spanish Civil Law.
3. Spanish Civil Code.

UNIT 2. Regional or Special Civil Laws.

1. Historical origin of the regional issue.

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2. Relationship between the General Civil Law and the Special Civil Laws after the Constitution and the Autonomy Statutes. Legislative competence of the Autonomous Communities in Civil Law.

UNIT 3. Sources of Law.

1. Formal sources of Civil Law: article 1 of the Civil Code.
2. Statute, custom and general legal principles.
3. The value of Case Law in the system of sources.

UNIT 4. The legal rule.

1. Validity and termination of the statute. Retroactivity of the statute.
2. Effectiveness of legal rules.
3. Ignorance of the law. Error in law.
4. Exclusion of the applicable law. Fraud of the law.

UNIT 5. Interpretation and application of legal rules.

1. Interpretation of legal rules. Classification.
2. Integration of legal rules. Analogy. Equity.

UNIT 6. Legal relation and subjective right.

1. Legal relation.
2. Subjective right. Concept and classification.
3. Subjective rights content. Legal rights and other situations of power.
4. The subject in the subjective rights. Ownership.

UNIT 7. Theory of things.

1. The object in the subjective rights. Things and provisions.
2. Concept and classification of things.
3. Fruits, expenses and betterments.
4. Patrimony.

UNIT 8. Exercise of subjective rights.

1. Legitimation.
2. Limits to the exercise of subjective rights.
3. The good faith in the exercise of rights. Doctrine of own acts.
4. Abuse of rights and antisocial exercise of rights.

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UNIT 9. Extinguishing of subjective rights.

1. Extinguishing of rights.
2. Renunciation.
3. Prescription and lapsing.

UNIT 10. Legal facts and acts.

1. The legal fact. The time as legal fact: civil calculation of the time.
2. The legal acts. Lawful and unlawful acts.
3. The principle of private autonomy. The legal deal.

UNIT 11. Elements of the legal act.

1. The will and its statement.
2. Differences between the internal will and the stated will.
3. Vices of the will.

UNIT 12. Form of the legal act.

1. General principles. Classification of forms.
2. The freedom of form principle and its exceptions. Study of articles 1.278 to 1.280 of the Civil Code.
3. Public and private documents: concept and effectiveness.

UNIT 13. Representation in legal acts.

1. Concept and classification of representations.
2. Special study of the voluntary representation. The power of attorney.

UNIT 14. Ineffectiveness of legal acts

1. Ineffectiveness of legal acts.
2. Absolute and partial nullity.
3. Relative nullity or annulment. The recognition.
4. Effects of the nullity statement.

Program of practical teaching

The practical teaching will be assessed by the submission and correction of the workshops/practicals.

Connection with other subjects of the syllabus

Civil Law is a subject that is part of the Instructional material Legal Environment in the Degree of Business Administration (ADE). With its 4.5 out of the 39 ECTS that make up the Instructional material Legal Environment, the subject Civil Law intends to provide the student the initial knowledge in the legal field that the student will need in the subsequent legal subjects studied in the Degree. Once the student knows the contents of this subject (as basic training), from the minimum legal rudiments the student will be able to follow the other branches of Law developed in the Degree such as Trade Law, Financial and Tax Law or European Union Law. Thus Civil Law is the starting point of the legal study in the Degree (ADE).

In relation to the other subjects of the Degree, Civil Law is the first step of the essential legal knowledge that any student of Business management and administration has to master in order to have a complete training to develop professional skills.

Assessment system

a) Assessment system of acquisition of competences:

There will be two diets, one in June and one in September.

Written exams: 80%

First partial exam (35%). According to the general system of assessment in the University, halfway through the semester a partial exam will be done. If the student passes the exam with a 5/10 mark, he will not have to make the other exam about such content, and this mark will be kept for the next diet of that academic year.

Final exam-second partial exam (45%): It will consist of three parts: one about the content of the first partial exam, another about the content of the second partial, and the last one about the formative activities. The students who passed any of these parts with a 5/10 mark or a higher one only have to make the parts of the final exam in which they got a lower mark.

Student's involvement in the formative activities: 20%

By the submission and correction of the up-to-in groups of two-workshops/practicals and the participation in forum debates.

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The average mark can be calculated taking into consideration both the two exams and the student's involvement in the formative activities only when the average mark of both parts is 4/10.

b) Marking system

According to art.5 of the RD 1125/2003, the marking system is the next:

Failure (SS) 0 - 4,9.

Pass (AP) 5,0 - 6,9.

Merit (NT) 7,0 - 8,9.

Excellent (SB) 9,0 – 10.

The "Distinction" can be awarded to those students with a degree of 9,0 or higher. It cannot be awarded to more than 5% of the students registered in a subject in the respective academic year, unless the number of registered students is lower than 20, when only one Distinction could be awarded.

Bibliography and reference sources

- Bergel Sainz de Baranda, Y., "Handbook on Spanish civil patrimonial Law", 2nd edition, Tecnos, 2016.
- Martín Santisteban, S., y Martínez Velencoso, L. M., "Handbook on Spanish civil law. Part I. Law of the person", 2nd Edition, Universidad de Valencia, 2012.
- Rodríguez de las Heras Ballell, T., "Introduction to Spanish Private Law: facing the social and economic challenges", Routledge-Cavendish, 2010.

Related webs

http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf

<http://derechocivil-ugr.es/attachments/article/45/spanish-civil-code.pdf>

Study recommendations

The study of the subject is recommended starting from the information taught in the lectures, being this completed with the knowledge of the cited and explained reference legislative sources. Attendance to practicals is essential for a better understanding of the theoretical contents.

Didactic material

The Spanish Constitution and the Spanish Civil Code.

It will be necessary to have a PC with all the necessary programs installed (text editor, spreadsheet, presentation tools, etc.) We also recommend students to use memory devices (USB, CDs or DVDs) to make easier the exchange of information in presentations such as Power Point, exercises, case studies, etc., during the face-to-face classes. We also recommend Internet access.

Tablet or personal computer with Internet access.

Tutorials

Brief description

Academic tutorial:

These tutorials have the aim of consolidating both knowledge and abilities taught in the lectures of the subject by helping to solve problems and doubts asked by the students.

Personal Tutorial:

The university also has a Special Tutors Team that has tutorials with the registered students in the degree. All students registered in the UCAM have a personal tutor from the Special Tutors Team, and these Tutors are with their students during the complete university period.