



## COURSE DATA

### Data Subject

<b>Code</b>	35209
<b>Name</b>	Civil Law IV
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2023 - 2024

### Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	4	First term
1921 - Double Degree Program BMA & Law	Faculty of Law	5	First term
1922 - Double Degree Prog. Law-Political Science	Faculty of Law	5	First term
1923 - Double Degree Programme Law-Criminology	Faculty of Law	5	First term

### Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	10 - Civil law	Obligatory
1921 - Double Degree Program BMA & Law	6 - Year 5 compulsory subjects	Obligatory
1922 - Double Degree Prog. Law-Political Science	6 - Year 5 compulsory subjects	Obligatory
1923 - Double Degree Programme Law-Criminology	7 - Year 5 compulsory subjects	Obligatory

### Coordination

Name	Department
SAIZ GARCIA, CONCEPCION	50 - Civil Law



## SUMMARY

This is a compulsory subject of the fourth year of the degree consisting of 6 ETCS. The aim is for the student to know the juridical system of protection of the family as well as how succession works. In the first part of the course, we will study the basic concepts of the Right of Family and, in the second part, the Right of Successions. The basic contents are the following:

### Right of Family:

Concept of family

Marriage and matrimonial systems

Requirements and effects of marriage

Nullity, separation and divorce

The matrimonial economic system

The economic organisation of the marriage

Filiation and support measures for disabled people to exercise their juridical capacity

### Right of Successions:

Succession and its structure

The capacity for succeed and the dynamics of succession

Tested succession. The will. Concept and structure of the content of the will: The institution of heir and the legacies. Legitimacy and reservations

The intestate succession

The effects of the succession

The hereditary community and the partition of the inheritance

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

Al ser el Derecho de Sucesiones la parte más compleja del Derecho Civil, y por su constante interrelación con las demás ramas del Derecho Civil, exige el conocimiento previo de las demás materias que componen el total de la Disciplina, principalmente, todo el Derecho patrimonial.



## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Acquire basic knowledge of legal arguments.
- Have negotiation and conciliation skills.
- Be able to create and structure regulations.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

COMPETENCE 1: Know and use properly the terminology of Civil Law (related to the specific competences of grade CE: 2,8)

COMPETENCE 2: Be able to understand the basic concepts of Patrimonial Civil Law and Contractual Law (related to the specific competences of grade CE: 2,3,7,8).

COMPETENCE 3: Be able to understand the transformations in Family Law because of the new social and cultural concepts of the family models (related to the specific competences of grade CE: 2,3,4,7,8).

COMPETENCE 4: Know and understand key aspects of the Right to inheritance (related to the specific competence of grade CE: 2,3,7,8).

COMPETENCE 5: Be able to write contracts (related to the specific competence of grade CE: 7,8, 9,10,12,14,15).

## DESCRIPTION OF CONTENTS



## 1. Family and Family Law

The explanation of this first part of the Right of Family demands to tackle necessarily: -The concept of family/families nowadays and common law partners

- The kinship
- The obligation of foods

## 2. Marriage

- The Spanish matrimonial system
- Requirements and personal and patrimonial effects and of marriage
- Nullity, separation and divorce, as well as their common effects
- The matrimonial economic system: community property, separation of ownership and participation

## 3. Measures of support to minors and disabled people

- Relation of filiation. The form of filiation and how to determine them
- The system of protection of minors in the figures of fostering and adoption
- Parents and childrens relationships: parental rights
- Measures of support to minors and disabled people

## 4. Administration of successions

- Succession and right of successions
- Subjects of the mortis cause succession
- The inheritance
- The capacity for succession: Budgets, indignity for succession and relative inabilities.
- Dynamics and phases of succession
- The inheritance in law

## 5. Tested succession

- The will
- The institution of heir and the legated
- The hereditary replacements
- The execution of the testamentary will
- The succession agreements in general



**6. Legitimacy and reservations**

- Legitimacy calculation and imputation
- Qualitative and quantitative intangibility of the legitimacy
- The payment of the legitimacy
- Concept and effects of preterition and disinheritance
- Linear and widow/widowers reservations

**7. Legal or intestate succession**

This unit is about succession in the case of no will.

**8. Succession effects**

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Attendance at events and external activities	5,00	0
Development of group work	5,00	0
Development of individual work	5,00	0
Study and independent work	10,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	10,00	0
Resolution of online questionnaires	5,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

Theoretical contents: The professor will expose and explain the fundamental theoretical contents to guide the student in the study and understanding of the matter. The student must engage actively in the learning by means of the previous reading of the lesson and the supplementary materials established in the planning of the course.



Activities: comment of sentences, verdicts and proposals of practical cases deploying the competences and complementing the theoretical contents. The professor will decide which ones will be assessed.

Supplementary activities: extra activities will be programmed such as workshops, seminars and other activities. They will be planned considering the availability of human and temporary resources and trying to make them interdisciplinary making groups belonging or not to the subject. These activities may take place in centres outside the Universitat de València.

## EVALUATION

Composition of the final grade:

- 30 % CONTINUOUS EVALUATION
- 70 % EVALUATION OF THEORETICAL AND PRACTICAL KNOWLEDGE

Computable activities for the continuous evaluation. - In the CONTINUOUS EVALUATION the follow-up and the preparation of the content of the programme will be assessed. There will be AT LEAST TWO TASKS that will be assessed. They will consist mainly in the resolution of cases, an objective test, individual work or in group, etc.

In any case, professors can carry out additional activities for continuous evaluation that will be documented in the corresponding Annex to the Course Guide.

The continuous evaluation means assistance and participation. Those students that by diverse reasons cannot attend the lessons do not have right to a different continuous evaluation.

Punctuation of the continuous evaluation. – No marks will be awarded in the continuous evaluation if the student does not get AT LEAST 40% in this modality. In consequence, students who don't get at least 40% will have a final score of zero points in the continuous evaluation. The objective is to promote the continuous work.

The continuous evaluation will compute both in first and second calls.

The activities of the continuous evaluation are “no recoverable” in the second call.

Modality of the final test. - The modality of the FINAL TEST of knowledge (test, short questions or questions to be developed, both theoretical and theoretical-practical, oral examination, etc.) will be decided by each professor and will be communicated to the students in advance.

In case of coincidence of examinations, the type of examination may vary (e.g., test, oral, writing).

Need to pass the Final Test.- To pass the subject it is COMPULSORY to PASS THE FINAL TEST.

Students who participate in an activity of the continuous evaluation, but do not take the final test in any of the calls, will be considered as NO PRESENTED in the records of the corresponding calls of the subject.



Qualification in case of having no marks in the continuous evaluation. - Those students that do not participate regularly in the activities of the continuous evaluation will be assessed according to the result of the final exam, which is open to all the students. In such case, the maximum score they can get is 7 out of 10.

Qualification in case of automatic cause of fail. - According to the criteria of this Course Guide or of the Annex of each professor, the maximum mark will be 4 points.

## REFERENCES

### Basic

- Díez-Picazo, Luis y Gullón, Antonio, Sistema de Derecho Civil, vol. IV, tomo 1, Derecho de Familia, 11<sup>o</sup> edición, ed. Tecnos, Madrid, 2012
- Díez-Picazo, Luis y Gullón, Antonio, Sistema de Derecho Civil, vol. IV, tomo 2, Derecho de sucesiones, 11<sup>o</sup> edición, ed. Tecnos, Madrid, 2012
- Lasarte Álvarez, C, Principios de Derecho Civil IV: Derecho de Familia. Marcial Pons, Madrid, 2008
- Lacruz Berdejo, J.L., Elementos de Derecho Civil IV, Derecho de Familia. 4<sup>a</sup> edición, 2010
- Martínez de Aguirre, de Pablo Contreras, Pérez Álvarez. Curso de Derecho Civil IV: Derecho de Familia
- Lacruz Berdejo, J.L., Elementos de Derecho Civil V, Sucesiones. 4<sup>a</sup> edición, 2009
- Albaladejo García, M: Curso de Derecho Civil español, Tomo IV, Derecho de Familia, Edisofer, Madrid, 2013
- Albaladejo García, M: Curso de Derecho Civil español, Tomo IV, Sucesiones, Edisofer, Madrid, 2013.
- De Verda, J.R. Derecho Civil IV. Derecho de Familia, 5<sup>a</sup> Ed. Tirant lo Blanch, Valencia 2022.
- Más Badía, M<sup>a</sup> D. (Dir.), Derecho de Familia (Manual multimedia), 2021, [www.uv.es/docius/materialesjuridicos.wiki](http://www.uv.es/docius/materialesjuridicos.wiki)
- Más Badía, M<sup>a</sup> D. (Dir.), Derecho de Sucesiones (Manual multimedia), 2021, [www.uv.es/docius/materialesjuridicos.wiki](http://www.uv.es/docius/materialesjuridicos.wiki)



**Additional**

- Verdera, R., Esquemas de Derecho Civil. Derecho de Familia, Thomson Reuters, Navarra, 2010
- Verdera, R., Esquemas de Derecho Civil. Derecho de Sucesiones, Thomson Reuters, Navarra, 2010

