

**COURSE DATA****Data Subject**

Code	35212
Name	Procedural Law I (Introduction)
Cycle	Grade
ECTS Credits	4.5
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	2	Second term
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	1	Second term
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	2	Second term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	12 - Procedural law	Obligatory
1921 - D.D. in Business Management Administration-Law	1 - Year 1 compulsory subjects	Basic Training
1922 - D.D. in Law-Political and Public Administration Sciences	3 - Year 2 compulsory subjects	Obligatory

Coordination

Name	Department
JUAN SANCHEZ, JOSE R.	45 - Administrative and Procedural Law

SUMMARY

The subject "Procedural Law (Introduction)" is the first matter that on the procedural science that will have to cursar the student to obtain the title of graduated in Law. The others two are the "Procedural Law II", relative to the civil process, and the "Procedural Law III", relative to the penal process.

His development has to be successive, in any case, to the study in the first cycle of the Constitutional right, of the Institutions of Community Right, of the International Right Public and of the Penal Right (General Part), as well as of the essential elements of the Civil Right. At the same time, it is convenient



that have purchased or are purchasing , the knowledges on the Administrative Right (General Part) and the General Theory of the Obligations and the Agreements.

By means of this subject the student enters in another understanding of the Right, cual is the relative to the realisation jurisdiccional of the juridical legislation and the utility of the procedural Right like autonomous scientific branch.

This subject, together with the others two compulsory subjects of Procedural Right, contribute highly to the training of the main professional profiles of the degree of Right. It treats of matters that have to dominate in good degree those people that in a future want to act professionally in the Courts of Justice (Judges, Fiscal, Lawyers, Procurators, Judicial Secretaries%or2026). But uniquely this introductory matter contributes essential concepts equally important in other professional contexts (political and public agents, mainly). To the margin of considerations strictly professional, this is a matter besides contributes notably to the democratic training, civic and critical of the students.

The aims of the teaching that gives are the following:

In the first place, present the basic concepts that, in the current juridical science, integrate and delimit the matter known like Procedural Right, that refers to the juridical ordination of the realisation jurisdiccional of the Right.

The second aim is to do patents the postulates and condicionamientos constitutional of the Procedural Right. In many respects of the same the Constitution does not leave to the ordinary legislator the free hands, but it conditions and limits of diverse ways his freedom of configuration of relative norms to the courts, to his headlines and to the process.

The third aim is to offer a vision of group of the judicial organisation, although deepening in the ordinary judicial organisation. It studies the statute of the personnel jurisdiccional (also the one of other personnel that helps it and that collaborates with that), the structure of the courts and ordinary courts and the organs and functions of government and administration of the ordinary judicial organisation, destacadamente the General Council of the Judicial Power.

In fourth place pretends present, together with the basic concepts of the procedural acts, some norms that are common to determinate classes of such acts, make in a civil process or in one penal or of another class, as well as the special problems of the sources of this part of the juridical legislation.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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



Other requirements

No one.

OUTCOMES

1303 - Degree in Law

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LEARNING OUTCOMES

- Explain the phenomenon of the process.
- Identify and analyse the constitutional principles on the Judicial Power, his organisation and his exercise.
- Determine the courts with jurisdiction in Spain his competition.
- Identify the professions that take part in the Administration of Justice and his functions.
- Identify and know configure the fundamental rights of procedural nature.
- Identify and analyse the procedural principles and his incidence in the distinct classes of process.
- Identify and distinguish the procedural acts, his authors and his efficiency.
- Know the main procedural laws.

DESCRIPTION OF CONTENTS

1. Introduction to the matter.

Contextualización Of the procedural Right in the group of the juridical legislation. Introduction to the concepts of jurisdiction, action and process.

2. Jurisdiction and constitutional principles

The judicial independence, his demonstrations and guarantees.

**3. Jurisdictional function**

Concept and elements definidores of the jurisdictional function.

4. Jurisdictional organisation.

The organisation jurisdiccional and administrative of the courts and courts. The personnel jurisdiccional. The personal collaborator and the auxiliary personnel.

5. Action and judicial protection

The concept of action and his reflection in the Constitution of 1978. Main elements of the right to the free juridical assistance.

6. The process and its principles

Common principles to all process. Specific principles on the initiation of the process; the configuration of the object; the contribution and material proof of the facts; the formal direction of the process; the assessment of the proof; and the external demonstration of the procedural acts.

7. The procedural acts

Theory and classification of the procedural acts. Acts of the parts; of the judge and of the judicial secretary. The inefficiency of the procedural acts.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Development of individual work	22,50	0
Study and independent work	45,00	0
TOTAL	112,50	

TEACHING METHODOLOGY

Exhibition of theoretical contents. The professor will expose and will explain those fundamental elements that have to guide to the students in the study and understanding of the matter. The student, by his part, has to engage actively in the process of learning by means of the reading, previous to the explanation of the professor, or in class, in function of the organisation of the educational time, of those materials, manual, monographs or proportionate texts or indicated previously.

Activities applied: they will consist in the comment of sentences or of news of press, the resolution of cases or the realisation of activities puzzle or questionnaires, the analysis of procedural acts, the



simulation of trials, etc. through which the student will have to develop the before distinguished competitions.

These activities will be able to, or serve of complement to the exhibition of the theoretical knowledges made by the professor, or centre in concrete points of the program of the subject that do not go to be object of exhibition by the professor.

These activities will be participatory and each professor will signal, in his case, which will be object of evaluation.

Through the same will enter and habituará to the student in the handle of those materials and technical own of the discipline.

Activities out of the classroom.

Complementary activities: Such like seminars, tutorías collective, visits to public institutions, etc., will program in the context of the subject and will consist in specific activities of the subject or of character interdisciplinar or transversal, and always in coordination with the groups of the same subject or with other subjects. In his case, the professor will have to signal if they are object of evaluation.

Activities directed: So much for the follow-up of the theoretical exhibition as of the realisation of the activities applied, the professor will indicate which readings, research of sentences or preparation of cases, etc., will make the student.

Although they are not object of work in the classroom, the professor also will be able to program, inside the volume of work of the student, other activities that serve to reinforce or review the knowledges purchased by the student.

Assistance to tutorías no programmed: To make queries on any subject or appearance related with the subject and his dynamics of work, the students will be able to assist, in the schedule fixed by each professor, to the tutorías no programmed that will fix all professor.

EVALUATION

1. The global evaluation will obtain like result of a combination of the assessment obtained in the proof or the proofs of evaluation of the theoretical knowledges-practical together with the achieved in the different activities of continuous evaluation made.

In concrete, the global evaluation of the subject will consist:

- Until a 30 %, in the punctuation obtained by the subject activities to continuous evaluation.
- Until a 70 %, in the punctuation obtained in the proof or the proofs of evaluation of the theoretical knowledges-practical.
- The punctuation obtained in the continuous evaluation only will be added to the punctuation obtained in the proof or the proofs of evaluation of the theoretical knowledges-practical, if this last reaches, like



minimum, a 50 % of the maximum punctuation established, was by addition of the punctuation of the partial proof surpassed more the final proof, was by the punctuation of the final proof.

The activities of continuous evaluation and his evaluation:

- The continuous evaluation will value the realisation of the activities in relation with the matter of the subject, that will be programmed and valued in the annexes to the educational guide.
- In accordance with the Protocol for the Degrees of the Faculty of Right of the Universitat of València, recommends , like minimum, three activities evaluables consistent, between others, in the resolution of practical cases, in the answers to questionnaires, in the preparation of diagrams or summaries of determinate contents of the matter of the subject, and in the realisation of exhibitions.
- The professor or the professor of groups that participate in workshops interdisciplinaries or complementary activities programmed will have to certify in the annex to the educational guide of the groups affected if the participation in these workshops or activities will be valued like activity of continuous evaluation.
- The professor or the professor will have to specify in the annex to the educational guide of the group if the activities of continuous evaluation are or no recoverable, attending to the characteristics and the nature of the activities that it treat .

3. The evaluation of the theoretical knowledges-practical will make :

- A final proof, that versará on the whole of the contents evaluables.
- In the annex to the educational guide will specify if the proof mentioned will make oralmente.

REFERENCES

Basic

- De la Oliva Santos/Díez-Picazo Giménez/Vegas Torres, Derecho procesal: introducción, Centro de Estudios Ramón Areces, última edición.
- Gimeno Sendra, Introducción al derecho procesal, Castillo de Luna, última edición.
- Montero Aroca/Gómez Colomer/Barona Vilar, Derecho Jurisdiccional I, Parte General, Tirant Lo Blanc, última edición.
- Moreno Catena/Cortés Dominguez, Introducción al Derecho Procesal, Tirant Lo Blanch, última edición.
- Ortells Ramos (dir. y coord.), Introducción al Derecho Procesal, Aranzadi, última edición.



Additional

- Ley Orgánica del Poder Judicial .
- Ley de Enjuiciamiento Civil.
- Ley de Enjuiciamiento Criminal.
- www.poderjudicial.es
- www.boe.es
- www.tribunalconstitucional.es

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

1. Continguts / Contenidos

En principio, se mantienen los contenidos inicialmente recogidos en la guía docente.

Dado que la asignatura es cuatrimestral, que la docencia presencial se ha podido realizar normalmente hasta el día 13 de marzo, y que el calendario académico establece un periodo no lectivo del 16 al 19 de marzo y del 10 al 20 de abril, el tratamiento en clase presencial de los contenidos inicialmente recogidos en la guía docente se encuentra impartido en aproximadamente un 50%.

Los contenidos no tratados presencialmente serán impartidos de forma no presencial.

No obstante, si cada profesor o cada profesora, atendida la concreta situación del grupo a su cargo, considera que debe eliminar algunos contenidos, los determinará con precisión en el Anexo a la Guía Docente e informará a las y los estudiantes por medio de la herramienta docente apropiada entre las establecidas en el apartado 3 de esta ficha.

2. Volum de treball i planificació temporal de la docència



2. Volumen de trabajo y planificación temporal de la docencia

No hay cambios en el volumen de trabajo para la asignatura.

En principio, se mantiene el peso de las distintas actividades que suman las horas de dedicación en créditos ECTS marcadas en la guía docente original.

No obstante, si algún profesor o alguna profesora, atendida la concreta situación del grupo a su cargo, ha procedido a reducir el peso de unas actividades y a su sustitución por otras manteniendo el volumen de trabajo que marca la guía docente original, lo determinará con precisión en el Anexo a la Guía Docente e informará a las y los estudiantes por medio de la herramienta docente apropiada entre las establecidas en el apartado 3 de esta ficha.

Las sesiones de docencia se mantienen en los días y horas programados en los correspondientes cronogramas, aunque se realizarán mediante las herramientas docentes

que se mencionan en el apartado 3 de esta ficha.

En el cronograma del Anexo a la Guía Docente se vincularán las distintas sesiones de docencia no presencial con las respectivas herramientas docentes

3. Metodología docente

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Cada profesor o cada profesora deberá concretar en el Anexo a la Guía Docente la metodología docente a seguir tanto para la docencia no presencial como para las tutorías no presenciales.



Por una parte, deberá precisar el listado de herramientas docentes que sustituyen a la docencia presencial en las clases, y determinar el uso específico que se da a cada una de ellas para cada una de las sesiones.

En principio, dichas herramientas docentes serán: la subida de materiales al Aula Virtual; la propuesta de actividades por Aula Virtual; la videoconferencia síncrona BBC; la videoconferencia asíncrona BBC; y los problemas/ejercicios resueltos para las clases prácticas.

Por otra parte, deberá indicar cómo se adapta a la nueva situación y se organiza el sistema de tutorías.

En principio, las tutorías se realizarán de acuerdo con el régimen de tutoría virtual, y se articularán mediante el correo electrónico o el Forum en Aula Virtual, y, cuando la cuestión planteada por la o el estudiante requiera una comunicación más fluida con el profesor o la profesora, a través de la videoconferencia.

4. Avaluació

4. Evaluación

A) Evaluación continua

Atendiendo a la recomendación de incrementar el peso de la evaluación continua, excepcionalmente para este curso académico la calificación definitiva de la asignatura se obtendrá de la suma de las calificaciones obtenidas, según su correspondiente porcentaje, entre las actividades de evaluación continua y la prueba final de evaluación de los conocimientos teórico-prácticos, sin que en esta última deba obtenerse una puntuación superior al 50% de su valor. Queda sin efecto por lo tanto la siguiente consideración: “La puntuación obtenida en la evaluación continua sólo será adicionada a la puntuación obtenida en la prueba o las pruebas de evaluación de los conocimientos teórico-prácticos, si esta última alcanza, como mínimo, un 50 % de la puntuación máxima establecida, sea por adición de la puntuación de la prueba parcial superada más la prueba final, sea por la puntuación de la prueba final”.



No se modifica el porcentaje de calificación por evaluación continua (30 %), porque con la eliminación de la restricción antes mencionada se incrementa de modo importante la

incidencia de la puntuación obtenida por la misma en la nota final.

Si alguna actividad sometida a evaluación continua y pendiente de realización no puede ser llevada a cabo en la forma inicialmente prevista por exigir presencialidad, el profesor o la profesora informará al alumnado -precisándolo en el Anexo a la Guía Docente- sobre su realización mediante alguna de las herramientas disponibles en Aula Virtual o su sustitución por otra actividad distinta.

B) Prueba final

La prueba final on line se realizará de algunos de los siguientes modos, que tendrán que ser concretados por cada profesor o profesora en el Anexo a la Guía Docente:

- Exámenes orales por videoconferencia.
- Pruebas objetivas (tipo test), mediante los instrumentos disponibles en Aula Virtual.
- Prueba escrita abierta (examen tradicional), mediante los instrumentos disponibles en Aula Virtual.
- Casos prácticos, mediante los instrumentos disponibles en Aula Virtual.

Antes del día 30 de abril, el profesor o la profesora encargado de cada grupo informará a las y los estudiantes por comunicación escrita en Aula Virtual del modo concreto, entre los que se acaban de mencionar, que establece para la prueba final y, en todo caso, advertirá que la videoconferencia podrá ser utilizada complementariamente al modo establecido, cuando sea conveniente para aclarar dudas de autenticidad en la realización de las pruebas.

En las videoconferencias, las y los estudiantes deberán activar la función “compartir vídeo”. La negativa a hacerlo equivaldrá a no haber realizado la prueba correspondiente o el complemento de la misma.



5. Bibliografia

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La bibliografía recomendada se mantiene pues es accesible.

Los principales manuales recomendados en todos los grupos de la asignatura están disponibles como e-books en la Biblioteca de Ciencias Sociales, de modo que no es necesaria su sustitución por otros materiales.

En todo caso, el profesorado encargado de los diferentes grupos precisará en el Anexo a la Guía Docente e informará por escrito en Aula Virtual de que el manual que utilicen está disponible como e-book.