

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

<b>Code</b>	35212
<b>Name</b>	Procedural Law I (Introduction)
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2021 - 2022

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
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**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
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**

<b>Name</b>	<b>Department</b>
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
<b>TOTAL</b>	<b>112,50</b>	

**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](http://www.poderjudicial.es)
- [www.boe.es](http://www.boe.es)
- [www.tribunalconstitucional.es](http://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**

#### HYBRID TEACHING

If the academic authority determines it, this subject will be adapted to the hybrid teaching model established by the Faculty of Law, through which face-to-face theoretical-practical classes will be taught in discontinuous weeks for the student. To this end, the Secretary of the Faculty will divide the group into as many subgroups as necessary, teaching in the classroom, at the time established for the subject, to one of the subgroups each week in accordance with the calendar established by the Faculty, providing for the others, as a priority, follow-up of the class through synchronous VIDEO CONFERENCE. The contents, volume of work and evaluation are maintained in the terms initially foreseen in the academic guide.

#### NON-PRESENTIAL TEACHING

If the academic authority establishes the change in non-classroom teaching, this subject will be taught to all students under the same conditions as those indicated for the non-classroom teaching part of the hybrid system. The contents, volume of work and evaluation are maintained in the terms initially foreseen in the academic guide.