

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

<b>Code</b>	35214
<b>Name</b>	Procedural Law III
<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 - Grado de Derecho	Faculty of Law	4	First term
1921 - Programa Doble Titulación ADE-Derecho	Doubles Studies Faculty of Law - Faculty of Economics	4	First term
1922 - Programa Doble Titulación Derecho-Ciencias Políticas y AA.PP	Faculty of Law	5	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Grado de Derecho	12 - Procedural law	Obligatory
1921 - Programa Doble Titulación ADE-Derecho	5 - Year 4 compulsory subjects	Obligatory
1922 - Programa Doble Titulación Derecho-Ciencias Políticas y AA.PP	6 - Year 5 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
BELLIDO PENADES, RAFAEL	45 - Administrative and Procedural Law

**SUMMARY**



1) Situation of the subject in the study programme, other subjects with which it is linked

Procedural Law III is one of the compulsory subjects of the Degree in Law of the University of Valencia. It is taught in the fourth year, first semester, and is the third subject on the procedural science should be the student to graduate in law. The other subjects are Procedural Law I -Introduction to Procedural Law- and Procedural Law II - Civil Procedural Law-.

This subject aims to give a complete view of the criminal process.

Its development must be successive to the study of other subjects, since it requires a minimum knowledge of disciplines such as Criminal Law.

2) Brief description of the subject, type of contents and possible applications

Through this course the student of Law is introduced in the procedural phenomenon, indispensable instrument for the realization of Criminal Law.

It is a matter of essential knowledge for those who dedicate themselves professionally to the Law, insofar as they are subjects whose activity comes, to a greater or lesser extent, related to criminal justice.

The subject of Criminal Procedural Law III includes six blocks:

- A first introductory part on the different models of criminal process and the constitutionalization of the essential guarantees.

- A second specific part about the subjects - competent court and parties - and the purpose of the criminal process.

- A specific third part about the criminal declaration process. It will analyze:

a) The stage of preliminary procedure or stage of instruction, with special reference to its informative principles, its content - acts of initiation and exercise of criminal action, investigation, imputation, and relative to precautionary measures, its structure and its forms of termination;

b) The oral trial;

c) The means of challenge and the effects of the criminal process.

- A specific fourth part on the different criminal, ordinary and special procedures.



- A specific fifth part about the jurisdictional activity in the execution.
- A specific sixth part on international judicial cooperation

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

Se recomienda que su desarrollo sea sucesivo al estudio de las asignaturas de Derecho Procesal I y Derecho Procesal II, y de otras materias relacionadas, pues requiere unos mínimos conocimientos de disciplinas tales como el Derecho Penal.

## OUTCOMES

### 1303 - Grado de Derecho

- 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 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.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Acquire basic knowledge of legal arguments.
- Have negotiation and conciliation skills.

## LEARNING OUTCOMES

This subject is oriented to the student's acquisition of these competences as learning outcomes:

- a) Be able to know the institutions of the criminal process: procedural budgets, jurisdictional tutelage classes and procedures (relationship with specific competences of the CE grade 2,3,7,8,9,10).
- b) Be able to determine the most effective legal and procedural reaction to a situation of conflict (relationship with CE 2,3,9,10,11,12,14).
- c) Be able to know the different forms of non-judicial solution of litigation, the scope of application of the same and their effectiveness (relationship with CE 3,10,12,14).
- d) Be able to write the main procedural documents (relationship with CE 2,3,7,9,10,12).



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	2,50	0
Development of group work	2,00	0
Development of individual work	2,00	0
Study and independent work	45,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	3,00	0
Preparing lectures	2,00	0
Preparation of practical classes and problem	3,00	0
Resolution of case studies	3,00	0
Resolution of online questionnaires	2,00	0
<b>TOTAL</b>	<b>112,50</b>	

## TEACHING METHODOLOGY

Activities in the classroom



### Exhibition of theoretical contents

The teacher will explain those fundamental elements that should guide students in the study and understanding of the subject. The student, for his part, must actively engage in the learning process through reading, prior to the explanation of the teacher, or in class, depending on the organization of teaching time, materials, manuals, monographs or texts provided or indicated previously. Their involvement in the development of the sessions may include the oral presentation of specific points on the agenda.

### Applied activities

They will consist, among others, in the commentary of news of the press, the resolution of cases, the accomplishment of puzzle activities or questionnaires, or the exhibition of directed works. Through them, the student must develop the above-mentioned skills and will be introduced and habituated in the handling of those materials and techniques of the discipline.

These activities can either serve as a complement to the presentation of theoretical knowledge by the teacher, or focus on specific aspects of the program of the subject that will not be subject to exposure by the teacher.

The activities will be participatory and each teacher will indicate, where appropriate, which will be subject to evaluation.

### Activities outside the classroom

#### Complementary activities

This includes seminars, collective tutorials, the viewing of documentaries and films with subsequent discussion, visits to public institutions, etc. They will be programmed in the context of the subject and will consist of specific activities or of interdisciplinary or transversal character. They will always be done in coordination with the different groups of the same subject and / or with other subjects. In your case, the teacher should indicate if they are subject to evaluation.

#### Directed activities

Both for the follow-up of the theoretical exposition and for the realization of the applied activities, the teacher will indicate which readings, search of news, sentences or preparation of cases,



etc., the student will make.

The teacher can also program, within the workload of the student, other activities that serve to reinforce or review the knowledge acquired by the student.

Assistance to unscheduled tutoring

To make inquiries about any topic or aspect related to the subject and its work dynamics, students can attend, in the schedule set by each teacher, the non-scheduled tutorials that are set at the time.

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## **EVALUATION**



The overall evaluation will be obtained as a result of a combination of the assessment obtained in the test or the evaluation tests of the theoretical-practical concomitant together with that obtained in the different continuous assessment activities carried out.

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

- Up to 30%, in the score obtained by the activities subject to continuous evaluation.
- Up to 70%, in the score obtained in the test or in the evaluation tests of theoretical-practical knowledge.
- The score obtained in the continuous assessment will only be added to the score obtained in the test or the theoretical-practical knowledge assessment tests, if the latter reaches, at least, 50% of the maximum score established, either by addition of the score of the partial test passed plus the final test, either by the score of the final test.

The activities of continuous evaluation and its evaluation:

- The continuous evaluation will evaluate the realization of the activities in relation to the matter of the subject, which will be programmed and valued in the annexes to the teaching guide.
- In accordance with the Protocol for the Degrees of the Faculty of Law of the Universitat de València, it is recommended, at least, three assessable activities consisting, among other things, in the resolution of practical cases, in the answers to questionnaires, in the elaboration of diagrams or summaries of certain contents of the subject matter, and in the realization of exhibitions.
- The teacher or group teacher who participates in interdisciplinary workshops or scheduled complementary activities should include in the annex to the teaching guide of the affected groups if the participation in these workshops or activities will be valued as activity of continuous evaluation.
- In the Annex of the group's teaching guide, it will be necessary to determine whether the continuous assessment activities are recoverable or not, taking into account the characteristics and nature of the activities in question.

The theoretical-practical knowledge evaluation will be carried out:

- A final test, which will cover all the evaluable contents.
- In the annex of the teaching guide it will be specified if the aforementioned test will be done orally.

## REFERENCES



### Basic

- ARMENTA DEU, T., Lecciones de Derecho Procesal Penal, Madrid, Marcial Pons, última edición.
- ASENCIO MELLADO, J. M., Derecho Procesal Penal, Valencia, Tirant lo Blanch, última edición.
- DE LA OLIVA SANTOS, A.-ARAGONESES MARTÍNEZ, S.-HINOJOSA SEGOVIA, R.-MUERZA ESPARZA, J.-TOMÉ GARCÍA, J.A., Derecho Procesal Penal, Madrid, Centro de Estudios Ramón Areces, última edición.
- GIMENO SENDRA, V., Manuel de Derecho Procesal Penal, Madrid, Colex, última edición.
- MONTERO AROCA, J., GÓMEZ COLOMER, J.L., MONTÓN REDONDO, A., Derecho Jurisdiccional III, Proceso Penal, Valencia, Tirant lo Blanch, última edición.
- MORENO CATENA, V.-CORTÉS DOMINGUEZ, V., Derecho Procesal Penal, Valencia, Tirant lo Blanch, última edición.
- RAMOS MÉNDEZ, F., Enjuiciamiento Penal.Lectura Constitucional, Barcelona, Atelier, última edición.

### Additional

- ARNAIZ SERRANO, A.-LÓPEZ JIMÉNEZ, R.-MARTINEZ SOTO, T., Esquemas de Derecho Procesal Penal (MORENO CATENA, V., director; ARNAIZ SERRANO, A., coordinadora), Valencia, Editorial Tirant lo Blanch, última edición.





- - Bases de datos:

<http://www.westlaw.es>

<http://www.tirantonline.com>

<http://www.iustel.com>

- Webs útiles:

[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/judicial\\_cooperation\\_in\\_civil\\_matters/index\\_es.htm](http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/index_es.htm)

[http://ec.europa.eu/civiljustice/index\\_es.htm](http://ec.europa.eu/civiljustice/index_es.htm)

<http://www.prontuario.org/>

- Legislación:

Diario oficial de la Unión Europea:

<http://eur-lex.europa.eu/JOIndex.do>

BOE

<http://www.boe.es>

Boletines autonómicos:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_autonomicos.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_autonomicos.php)

Boletines provinciales:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_provinciales.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_provinciales.php)

- Jurisprudencia:

Tribunal Constitucional:

<http://www.tribunalconstitucional.es>

Tribunal de Justicia de la Unión Europea

[http://curia.europa.eu/jcms/jcms/j\\_6/pagina-principal](http://curia.europa.eu/jcms/jcms/j_6/pagina-principal)

Tribunal Supremo

Cendoj

<http://www.poderjudicial.es/search/index.jsp>



## 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 decides so, this subject will be adapted to the hybrid teaching mode established by the Faculty of Law, meaning that regular theoretical-practical classes will be taught in discontinuous weeks for the students. For this purpose, the Secretary's Office of the Faculty will divide the group into as many subgroups as necessary, ordering classroom teaching, in the timetable established for the subject, to one of the subgroups each week in accordance with the calendar established by the Faculty, giving priority to monitoring the class through synchronous VIDEOCONFERENCE for the ones outside the classroom. The contents, workload and assessment are kept in the terms initially foreseen in the academic guide.

### NON-ATTENDANCE TEACHING

If the academic authority establishes the change to NON-ATTENDANCE TEACHING, this subject will be taught for all students under the same conditions as those indicated for the NON-ATTENDANCE TEACHING part of the hybrid system. The contents, workload and assessment will be maintained in the terms initially foreseen in the academic guide.