

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

Code	35214
Name	Procedural Law III
Cycle	Grade
ECTS Credits	4.0
Academic year	2023 - 2024

Study (s)

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

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	12 - Procedural law	Obligatory
1921 - Double Degree Program BMA and Law	5 - Year 4 compulsory subjects	Obligatory
1922 - Double Degree Prog. Law-Political Science	6 - Year 5 compulsory subjects	Obligatory

Coordination

Name	Department
BELLIDO PENADES, RAFAEL	45 - Administrative and Procedural Law

SUMMARY

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, during first semester, and is the third subject on the procedural science to graduate in Law. The other two 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 follow the study of other subjects since it requires a minimum knowledge of disciplines such as Criminal Law.

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

It is a subject of essential knowledge for those who work professionally in Law because it is related, to a greater or lesser extent, to criminal justice.

The subject Criminal Procedural Law III includes six blocks:

- A first introductory part on the different models of the criminal process and constitutionalizing the essential guarantees.
- A second specific part about competent court and parties -and the purpose of the criminal process.
- A specific third part about the criminal declaration process. It will analyse:
 - 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.

**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 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 (RD 1393/2007) // NO CONTENT (RD 822/2021)

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 (specific competences 2,3,7,8,9,10).
- b) Be able to determine the most effective legal and procedural reaction to a situation of conflict (specific competences 2,3,9,10,11,12,14).
- c) Be able to know the forms of non-jurisdictional solution of litigation, their scope of application and their effectiveness (specific competences 3,10,12,14).
- d) Be able to write the main procedural documents (specific competences 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
TOTAL	112,50	

TEACHING METHODOLOGY

Activities in the classroom

Theoretical contents

The teacher will explain those fundamental elements to guide students in the study and understanding of the subject. The student must actively engage in the learning process through reading, prior to the explanation of the teacher, or in class, depending on the organization of the teaching time, the 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, the resolution of cases, the accomplishment of puzzle activities or questionnaires, or the presentation 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 programme of the subject that will not be presented by the teacher.

The activities will be participatory and each teacher will indicate, where appropriate, which ones will be assessed.

Activities outside the classroom

Supplementary activities

They include seminars, collective tutorials, the viewing of documentaries and films with 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 any case, the teacher will indicate if they will be assessed.

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., must be done.

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, non-scheduled tutorials.

EVALUATION

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

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

- Up to 30%, the mark obtained in the activities subject to continuous evaluation.
- Up to 70%, the mark obtained in the test or in the evaluation tests of theoretical-practical knowledge.- The marks obtained in the continuous evaluation will only be added to the marks obtained in the test or the theoretical-practical knowledge assessment tests, if the latter is, 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 course guide.
- In accordance with the Protocol for the Degrees of the Faculty of Law of the Universitat de València, it is recommended, at least, to carry out three assessable activities consisting, among other things, in the resolution of practical cases, in questionnaires, in the elaboration of diagrams or summaries of certain contents of the subject matter, and in the realization of presentations.
- The teacher or group teacher who participates in interdisciplinary workshops or scheduled supplementary activities should include in the annex to the course guide of the affected groups if the participation in these workshops or activities will be assessed as activities of continuous evaluation.
- In the Annex of the group's course guide, it will be necessary to determine whether the continuous evaluation activities are recoverable or not, considering the characteristics and nature of such activities.



The theoretical-practical knowledge evaluation will include:

- A final test, which will cover all the evaluable contents.

In the annex of the course 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.
- ASECIO 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. y Otros, Derecho Procesal 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.
- GÓMEZ COLOMER, BARONA VILAR, y otros, Proceso Penal, Derecho Procesal III, Valencia Tirant lo Blanch, 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

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

Boletines provinciales:

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

Tribunal Supremo

Cendoj

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