

Guía Docente

DATOS DE IDENTIFICACIÓN

Titulación: Grado en Análisis de Negocios

Rama de Conocimiento: Ciencias Sociales y Jurídicas

Facultad/Escuela: Ciencias Jurídicas y Empresariales

Asignatura: Derecho Contractual / Contract Law

Tipo: Optativa

Créditos ECTS: 6

Curso: 2

Código: 5357

Periodo docente: Tercer semestre

Materia: Derecho

Módulo: Formación disciplinar

Tipo de enseñanza: Presencial

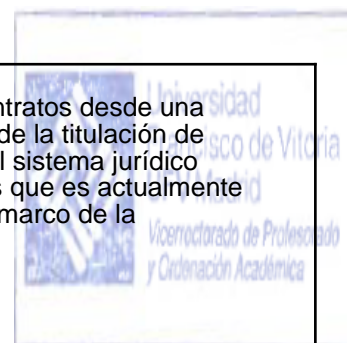
Idioma: Castellano

Total de horas de dedicación del alumno: 150

Equipo Docente	Correo Electrónico
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DESCRIPCIÓN DE LA ASIGNATURA

Asignatura impartida en inglés en la que se estudia la teoría general de obligaciones y contratos desde una perspectiva que aspira a satisfacer las necesidades de formación jurídica de los alumnos de la titulación de Análisis de Negocios (Business Analytics). La asignatura tomará como eje de referencia el sistema jurídico español pero ofrecerá igualmente una dimensión comparada del Derecho de los contratos que es actualmente muy necesaria para todas las personas que quieren desarrollarse profesionalmente en el marco de la globalización económica.



Taught in English, this course deals with the general theory of obligations and contracts from a perspective aimed at satisfying the legal learning needs of students majoring in Business Analytics. The course will center around the Spanish legal system but will provide students with a comparative approach to the law of contracts which is presently much needed for anyone willing to succeed professionally in the context of economic globalization.

OBJETIVO

After taking this course, students must be able to:

- 1) Identify the main sources of regulation of obligations and contracts
- 2) Learn the basic legal regime applicable to obligations and contracts under Spanish law
- 3) Understand the differences in the rules applicable to contracts from a global and comparative law perspective
- 4) Apply their knowledge to contractual problems found in real economic and business situations

CONOCIMIENTOS PREVIOS

Students must have assimilated concepts from legal courses taught in the previous academic year.

CONTENIDOS

INTRODUCTION (10%)

1. Obligations and contracts
2. Sources of regulation
3. The law of obligations and contracts in the XXI Century: globalization and digitalization

PART I. LAW OF OBLIGATIONS: A BASIC APPROACH (30%)

1. Obligation: concept and sources
2. Types of obligations from a subjective and objective perspective
3. Performance and discharge
4. Non-performance
5. Creditor's protection
6. Modification and extinction of obligations

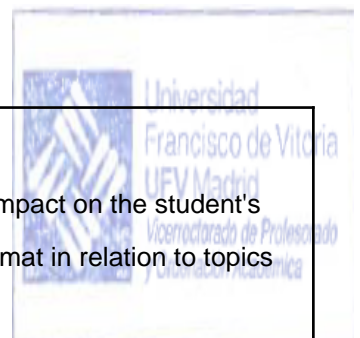
PART II. GENERAL THEORY OF CONTRACTS (60%)

1. Contracts: an introduction
2. The formation of a contract
3. Essential elements of a contract
4. Effects
5. Remedies
6. Invalidity and nullity

ACTIVIDADES FORMATIVAS

The following learning activities will be developed throughout the course:

- 1) Course presentation with review of the academic guide, the learning objectives and its impact on the student's academic curriculum
- 2) Pre-assigned readings of bibliographical materials with different contents, scope and format in relation to topics to be addressed in the classroom
- 3) Lectures intertwined with participative debates with the students



- 4) Presentations of cases extracted from real life situations
- 5) Study and analysis of problems in accordance with the protocol established by the course professor
- 6) Review and analysis of case law derived from national and foreign courts

Specific methodologies used in this course will be, along with regular lectures, the following two: flipped classroom and problem-based learning. Flipped classroom aims at bringing students at the heart of the learning process by facilitating them materials which will promote their independent learning out of the classroom and will also provide higher value at the activities developed in the classroom. Problem-based learning is a method which will help students to obtain knowledge on the course topics through the analysis and solution of problems presented by the course professor.

Tutorships and follow-ups on the students' work will be performed either face-to-face or virtually.

Learning activities, as well as distribution of working hours, may be modified and adapted taking into account the different scenarios which might be envisaged by the health authorities.

DISTRIBUCIÓN DE LOS TIEMPOS DE TRABAJO

ACTIVIDAD PRESENCIAL	TRABAJO AUTÓNOMO/ACTIVIDAD NO PRESENCIAL
60 horas	90 horas

COMPETENCIAS

Competencias básicas

Que los estudiantes hayan demostrado poseer y comprender conocimientos en un área de estudio que parte de la base de la educación secundaria general, y se suele encontrar a un nivel que, si bien se apoya en libros de texto avanzados, incluye también algunos aspectos que implican conocimientos procedentes de la vanguardia de su campo de estudio

Que los estudiantes sepan aplicar sus conocimientos a su trabajo o vocación de una forma profesional y posean las competencias que suelen demostrarse por medio de la elaboración y defensa de argumentos y la resolución de problemas dentro de su área de estudio

Que los estudiantes tengan la capacidad de reunir e interpretar datos relevantes (normalmente dentro de su área de estudio) para emitir juicios que incluyan una reflexión sobre temas relevantes de índole social, científica o ética

Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado

Que los estudiantes hayan desarrollado aquellas habilidades de aprendizaje necesarias para emprender estudios posteriores con un alto grado de autonomía

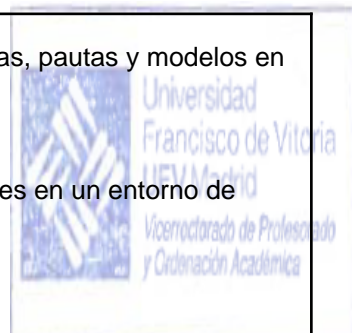
Competencias generales

Capacidad de organización, sistematización y planificación en la identificación de problemas, pautas y modelos en el contexto del big data

Compromiso ético en la sociedad de la información

Capacidad para el cumplimiento de objetivos, resolución de problemas y toma de decisiones en un entorno de datos masivos tanto cuantitativos como cualitativos

Capacidad de liderazgo y de trabajar en equipo en la sociedad de la información



Capacidad de comunicar en lengua nativa y/o extranjera en la sociedad de la información

Capacidad de pensamiento crítico, autocrítico, analítico y reflexivo

Capacidad de aprendizaje autónomo en la sociedad de la información

Competencias específicas

Manejar las fuentes jurídicas (legales, jurisprudenciales y doctrinales) aplicables al caso de estudio.

Conseguir la percepción del carácter unitario del ordenamiento jurídico y de la necesaria visión interdisciplinaria de los problemas jurídicos.

Conocer los conceptos jurídicos fundamentales, las formas jurídicas de la empresa y los aspectos jurídicos de la actividad empresarial

RESULTADOS DE APRENDIZAJE

Comprende la importancia de la aplicación de procesos digitales a la contratación y está familiarizado con la terminología y conceptos propios de los contratos digitales

Conoce con solvencia las fuentes generales de regulación de los contratos, incluyendo su jerarquía y ámbito de aplicación.

Entiende el papel desempeñado por los contratos en la organización de la vida económica, social e individual de las personas y su relación con otras disciplinas jurídicas

Comprende conceptos básicos de la teoría general de obligaciones y contratos en su aplicación a problemas prácticos tanto desde la perspectiva del Derecho español como de una perspectiva comparada

SISTEMA DE EVALUACIÓN DEL APRENDIZAJE

REGULAR (FIRST) CALL

In this first call, students will be graded as follows:

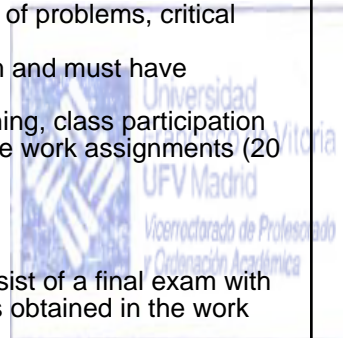
- A) Final exam (weight: 60% of the final grade): written exam dealing with theoretical and/or practical issues covered by the course program
- B) Team work (weight: 15% of the final grade)
- C) Individual work (weight: 15% of the final grade)
- D) Class participation (10% of the final grade)

Specific instructions:

1. Exams will be developed face-to-face as long as the health situation permits so, but they may be modified with the purpose to comply with the authorities' health instructions
2. Attendance to class, both in face-to-face and virtual scenarios, shall be mandatory
3. Class participation does not measure attendance but active, reasoned and significant student participation in the classroom
4. Team and individual work assignments will include, among others, analysis and solution of problems, critical review of case-law and preparation of short essays on the courses's topics
5. In order to be entitled to receive a final grade, students must have passed the final exam and must have delivered on time the required team and individual work assignments
6. In the event that the health authorities adopt decisions forcing the return to remote teaching, class participation will not be taken into account and the evaluation will consist of the final exam (60%) and the work assignments (20 + 20%).

RE-TAKE

In the event an student does not pass the course in the regular call, the evaluation will consist of a final exam with a 70% weight in the final grade. The rest of the final grade (30%) will come from the results obtained in the work



assignments and, if applicable, in class participation, during the regular call.

SECOND CALL

Students failing the re-take will move on to the second call, where the final written exam will bear a 70% percent of the final grade weight and they will have to perform the work assignments indicated by the professors, with a total weight of 30%.

STUDENTS WITH ACADEMIC WAIVER AND ASSIMILATED SITUATIONS

In situations duly authorized by the degree academic supervisor where a student is exempted from attending classes, the final evaluation will consist of a final exam (70%) and of working assignments (30%). Students will be duly informed by the course's professor of the course's readings, materials and assignments which they will have to prepare.

HONORS

An award of honors to a student is an acknowledgment of excellence and is a sole competence of the course's professor to be adopted under the academic criteria rules and as long as the student has demonstrated a special involvement in the course, command of the subject matter, interrelation abilities with other subjects from the academic curricula, independent research capacities, etc.

RULES OF ACADEMIC COEXISTENCE

Conducts infringing academic performance compliance rules, such as plagiarism and cheating in exams, shall be considered severe infringements according to article 7 of the UFV Rules of Coexistence and appropriate sanctions shall be imposed as per article 9 of such Rules.

BIBLIOGRAFÍA Y OTROS RECURSOS

Básica

NAVARRO MENDIZABAL, Iñigo, Derecho de obligaciones y contratos, Civitas-Thomson Reuters, latest edition (paperback + electronic)

SMITS, Jan M., Contract Law. A Comparative Introduction, Edward Elgar, 2nd edition, 2017 (online version available in publisher's website: <https://www.ebooks.com/en-es/book/detail/95788106>)

Complementaria

Students shall work with codes and specific legislation applicable to contracts

