

Teaching guide

IDENTIFICATION DETAILS

Degree:	Law		
Field of Knowledge:	Social and Legal Sciences		
Faculty/School:	Law, Business and Government		
Course:	FAMILY AND INHERITANCE LAW		
Type:	Compulsory	ECTS credits:	6
Year:	3	Code:	7239
Teaching period:	Fifth semester		
Subject:	Civil Law		
Module:	Private Law		
Teaching type:	Classroom-based		
Language:	Spanish		
Total number of student study hours:	150		

SUBJECT DESCRIPTION

Family and inheritance law is studied in the fifth semester of the law degree. This is an important subject in the training of a jurist since he deals with an essential institution for the human being. It is one of those subjects that affects all students, whatever specialty they decide to dedicate themselves to professionally in the future, because the family is a reality that will always accompany them.

In the family, we experience the most basic relationships that allow us to acquire our own identity, and, in addition, it is the cell from which society is structured. Indeed, the first school of sociability is the family, and it is the first link that unites personal development with social life. Thus, a healthy ordering of society cannot be achieved with the sole binomial 'individual-society', but rather the trinomial 'individual-family-society' is needed. That is why it has always been said that the family is the true cell of society, the basis and cornerstone of the social order. This is

even recognized in the Universal Declaration of Human Rights, in its article 16.3, where it is proclaimed: 'The family is the natural and fundamental element of society and has the right to the protection of society and the State'. We can affirm, therefore, that family law substantiates the social interests most worthy of protection. And we must not forget that, as the cited article says, the family is a natural institution. In other words, the Law does not create and regulate it, but rather contemplates, accepts and recognizes it, and provides a set of rules for its protection.

As for inheritance law, it is the set of rules that regulate a person's mortis causa succession. It is the largest and most complex part of civil law. The rules of inheritance law are based on a fact that is common to all legal systems, regardless of the legislator's political ideology: the need to organize, in some way (more or less broad) the continuity beyond the death of certain legal relationships over which the power of regulation is recognized to the individual. The need to establish order, to provide security to relationships that would otherwise become untitled with the consequent detriment to creditors and third parties.

Although mortis causa succession is regulated in Book III of the Civil Code, relating to the 'different ways of acquiring property', it is usually studied together with family law because traditionally it has been considered that the basis of succession is found in the family. In addition, when it comes to the study of civil law, it is placed last because inheritance relationships are the most complex of all civil ones, and inheritance law presupposes knowledge of property law and family law, on which it is based and to which it serves as a complement.

GOAL

With the development of this subject, it is intended that the student knows and understands the scope and dimension of the content of both Family Law and Inheritance Law, which conditions, encompasses and is signified in society as a whole.

The specific aims of the subject are:

To know and correctly differentiate the concepts, institutions and legal relationships under study, as well as their basis and application to practice.

Write legal texts, and other documents of academic interest, with clarity, precision and a correct use of legal terminology.

PRIOR KNOWLEDGE

Students must have especially consolidated the concepts developed in the subject The person as a subject of Law and Theory of Law as a fundamental basis for the development of the legal personality of the individual, which is the essential foundation in the content of the subject of Family Law and Inheritance Law. It is also essential that students assimilate the procedural concepts they have acquired in Civil Procedure, as well as that they integrate the knowledge of the subject of Legal Ethics.

COURSE SYLLABUS

FAMILY LAW

TOPIC 1. CIVIL MARRIAGE. EFFECTS. Marriage in our Legal System. Celebration of marriage: its requirements. Registration in the Civil Registry. The promise of marriage. Marital rights and duties.

TOPIC 2. ECONOMIC REGIMES OF MARRIAGE. Economic regimes of marriage in the Civil Code: marital property; separation of property; participation. Marital capitulations. Dissolution and liquidation of the economic regime of marriage. Donations between spouses.

TOPIC 3. MARITAL CRISES: NULLITY, SEPARATION AND DIVORCE. DIFFERENCES. Difference between nullity, separation and divorce. Effects common to nullity, separation and divorce: personal and property measures to be taken in a judicial proceeding. The Regulatory Agreement. Preliminary measures and interim measures. Its effects and duration. Definitive Measures: Judgment. Modification of definitive measures. Digital evidence in civil proceedings and its application in family proceedings.

TOPIC 4. AFFILIATION. Concept and content of Marital Filiation and Non-Marital Filiation. Affiliation actions. Its effects.

TOPIC 5. ADOPTION. Adoption: legal regime. Requirements. Procedure. Effects.

TOPIC 6. PARENTAL AUTHORITY. FOOD BETWEEN RELATIVES. Parental authority: concept, subjects and content. Extinction of parental authority. Exceptional situations. The obligation to provide food between relatives: concept and content. Extinction.

TOPIC 7. Exercise of legal capacity for people with disabilities: Law 8/2021, of June 2. Guardianship: minors. Measures to support people with disabilities in the exercise of their legal capacity: - Legal guardian. - Trusteeship * Representative curator. - Judicial defender.

INHERITANCE LAW.

TOPIC 8. THE "MORTIS CAUSA" SUCCESSION. Concept. The 'mortis causa' succession and its phases. Classes: Voluntary and compulsory; tested and intestate.

TOPIC 9. THE INHERITANCE. Concept. Content: personal, real and formal elements. The subjects of the inheritance: the deceased, the heir and the legatee. Ability to be an heir. The causes of indignity to happen. Disinheritance: requirements and effects. Hereditary substitutions: concept and classes. The trustee replacement. Difference between legatee and heir. Characters. Legacy classes. Legacy content. Acquisition, acceptance and relinquishment of the legacy. Extinction.

TOPIC 10. THE HEREDITARY COMMUNITY. The hereditary community: the receding inheritance. The acceptance of inheritance: acceptance system: The benefit of inventory. The repudiation of the inheritance. Hereditary reserves. The Right to Grow.

TOPIC 11. FORCED SUCCESSION. Concept. The forced heir. The legitimate one: concept and content. Calculation and attribution of the legitimate one. The improvement: concept and content. Elements. Causes, requirements and effects.

TOPIC 12. VOLUNTARY SUCCESSION. THE WILLS. Concept, content and characters of the will. Ability to grant a will. Vices of the testamentary will. Interpretation of testamentary provisions. Types of will: - The open will. - The closed will. - The holographic will. - Special wills. Ability to be a testamentary witness. Execution of the will: - The Albaceas. - The Accountant Partidor. Registration with the Register of Acts of Last Will.

TOPIC 13. THE INTESTATE SUCCESSION. Concept. Capacity to occur in the intestine. General order of calls: lines, orders and grades.

TOPIC 14. THE INHERITANCE PARTITION. Concept. Partitional transactions: - Inventory. - Appraisal. - Settlement. - Division and Award. The snack. Effects. Payment of hereditary debts.

EDUCATION ACTIVITIES

The course will be developed around an eminently practical application of the theoretical subject taught in the expository classes.

The methodology to be applied is guided by Problem-Based Learning and Collaborative Learning; to this end, students will be presented with activities and/or practical case (s) that encompass the entirety of the subject; factual assumptions that could be found for resolution from any of the perspectives of legal operators (such as lawyers, judges, prosecutors, mediators, etc.), or in their own lives, and whose factual relationship admits more than one correct/valid solution (or proposal), provided that the conclusion reached is technically and legally coherent and also complies with the required deontology and ethics.

The use of manuals, doctrinal articles, reports and Jurisprudence will be promoted in all formats, with the teacher indicating those materials that students may need for the correct resolution of the proposed activities. The teacher will give precise instructions to the students for the adequate monitoring of the subject both in theory and in practice and especially with regard to the independent work of the students. To this end, tutoring (face-to-face or virtual) will be established on time and within the teaching day, which will be specified by the teacher to provide adequate support to students. The attendance and participation of students in the classroom (face-to-face and virtual) is essential insofar as the proposal to carry out practical cases or works on a certain subject and their oral presentation are also intended to promote debate and reflection in the student, to achieve a level of knowledge that allows them to write documents with legal dialectics and to present with technical clarity on the specific subject (legal oratory), being able to adapt their oral and written expression to a plural audience, being able to apply knowledge acquired not only at work and professionally, but also in the development of their life experience as members of society.

DISTRIBUTION OF WORK TIME

TEACHER-LED TRAINING ACTIVITIES	INDIVIDUAL WORK
60 Horas	90 Horas

SKILLS

Basic Skills

Students must have demonstrated knowledge and understanding in an area of study that is founded on general secondary education. Moreover, the area of study is typically at a level that includes certain aspects implying knowledge at the forefront of its field of study, albeit supported by advanced textbooks

Students must be able to apply their knowledge to their work or vocation in a professional manner and possess skills that can typically be demonstrated by coming up with and sustaining arguments and solving problems within their field of study.

Students must have the ability to gather and interpret relevant data (usually within their field of study) in order to make judgments that include reflections on pertinent social, scientific or ethical issues

Students must be able to convey information, ideas, problems and solutions to both an expert and non-expert audience

Students must have developed the learning skills needed to undertake further study with a high degree of

independence

To be familiar with the substantive content of legal disciplines and all supplementary fields.

To apply theoretical knowledge in the solving of problems.

To learn independently.

To communicate orally and in writing within different contexts, using technical language when the situation calls for it.

General Skills

To be familiar with the substantive content of legal disciplines and all supplementary fields.

To apply theoretical knowledge in the solving of problems.

To learn independently.

To communicate orally and in writing within different contexts, using technical language when the situation calls for it.

Specific skills

Know the concepts, institutions and legal relationships and their basis.

To achieve the perception of the unitary nature of the legal system and of the necessary interdisciplinary vision of legal problems.

Develop criteria for problem solving and decision-making.

Use constitutional principles and values to interpret the legal system.

Develop legal oratory and the ability to express yourself appropriately in front of an audience.

Write legal texts and other documents of university interest, with clarity, precision and a correct use of legal terminology.

LEARNING RESULTS

It correctly identifies the essential concepts that base and develop the subject under study.

It correctly applies the legal bases on which the matter is based.

Resolve with precise legal arguments and terminology the real situations that may arise.

It is expressed orally with legal agility.

Recognize each of the legal problems that arise.

It makes use of the essential principles of law.

LEARNING APPRAISAL SYSTEM

The final grade of the subject will be obtained through continuous evaluation in the terms provided for in Training Activities and the passing of a final exam whose content will be theoretical and practical.

1. EVALUATION SYSTEM FOR STUDENTS IN FIRST ENROLLMENT:

A) ORDINARY CALL:

1. CONTINUOUS EVALUATION (50%) applying Problem Based Learning and Collaborative Learning:

a. Carrying out individual or group activities

b. Participation: 20% of the grade of the subject and which is distributed in the following items:

- Attendance: 10%.

- Active participation in the classroom (face-to-face and virtual), forums, debates, resolution of assumptions, comments, etc.: 10%.

2. FINAL EXAM (50%): It will consist of taking a theoretical - practical test with a value of 50% of the grade of the subject.

The proposed activities to be carried out will be delivered to the teacher in electronic format (pdf) through CANVAS on the established dates and will be resolved in the classroom.

For the application of all the percentages with which the subject is graded globally, it is mandatory to pass the exam, submit the proposed activities and active participation in the classroom. Attendance to classes and presentation of evaluable activities proposed by the teacher are mandatory.

B) EXTRAORDINARY CALL: Students who attend the extraordinary call must submit the works/practices proposed for this purpose by the teacher with a value of 50% of the total evaluation of the subject. In any case, the exam will be written on the theoretical and practical subject taught with a value of 50% of the total evaluation of the subject, being a mandatory requirement to pass the exam, as well as the delivery of the proposed activities and active participation in the classroom for the application of all the percentages with which the subject is evaluated globally.

2. EVALUATION SYSTEM FOR STUDENTS IN SECOND OR FOLLOWING ENROLLMENTS AND SPECIAL SITUATIONS (ERASMUS, ACADEMIC EXEMPTION): Those students who are in SECOND OR NEXT ENROLLMENT, either due to a justified circumstance and/or have been recognized ACADEMIC EXEMPTION and/or are studying ERASMUS and are unable to follow up on a regular basis of the subject, the planned evaluation system will be:

A) ORDINARY CALL:

1. CONTINUOUS EVALUATION (50%) applying Problem Based Learning: Carrying out individual activities. The proposed activities to be carried out will be delivered to the teacher in electronic format (pdf) through CANVAS on the established dates and will be resolved through face-to-face tutoring or through a virtual classroom.

2. FINAL EXAM (50%): It will consist of taking a theoretical - practical test with a value of 50% of the grade of the subject. For the application of all the percentages with which the subject is graded globally, it is mandatory to pass the exam, submit the proposed works and/or practices and active participation in the classroom.

B) EXTRAORDINARY CALL: Students who attend extraordinary calls must submit the individual activities

proposed by the teacher for this purpose, with a value of 50% of the total evaluation of the subject. In any case, the exam will be written on the theoretical and practical subject taught with a value of 50% of the total evaluation of the subject, being a mandatory requirement to pass the exam, as well as the delivery of all the activities to be carried out that are proposed by the teacher for the application of all the percentages with which the subject is evaluated globally.

COMMON RULES APPLICABLE TO ALL STUDENTS STUDYING THE SUBJECT (FIRST, SECOND AND/OR NEXT ENROLLMENT, ACADEMIC EXEMPTION, ERASMUS):

- i. The examination of the subject in all its modalities (ordinary, extraordinary and second or subsequent enrollments, academic dispensation, Erasmus) will take place in PERSON.
- ii. For all types of evaluation, those students who meet the criteria for obtaining the qualification of HONORARY ENROLLMENT may be subject to a test to be determined by the teacher.
- iii. In this subject and for all the training activities carried out in it, including the Exam, the TURNITIN tool is activated, applying, if similarities are noticed, the Evaluation regulations of the Francisco de Vitoria University.

IMPORTANT:

1. In accordance with the provisions of art. 8.4 of the Evaluation Regulations of the Francisco de Vitoria University, students who enroll a subject for the second or successive times may choose to take advantage of the ordinary system provided for in the Teaching Guide—in which case they must meet all the requirements set out in each case, including class attendance—or to take advantage of the alternative system provided for those students who, for justified cause and with the authorization of the degree director, are exempt from attending class. The student must take one of the two options and request the corresponding authorization within five calendar days from the beginning of the semester.
2. Plagiarism, as well as the use of illegitimate means in evaluation tests, will be sanctioned in accordance with those established in the Evaluation Regulations and the University's Coexistence Regulations.

ETHICAL AND RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE

1.- The use of any Artificial Intelligence (AI) system or service shall be determined by the lecturer, and may only be used in the manner and under the conditions indicated by them. In all cases, its use must comply with the following principles:

- a) The use of AI systems or services must be accompanied by critical reflection on the part of the student regarding their impact and/or limitations in the development of the assigned task or project.
- b) The selection of AI systems or services must be justified, explaining their advantages over other tools or methods of obtaining information. The chosen model and the version of AI used must be described in as much detail as possible.
- c) The student must appropriately cite the use of AI systems or services, specifying the parts of the work where they were used and describing the creative process followed. The use of citation formats and usage examples may be consulted on the Library website(https://www.ufv.es/gestion-de-la-informacion_biblioteca/).
- d) The results obtained through AI systems or services must always be verified. As the author, the student is responsible for their work and for the legitimacy of the sources used.

2.- In all cases, the use of AI systems or services must always respect the principles of responsible and ethical use upheld by the university, as outlined in the [Guide for the Responsible Use of Artificial Intelligence in Studies at UFV](#). Additionally, the lecturer may request other types of individual commitments from the student when deemed necessary.

3.- Without prejudice to the above, in cases of doubt regarding the ethical and responsible use of any AI system or service, the lecturer may require an oral presentation of any assignment or partial submission. This oral evaluation shall take precedence over any other form of assessment outlined in the Teaching Guide. In this oral defense, the student must demonstrate knowledge of the subject, justify their decisions, and explain the development of their work.

BIBLIOGRAPHY AND OTHER RESOURCES

Basic

O'Callaghan Muñoz, Xavier Compendio Civil Law, Volume IV; Family Law. CEURA Publishing House. RAMON ARECES, STUDY CENTER. 2022

O'Callaghan Muñoz, Xavier Succession Law. CEURA Publishing House. RAMON ARECES STUDY CENTER 2022

Pérez Martín, Antonio Javier Los MASC and their impact on legal proceedings 2025 Editorial Lex Family (Pérez Martín, Antonio Javier Los MASC and their impact on legal proceedings 2025 Editorial Lex Family , ||Abel Lluch, Xavier The Evidence in Family Proceedings Editorial La Ley 2019)

Additional

Miscellaneous How to approach professional practice: Practical guide for resolving legal cases. 2023 Tirant Lo Blanc

(Miscellaneous How to approach professional practice: Practical guide for resolving legal cases. 2023 Tirant Lo Blanc , ||S/A CIVIL CODE 2025)