

Guía docente / *Course Syllabus*

2018-19

1. Descripción de la Asignatura / *Course Description*

Asignatura <i>Course</i>	SISTEMA JUDICIAL ESPAÑOL (docencia en inglés)
Códigos <i>Code</i>	902076
Facultad <i>Faculty</i>	Facultad de Derecho
Grados donde se imparte <i>Degrees it is part of</i>	Doble Grado en Administración y Dirección de Empresas (Inglés) y Derecho
Módulo al que pertenece <i>Module it belongs to</i>	Formación básica para el jurista ii
Materia a la que pertenece <i>Subject it belongs to</i>	Derecho procesal
Departamento responsable <i>Department</i>	Derecho Público
Curso <i>Year</i>	2º
Semestre <i>Tern</i>	2º
Créditos totales <i>total credits</i>	3
Carácter <i>Type of course</i>	Obligatoria
Idioma de impartición <i>Course language</i>	Inglés
Modelo de docencia <i>Teaching model</i>	A1

Clases presenciales del modelo de docencia A1 para cada estudiante: 16 horas de enseñanzas básicas (EB), 7 horas de enseñanzas prácticas y de desarrollo (EPD) y 0 horas de actividades dirigidas (AD). Hasta un 10% de la enseñanza presencial puede sustituirse por docencia a distancia (también presencial, pero posiblemente asincrónica), de acuerdo con la programación de la Asignatura publicada antes del comienzo del curso.

Number of classroom teaching hours of A1 teaching model for each student: 16 hours of general teaching (background), 7 hours of theory-into-practice (practical group tutoring and skill development) and 0 hours of guided academic activities. Up to 10% of face-to-face sessions can be substituted by online teaching, in accordance with the course schedule published before it begins.

2. Responsable de la Asignatura / *Course Coordinator*

Nombre <i>Name</i>	Ana Sánchez Rubio
Departamento <i>Department</i>	Derecho Público
Área de conocimiento <i>Field of knowledge</i>	Derecho Procesal
Categoría <i>Category</i>	Profesora Ayudante Doctora
Número de despacho <i>Office number</i>	
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3. Ubicación en el plan formativo / *Academic Context*

Breve descripción de la asignatura <i>Course description</i>	<p>The Spanish Judicial System is a course designed to provide a strong intellectual framework for future lawyers that help them understand the deeper, common structure of Spanish administration of justice, together with comparative references.</p> <p>For instance, this course aims at helping the students to develop the skills required to learn and effectively use the main notions and categories which make up the “general part” of litigation.</p> <p>At the same time, the way in which the course has been structured will allow students to develop their critical and analytical skills, through the analysis of the differences that may exist between legal texts and social reality.</p>
Objetivos (en términos de resultados del aprendizaje) <i>Learning objectives</i>	<p>This course is the first contact that the student of the degree in Law has with the area of the Procedural & Litigation Law, so the substance of the course will focus in the general theory of fundamental rights in a process such as: the right to obtain the effective protection of the Judges and the Courts or the right to a due process of law; as well as their system of institutional, jurisdictional and organic guarantees, as established by the Spanish Constitution and the Organic Law on the Judiciary.</p>
Prerrequisitos <i>Prerequisites</i>	
Recomendaciones <i>Recommendations</i>	<p>It is not a condition or a plus to have passed successfully other subjects, but it is highly recommended to have passed: Constitutional Law I, Civil Law (general part) and Sources of Law System, in order to manage the main institutions related to this course.</p> <p>As specific indications, it must be advised that regular attendance</p>

	and participative attitude are both elements that notably facilitate to pass the course.
Aportaciones al plan formativo <i>Contributions to the educational plan</i>	<p>The Spanish judicial system aims to establish the foundation of procedural law, because a State based on the Rule of Law, which fundamentally entails the separation of Powers within the State, the supremacy of Law as the expression of the sovereignty of the people, the subjugation of all public authorities to the Constitution and the remainder of the legal system and effective procedural safeguarding of fundamental rights and public freedoms, requires a series of bodies that, operating on the basis of institutional independence, are constitutionally afforded a position that enables them to impartially enforce and apply the regulations that express the will of the people, subject all public authorities to adherence to the Law, review the legality of administrative actions and offer everyone effective legal protection in the exercise of their rights and legitimate interests.</p> <p>This course explains the series of bodies that perform this duty, which constitute the Judiciary. It is well known that Judiciary is set forward as one of the three Powers of the State, exclusively charged with exercising judicial authority in all nature of procedures, judging and enforcing judgments, in accordance with the regulations governing competence and procedural practice established by law.</p>

4. Competencias / Skills

<p>Competencias básicas de la Titulación que se desarrollan en la Asignatura <i>Basic skills of the Degree that are developed in this Course</i></p>	<p>CB1 - 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</p> <p>CB2 - 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</p> <p>CB3 - 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</p> <p>CB4 - Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado</p> <p>CB5 - Que los estudiantes hayan desarrollado aquellas habilidades de aprendizaje necesarias para emprender estudios posteriores con un alto grado de autonomía</p>
<p>Competencias generales de la Titulación que se desarrollan en la Asignatura <i>General skills of the Degree that are developed in this Course</i></p>	<p>CGI1 - Capacidad de análisis y síntesis</p> <p>CGI2 - Capacidad de organización y planificación</p> <p>CGI3 - Posesión y comprensión de conocimientos específicos</p> <p>CGI4 - Aplicación de los conocimientos al ejercicio profesional.</p> <p>CGI5 - Capacidad de gestión de la información (emitir juicios y reflexiones a partir de datos relevantes).</p> <p>CGI6 - Capacidad de evitación y de resolución de problemas</p> <p>CGI7 - Capacidad de decisión.</p>

	<p>CGI8 - Adquirir la capacidad de negociación y conciliación</p> <p>CGI9 - Integrar el respeto a los derechos fundamentales, a los derechos humanos y los valores democráticos y al principio de igualdad entre hombres y mujeres</p> <p>CGP1 - Adquirir valores y principios éticos para la convivencia social</p> <p>CGP2 - Adquirir la capacidad de trabajar en equipo</p> <p>CGS1 - Habilidades de aprendizaje autónomo</p> <p>CGS4 - Capacidad de practicar la expresión oral y escrita (trasmitir contenidos al público)</p>
<p>Competencias transversales de la Titulación que se desarrollan en la Asignatura</p> <p><i>Transversal skills of the Degree that are developed in this Course</i></p>	
<p>Competencias específicas de la Titulación que se desarrollan en la Asignatura</p> <p><i>Specific competences of the Degree that are developed in the Course</i></p>	<p>CEA1 - Tomar conciencia de la importancia del Derecho como sistema regulador de las relaciones sociales</p> <p>CEA3 - Comprender las distintas formas de creación del Derecho en su evolución histórica, su realidad actual y sus perspectivas de futuro</p> <p>CEA4 - Conocer el carácter unitario del ordenamiento jurídico y la necesaria visión interdisciplinar de los problemas jurídicos</p> <p>CEA5 - Comprender y conocer las principales instituciones jurídicas, privadas y públicas, en su génesis y su conjunto</p> <p>CED1 - Adquirir la capacidad para utilizar los principios y valores constitucionales como herramienta de trabajo en la interpretación del ordenamiento jurídico.</p> <p>CED2 - Adquirir la terminología jurídica básica en español y en una lengua extranjera moderna.</p> <p>CED3 - Aplicar las tecnologías de la información y comunicación (TICs) en la obtención de la información jurídica (bases de datos de legislación, jurisprudencia, bibliografía, Internet), así como en el manejo y en la comunicación de datos</p> <p>CDE5 - Adquirir la capacidad de negociación y conciliación</p> <p>CEP1 - Adquirir la capacidad para el manejo de fuentes jurídicas (legales, jurisprudenciales, administrativas y doctrinales).</p> <p>CEP2 - Desarrollar las técnicas de argumentación jurídica.</p> <p>CEP3 - Desarrollar la oratoria jurídica</p> <p>CEP4 - Adquirir la capacidad de leer, interpretar y redactar documentos, textos y escritos jurídicos</p> <p>CEP5 - Adquirir la capacidad de evitación y resolución de conflictos jurídicos</p>
<p>Competencias particulares de la asignatura, no incluidas en la memoria del título</p> <p><i>Specific skills of the Course, not included in the Degree's skills</i></p>	<p>CAPACITY:</p> <ul style="list-style-type: none"> - Distinguish branches Litigation. - Identify sources and define the content of the basic procedural laws. - Define the scope and organization of the judiciary. - Rebuilding the basic limits of the Spanish jurisdiction. - Determine the appropriate body to hear the cases. - Legal arguments and exposing the views orally or in writing. - Identify, locate, and use different legal instruments. - Working in groups, carry out and present a collective and coordinated work. <p>UNDERSTANDING:</p>

- The existence of different methods of solving legal conflicts.
- What is procedural law and what are its characteristics.
- What is jurisdiction and what are the functions of the jurisdiction.
- The meaning and implications of jurisdiction exclusivity.
- The model of the judiciary, institutions of government, their composition and powers.
- The Spanish judicial organization and the distribution of competences between courts.
- The status and functions of the employees of Justice Administration.
- The concept and function of other main characters of the judicial system: prosecutors, lawyers, etc. and the access to these careers.
- The essence of the due process and legal protections.
- When could be applied a legal aid.
- The process: concept, structure, types and principles.
- The procedural acts: concept, classes, characteristics and requirements.

ATTITUDE:

- Appreciate the importance of the Justice administration as a public service.
- Demonstrate a critical analysis of the institutions studied.
- Link the lessons studied as a whole organized and coherent.
- Compare and analyze in order to have a personal opinion.

5. Contenidos de la Asignatura: temario / Course Content: Topics

TEMA 1	JUDICIAL POWER
1.1	JUDICIAL POWER
1.2	FOUNDATIONS FOR JURISDICTION
1.3	JURISDICTIONAL POWER
1.4	JURISDICTIONAL FUNCTIONS
1.5	JUDICIAL INDEPENDENCE
1.6	UNITY OF JURISDICTION
1.7	JURISDICTIONAL EXCLUSIVITY
1.8	JUDICIAL POWER RESPONSIBILITY
1.9	JUDICIAL POWER AND OTHER STATE POWERS
TEMA 2	THE LEGAL PROCEEDING
2.1	METHODS OF CONFLICT RESOLUTION
2.2	THE LEGAL PROCEEDING. CONCEPT AND CHARACTERISTICS
2.3	PREREQUISITES, OBJECT AND FUNCTION OF THE PROCEEDING
2.4	PRINCIPLES OF THE PROCESS AND PRINCIPLES OF THE PROCEEDING
2.5	BASIC STRUCTURE OF THE PROCEEDING
2.6	SORTS OF PROCESSES
TEMA 3	CITIZENSHIP AND JUSTICE
3.1	ACTION AND JURISDICTION
3.2	THE RIGHT TO EFFECTIVE JUDICIAL PROTECTION
3.3	THE CORE PROCEDURAL GUARANTEES OF THE CITIZEN
3.4	THE RIGHT TO FREE LEGAL ASSISTANCE

3.5	COST OF JUSTICE
3.6	PARTICIPATION IN JUSTICE ADMINISTRATION
TEMA 4	CONSTITUTIONAL GUARANTEES OF JUDGES
4.1	THE INDEPENDENCE OF THE JUDGE
4.2	THE IMPARTIALITY
4.3	THE TENURE
4.4	THE RESPONSIBILITY
4.5	SUBMISSION TO THE LAW
TEMA 5	PEOPLE OF THE JUDICIAL BODY
5.1	MAGISTRATES AND JUDGES. STATUTE
5.2	JUDICIAL OFFICE
5.3	COURT CLERKS
5.4	OTHER PERSONNEL OF THE JUDICIAL ADMINISTRATION
5.5	OTHER INSTITUTIONS AT THE SERVICE OF THE ADMINISTRATION OF JUSTICE
TEMA 6	PROMOTERS OF JUSTICE
6.1	PUBLIC PROSECUTOR
6.2	THE RIGHT TO COUNSEL
6.3	LAWYERS
6.4	ATTORNEYS
6.5	GRADUATES IN LABOUR RELATIONS
6.6	OTHER SUBJECTS
TEMA 7	PROCEDURAL ACTS
7.1	CONCEPT AND CHARACTERISTICS: PLACE, TIME AND MANNER
7.2	THE INVALIDITY OF PROCEDURAL ACTS
7.3	TYPES OF PROCEDURAL ACTS
7.4	COMMUNICATION ACTS
7.5	THE JUDICIAL COOPERATION AND THE JUDICIAL ASSISTANCE
TEMA 8	THE SPANISH JUDICIAL SYSTEM. THE JUDICIARY GOVERNMENT
8.1	LIMITS OF NATIONAL JURISDICTION
8.2	NAME AND SORT OF JUDICIAL INSTITUTIONS
8.3	ORGANIZATION CHART OF SPANISH JUDICIAL SYSTEM
8.4	CONSTITUTION AND OPERATION OF JUDICIAL INSTITUTIONS
8.5	THE JUDICIARY GOVERNMENT
8.6	THE INTERNAL GOVERNMENT OF COURTS

6. Metodología y recursos / *Methodology and Resources*

<p>Metodología general <i>Methodology</i></p>	<p>Learning will be based on three main methods:</p> <ol style="list-style-type: none"> 1. Lectures, in which the students will be provided with the overall view of a specific aspect of the Spanish judicial system. 2. Independent work, which will be written by students. Those students most interested in a particular aspect will be given the opportunity to carry on their research with the help of the professor.
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	3. Case studies, in which cases, texts or topics will be presented and discussed, individually or in groups.
Enseñanzas básicas (EB) <i>General teaching</i>	Theory lectures will be delivered in large group (2 hours per week)
Enseñanzas prácticas y de desarrollo (EPD) <i>Theory-into-practice</i>	Practical lectures will be taught in small groups (4 lessons of 1.5 hours each one)
Actividades académicas dirigidas (AD) <i>Guided academic activities</i>	These activities will be taken through the theory lessons

7. Criterios generales de evaluación / *Assessment*

Primera convocatoria ordinaria (convocatoria de curso) <i>First session</i>	<p>El 30% de la calificación procede de la evaluación continua. El 70% de la calificación procede del examen o prueba final. The overall grade of the subject will be between 1 and 10 marks, and the passing grade will be 5 marks.</p> <p>The assessment system will maintain consistency with the training activities undertaken in this type of subject.</p> <p>General Teaching (GT), specific skills and learning tools acquired will be assessed through a final exam. This will make up 70% of the final grade for the course.</p> <p>Practical Teaching (PT) will be evaluated through continuous assessment. This ongoing evaluation will include activities designed to reinforce the specific skills acquired in lectures (GT). PT assessment makes up the remaining 30% of the final grade for the course.</p> <p>In any case, the course will not be passed unless the result of the PT part and the GT exam is at least 5 over 10. In other words, to pass this course it is compulsory to obtain 1,5 over 3 in seminars and 3,5 over 7 in the final exam.</p> <p>The main activities of the practice lessons will be:</p> <ul style="list-style-type: none"> -The analysis and review of case law. - Preparation and presentation of certain topics. - Discussion and debate on controversial legal issues or current news. <p>Regular attendance, active participation in class or online discussions and completion of all assignments will be valued highly when it comes to assessing students.</p> <p>The final exam will consist in a written exam of short questions.</p>
Segunda convocatoria ordinaria (convocatoria de recuperación) <i>Second session (to re-sit the exam)</i>	<p>Students who fail the course of the Spanish Judicial System in the ordinary semester, have a new opportunity in the extraordinary call. In the second exam session, students will have the opportunity to retake an exam only in relation with the GT content or, instead, to retake the exam, including PT, which has been already assessed on an on-going evaluation. If this is the case, students are required to communicate to the professor, within 10 days, their decision to reject the 30% assessment already made, in order to retake an exam including this part.</p>

Convocatoria extraordinaria de noviembre <i>Extraordinary November session</i>	Se activa a petición del alumno siempre y cuando éste esté matriculado en todas las asignaturas que le resten para finalizar sus estudios de grado, tal y como establece la Normativa de Progreso y Permanencia de la Universidad. Se evaluará del total de los conocimientos y competencias que figuren en la guía docente del curso anterior, mediante el sistema de prueba única. In this call students will be examined without taking into account the practical qualification obtained on the on-going assessment. So, the exam of short questions will constitute 100% of the mark.
Criterios de evaluación de las enseñanzas básicas (EB) <i>General teaching assessment criteria</i>	Durante la evaluación continua: Durante el examen o prueba final (1ª convocatoria): Durante el examen o prueba final (2ª convocatoria):
Criterios de evaluación de las enseñanzas prácticas y de desarrollo (EPD) <i>Theory-into-practice assessment criteria</i>	Durante la evaluación continua: Durante el examen o prueba final (1ª convocatoria): Durante el examen o prueba final (2ª convocatoria):
Criterios de evaluación de las actividades académicas dirigidas (AD) <i>Criteria of assessment of guided academic activities</i>	Durante la evaluación continua: Durante el examen o prueba final (1ª convocatoria): Durante el examen o prueba final (2ª convocatoria):
Puntuaciones mínimas necesarias para aprobar la Asignatura <i>Minimum passing grade</i>	1ª convocatoria: 5 about 10 2ª convocatoria: 5 about 10
Material permitido <i>Materials allowed</i>	None
Identificación en los exámenes <i>Identification during exams</i>	En cualquier momento de la realización de una prueba de evaluación los profesores podrán requerir la acreditación de la identidad de cualquier estudiante, mediante la exhibición de su carnet de estudiante, documento nacional de identidad, pasaporte u otro documento válido a juicio del examinador. Si no lo hiciese, el estudiante podrá continuar la prueba, que será calificada solo si la documentación es presentada en el plazo que el examinador establezca.
Observaciones adicionales <i>Additional remarks</i>	

Los estudiantes inmersos en un programa de movilidad o en un programa de deportistas de alto nivel, así como los afectados por razones laborales, de salud graves o por causas de fuerza mayor debidamente acreditadas, tendrán derecho a que en la convocatoria de curso se les evalúe mediante un sistema de evaluación de prueba única. Para ello, deberán comunicar la circunstancia al profesor responsable de la asignatura antes del fin del periodo docencia presencial.

Students enrolled in a mobility program or a program for high-level athletes, as well as students affected by work or serious health problems or reasons of force majeure duly accredited, will have the right to be evaluated during the first session through a single test evaluation system. To do this, they must report changes in their circumstances to the program coordinator before the end of the teaching period.

8. Bibliografía / Bibliography

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- MERINO-BLANCO, E (Last Edition) “The Spanish Legal System”, *Sweet & Maxwell*
- MERINO-BLANCO, E (Last Edition) “Spanish Law and Legal System”, *Thomson*
- VILLIERS, C (Last Edition) “The Spanish Legal Tradition: An Introduction to the Spanish Law and Legal System”, *Ashgate*
- PARTINGTON, M (Last Edition) “An introduction to the English legal system”, *Oxford University Press*