

BUSINESS LAW I

(Legal rudiments)

Syllabus

Year 2011-12

Degree/study: Bachelor's Degree in Business Sciences

Course: first

Term: second

Number of ECTS credits: 6

Hours of student's dedication: 150

Language or languages of instruction: Catalan and Spanish

Professors: Alberto Carrió, Marisa Iglesias and Jahel Queralt

1. Presentation of the subject

Business Law I (legal rudiments) brings basic knowledge of Law, showing a panorama of the general aspects of the legal phenomenon and its bonds with economics, politics and other social phenomena. In first place, the purpose of the subject is to analyze and to interrelate a set of notions that are indispensable to have a first approach to the Law in general, making reference to its role in social organization, the normative elements of a legal system and the basic concepts common to the different branches of Law.

In second place, this subject offers a general presentation of the Spanish legal order, introducing the student into the main institutions of the State, the hierarchy of rules, the fundamental rights and the economic Constitution. The idea that governs this part of the course is that any professional of the entrepreneurial world has to have some minimum knowledge of the legal order before going into the study of business law.

As last, this subject also has the purpose of bringing a first approach to the moral appraisal of law and the critical analysis of the legal institutions. The goal in this aspect is the one of giving the student instruments for understanding how the juridical structures are justified and how they should be configured to serve in a way suitable for their social goals. The reflection on basic questions of normative ethics allows to acquire an integral and reasoned vision of the Law.

2. Competences to be attained

A. GENERAL COMPETENCES

Instrumental competences

1. Capacity of analysis and of synthesis. It is a basic competence in our subject. It will be estimated from the seminars, in the oral presentations and the controls in writing.
2. Oral and written agility. It will be estimated in the seminars, to split the oral presentations and the controls in writing.
3. Resolution of problems. Along the course theoretical and practical problems will be brought up. It is intended the student to be able to apply theoretical knowledge in practice. It will be estimated in the seminars and in the final examination.
4. Capacity of information management. The subject searches the integration of all knowledge and the linking among different concepts and ideas. It will be evaluated in the seminars and in the final examination.

Interpersonal competences

5. Critical reasoning. The subject searches that the student learns to reason suitably from the point of view of a jurist. The aim is also that the reasoned opinions be expressed publicly, and in a context of dialectic exchange. It will be estimated in the seminars from the discussion, argumentation and participation.

Systemic competences

6. Autonomous learning. The student will have to be capable of learning from readings and bibliographical materials by her or himself.

B. SPECIFIC COMPETENCES

1. Learning to identify the bonds between the Law, social cooperation, legal certainty, politics and power.
2. Being capable of understanding the basic features of a legal order
3. Knowing the elements that compose the Law, identifying norms and distinguishing among different types of legal norms.
4. Understanding the role of the different institutions of the State and their main functions.
5. Understanding the juridical importance of the fundamental rights, the mechanisms for their protection and the basic aspects of our economic Constitution.

6. Being capable of identifying the different theories and arguments that allow us to appraise the Law suitably.
7. Adopting at all times a critical positioning with respect to the main legal institutions

3. Contents

Unit 1. Introduction to the legal phenomenon

- a) Law and social cooperation. Problems of collective action. Rules as incentives for social cooperation.
- b) Law and social control. Regulation and integration.
- c) Law and security. Legal certainty and security towards the State.
- d) Law and power. Efficiency and legitimacy.

Unit 2. Legal norms

- a) Social, moral and legal norms. Characteristics of the legal norms.
- b) The sources of the Law. Rules, customs and principles.
- c) Precedents and legal traditions.

Unit 3. Branches of the Law

- a) Introduction to the branches of the Law.
- b) Private and public Law.
- c) Principles, purposes and basic rules of the main branches of the Law.
- d) Fundamental legal notions: rights, duties, legal consequences and responsibility.

Unit 4. Spanish legal order. General aspects

- a) Democracy and the ideal of the Rule of Law. The social State.
- b) The main institutions of the Spanish State. Legislation, Administration, and the Judiciary.
- c) Hierarchy of rules.
- d) The organization of the judicial structure.
- e) Fundamental rights. The Constitutional Court.
- f) The economic Constitution and the social State.

Unit 5. Law, justice and economy

- a) The moral appraisal of the Law. Teleological theories and deontological theories. Efficiency and distributive justice.
- b) Some theories of the justice: Utilitarianism, egalitarian liberalism and conservative liberalism.
- c) The role of efficiency in the theories of distributive justice.
- d) Law and Economics.

4. Assessment

General criteria of Evaluation

The final grade of the subject will be calculated from the following proportion: The final examination will have a value of 60% of the global grade and the activities developed in the seminars will have a value of 40%.

The final examination will have two parts. In the first there will be a multiple choice test, without discount for mistakes, but with a minimum of correct answers to overcome it. In the second part there will be one or two questions of development on the contents of the program.

The evaluation of the seminars will consist of the following one. In first place, to be able to obtain a grade from seminars it is necessary to attend, at least, 80% of the sessions. In second place, the final grade of seminars will depend, on the one hand, on the results of the exercises that will be carried out in the seminars, activity that will have a value of 50% of the grade of seminars and, on the other hand, of the level of participation, element that will have a value of 50% of the final grade of seminars.

For those who fail in the final exam in the ordinary call of March, the students who have the seminars approved will be able to keep their seminar grade in September call, which will be considered with the same weight (40%) with the grade of the examination carried out in the extraordinary call of September. Those students who have not overcome the seminars or do directly not have any grade, will have a third additional part in the exam of September related to the contents of the seminars.

5. Bibliography and teaching resources

Unit 1

-Alfred Font Barrot i José Luis Pérez Triviño, *El derecho para no juristas*, Barcelona, Deusto, 2009, capítol 1 i pp. 48 a 51 i 56 a 59.

-Ángel Latorre, *Introducción al derecho*, Ariel, Barcelona, 1992, pp. 33-43.

Unit 2

-Alfred Font Barrot i José Luis Pérez Triviño, *El derecho para no juristas*, Barcelona, Deusto, 2009, pp. 35-48.

Unit 3

-Alfred Font Barrot i José Luis Pérez Triviño, *El derecho para no juristas*, Barcelona, Deusto, 2009, pp. 105-122.

-Marisa Iglesias Vila, "Els conceptes jurídics bàsics", EDIUOC, 2008, pp. 13 a 23 i 37 a 47. (*disponible a l'aula global*)

Unit 4

-Alfred Font Barrot i José Luis Pérez Triviño, *El derecho para no juristas*, Barcelona, Deusto, 2009, capítol 3.

-C. Viver Pi-Sunyer, *Constitución*, Vicens Vives, Barcelona, 1994, capítols 8, 12, 13, 14 i 15.

Unit 5

-Alfred Font Barrot i José Luis Pérez Triviño, *El derecho para no juristas*, Barcelona, Deusto, 2009, capítol 5.

-Roberto Gargarella, *Las Teorías de la justicia después de Rawls*, Paidós, Barcelona, 1999, capítols 1 i 2.

-Manuel Atienza, *El sentido del derecho*, Ariel, Barcelona, 2001, pp. 135-140.

6. Methodology

The subject will require autonomous work on the part of the pupil, who will consist of the study of bibliographical materials, reading of texts and realization of exercises.

Regarding the on-site work, this will consist of master classes followed by an exchange of opinions reasoned on the part of the students of all the group. Also there will be on-site work in the seminars, which will require the active participation from the student and the realization of tests or controls of reading. As last, tuition individualized with the teacher of the subject so that the pupil can clarify the doubts that she or he has about the contents of the subject will be carried out.

The teacher will be indicating along the course which type of activities and directed work has to be carried out previously and later to each session of seminar and magisterial class.

7. Activities Planning

1) Theoretical classes in group

Previously to each session of the master class the foreseen didactic material will have to be studied in each unit that is being worked in class. In the master classes the main aspects of the program will be developed and we will go in deep in those most complex questions of the subject, that are more difficult to understand for the student when he or she works in an autonomous way.

In the “aula global”, the students will have all the information needed to follow the master classes, specially concerning the readings that are essential to study and prepare each class in advance.

2) Activities in subgroup. Seminars

Activity in subgroup will consist of seven seminars where students will develop different aspects of the program. The sessions in subgroup will have to be prepared in advance to each session. In “the aula global” the students will have all the instructions to prepare each seminar in advance, the documents necessary to do the activity and the readings to be done.

Contents of each seminar

Seminar 1. Law and social cooperation. The problem of corruption in international Business

Seminar 2. Rules and principles. A judicial decision on a mortgage's foreclosure

Seminar 3. Legal responsibility. Fault and strict Liability

Seminar 4. Conflicts of fundamental rights

Seminar 5. Efficiency and justice

Seminars 6 and 7. Principles of justice and the veil of ignorance