



PRESENTATION

Brief description: This course aims to provide Business Administration students with an overview of the fundamental aspects of law (context, concepts, functioning) and the legal system. In addition, it is intended to offer a special module dedicated to introducing legal issues related to corporate, commercial, and business life.

- **Titulación:** Introduction to Law
- **Módulo/Materia:** Módulo I. Contextos, Nivel 2: Contexto Histórico, Jurídico y Deontológico
- **ECTS:** 6
- **Curso, semestre:** 3º, Anual (enero-mayo)
- **Carácter:** Obligatoria
- **Profesorado:** Jorge Alejandro Machín Mezher (School of Law).
- **Idioma:** English
- **Aula, Horario:** Monday from 12:00 to 14:00 h. (Amigos, A.12) and Wednesday from 10:00 to 12:00 h. (Amigos, A.06)

RESULTADOS DE APRENDIZAJE (Competencias)

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.

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.

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.

CB4) Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado.

CG2) Identificar, integrar y utilizar los conocimientos adquiridos en el argumento, discusión o resolución de problemas relevantes para lo económico y empresarial.

CG7) Conocer los diferentes entornos en los que desarrolla su trabajo: la coyuntura, los mercados, el contexto histórico, legal o humanístico.

CE3) - Conocer el marco legal y deontológico español e internacional de la actividad del marketing y saber aplicarlo a casos prácticos.

PROGRAM



Universidad de Navarra

The course is divided into two main modules: one focusing on general, foundational legal concepts (*i.e.*, a basic Introduction to Law course, although tailored to Business Administration students or similar fields) and another focusing on specialized topics of particular interest to Business Administration students or similar fields. We will call the first module "general" and the second one "special."

GENERAL MODULE

For the general module, the book *Introduction to Law* (2nd edition) by Hage, J., Waltermann, A., and Akkermans, B. (eds.), published by Springer in 2017, will serve as the primary textbook. This text is available online to all UNAV students through [this link](#). Also, we will use Bergel, Y., *Handbook of Spanish Civil Patrimonial Law*, Tecnos, 2016. UNAV students have free access through [this link](#).

Unit 1. What is Law? 1.1. The Concept of Law. 1.2. Law as a System. 1.3. Legal Positivism. 1.4. Hart's Legal Positivism. 1.5. Dworkin's Non-Positivism. 1.6. Other Legal Positivist Theories. 1.7. Legal Realism. 1.8. Natural Law Theories. 1.9. Human Rights.

Unit 2. Legal Reasoning: 2.1. The Legal Syllogism. 2.2. Classification. 2.3. Justification of the Rule. 2.4. Interpretation. 2.5. Reasoning with Rules and Cases. 2.6. Principles to Deal with Rule Conflicts. 2.7. One word on proportionality (balancing test).

Unit 3. Basic Concepts of Law: 3.1. Fields of Law. 3.2. Legal Subjects. 3.3. Rules, Operative Facts, and Legal Consequences. 3.4. Juridical Acts. 3.5. Duties, Prohibitions, and Permissions. 3.6. Competences and Immunities. 3.7. Rights as Pincushions. 3.8. Claims and Obligations. 3.9. Property Rights. 3.10. Fundamental Rights.

Unit 4. Fundamental Aspects of Private Law: 4.1. Contract Law. 4.2. Sources of Contract Law and Formation of a Binding Contract. 4.3. The Contents of the Contract. 4.4. Remedies of the Parties. 4.5. Property Rights and Property Law. 4.6. Property Rights in Civil Law and Common Law. 4.7. Primary and Secondary Property Rights. 4.8. Principles of Property Law. 4.9. Creation, Transfer, and Termination of Property Rights. 4.10. European Union Property Law. 4.11. Tort Law and Justice. 4.12. Fault Liability and Strict Liability. 4.13 Mechanisms for the Distribution of Damage. 4.14. Limitations.

Unit 5. Fundamental Aspects of Public Law (I): 5.1. Constitutional Law. 5.2. State Power: Established, Constrained, and Democratized. 5.3. Administrative Law. 5.4. Rule of Law and Legality Principle. 5.5. The General Principles of Administrative Law. 5.6. Judicial Review of Administrative Action. 5.7. Standing and Remedies. 5.8. Elements of Procedural Law. 5.9. Institutional Principles. 5.10. Procedural Principles. 5.11. Some General Aspects of Procedures.

Unit 6. Fundamental Aspects of Public Law (II): 6.1. Tax Law. 6.2. Goals of Taxation. 6.3. Taxes on Income, Goods and Services, and Property. 6.4. Tax Procedure. 6.5. Globalization and Tax Law. 6.6. Criminal Law. 5.7. Criminalization and Legal Punishment. 5.8. The Structure of a Crime. 5.9. *Actus Reus* and *Mens Rea*. 5.10. Justification and Excuses. 5.11. Basic Structure of the Criminal Process. 5.12. Basic Principles of Criminal Justice Systems.

Unit 7. International Law and the Law of Europe: 7.1. Sources of International Law. 7.2. Participants in the International Legal System. 7.3. Jurisdiction. 7.4. Characteristics and Trends. 7.5. The Law of Europe. 7.6. History and Sources of EU Law. 7.7. Main Institutions of the EU and the ECB. 7.8. The Ordinary Legislative Procedure. 7.9. The Internal Market. 7.10. EU Law and National Law of the Member States. 7.11. Subsidiarity and Legal Basis.

SPECIAL MODULE



Universidad
de Navarra

For the special module, the professor will provide different book chapters and materials during the course.

Unit 8. Competition Law and Consumer Protection: 8.1. Introduction. 8.2. The legal framework of competition (EU and domestic legislation). 8.3. Competition restrictions. 8.4. The legal framework of consumer protection (EU and domestic legislation). 8.5. Unfair commercial practices. 8.6. Producer guarantees and liability. 8.7. Trademarks and unfair competition.

Unit 9. Corporations and Special Purpose Entities: 9.1. Corporations. 9.1. Limited Liability Company. 9.2. Joint-Stock Company. 9.3. Partnerships. 9.4. Special Purpose Entities. 9.5. Worker Cooperatives. 9.6. Professional Corporations. 9.7. Labor Cooperatives. 9.8. European Economic Interest Grouping. 9.9. Temporary Business Association.

Unit 10. Introduction to Mortgage Law: 10.1. Distinctions between Real Rights and Personal Rights. 10.2. Ownership. 10.3. Possession. 10.4. Actions. 10.5. Preferential Rights. 10.6. Security Rights. 10.7. Rights of Use and Enjoyment. 10.8. Other Real Rights.

Unit 11: Fundamental Principles of Auditing: 11.1. The Audit Report. 11.2. The Audit Process. 11.3. Cash and Cash Equivalents. 11.4. Inventories. 11.5. Property, Plant, and Equipment. 11.6. Financial Assets - Trade Receivables. 11.7. Financial Liabilities - Trade Payables. 11.8. Completion Stage.

METHODOLOGY

The course's primary objective is to provide Business Administration students with a general and introductory foundation in Law. To achieve this, different methodologies are employed: expository lectures, practical classes based on real-world cases, individual and group assignments, and active student-centered learning.

However, as will be detailed later, the primary methodology of the course is the professor's expository (theoretical) lectures. Students are expected to participate actively in these lectures, and a Socratic method is adopted to stimulate student reflection. Prior reading of the materials assigned for each topic is required. These materials will be available on ADI or in the library (as applicable). They will vary in nature, ranging from scientific monographs to web pages and even current news articles.

Practical classes complement the theoretical expository lectures. In these classes, students take center stage. The professor expects students to construct the content of the corresponding topics through reflection and discussion of the assigned practical cases. Group work methodology is encouraged in these classes, as the reflection and discussion of practical cases will be carried out in groups of five people.

FORMATIVE ACTIVITIES

In-person theoretical Lectures	38 h.
In-person case study sessions	16 h.
Tutorials	4 h.



Assessment	4 h.
Independent study	88 h.

ASSESSMENT

REGULAR EXAMINATION

The course will be assessed as follows:

1. Continuous assessment tests (30% = 3 points)
2. Group discussion and resolution of case studies (20% = 2 points)
3. Final exam (50% = 5 points)

The final exam must be passed (5 points or more) for passing the course.

1. Continuous assessment test

There will be six tests throughout the course, each covering the assigned readings and course content. Each test will be worth 5% of the final grade (0.5 points). These tests will be done in person in the classroom using or not the ADI platform. Absence from a test (not coming to class or being late) will result in a score of zero points for that test. Each test will have a maximum duration of 20 minutes and will be held at the beginning of the corresponding class. The content and readings covered in each test are as follows:

- **Test 1:** Units 1 and 2
- **Test 2:** Units 3 and 4
- **Test 3:** Units 5 and 6
- **Test 4:** Unit 7
- **Test 5:** Units 8 and 9
- **Test 6:** Units 10 and 11

Test questions will be based on the required readings and the material covered in class, including case studies.

2. Group discussion and resolution of case studies

Four case studies will be discussed and solved during the course. Each case study will have a total value of 5% = 0.5 points. A group of exactly five students will solve each case study unless the professor *explicitly* provides an exception.). The students will freely form groups. Students who do not have a group must inform the professor at the latest in the class following the case study assignment. Case studies must be submitted in writing before class discussion. The following are some of the essential formal requirements of the assignment:

- a). The paper must not exceed three pages.
- b) The paper must be typed (not handwritten).
- c) The paper must be duly identified (names and surnames).



d) The text must be justified, and the margins must be standard.

If these requirements are unmet, the work will be equally valued but receive a lower grade.

The evaluation of the case study **consists of two parts**: (i) the written work submitted and (ii) the class discussion. Each part scores equally: $2.5\% = 0.25$ points. In class discussion, active and spontaneous participation of all groups is expected. However, the cases involve prior individual reading and group sharing of the content so that the teacher may ask any member of the group questions about the case and grade all others based on the answers received. The **unjustified non-attendance of a student to the discussion** of the practical case means that the absent student got a grade of 0 in the discussion part.

3. Final Exam

The final exam will be a multiple-choice test. Its value will be $50\% = 5$ points. The School of Economics will set the exam date. The exam will evaluate the 11-course units and will last a maximum of 2 hours.

RESIT EXAMINATION

Students are eligible for the extraordinary exam call under the following circumstances:

- Failure to pass the final exam, resulting in course failure.
- Successful completion of the final exam but overall course failure.
- Desire to enhance a passing course grade.

The specifics of the extraordinary exam call for each scenario are outlined below:

(A) FAILED THE FINAL EXAM

1. Students who have failed the final exam must retake it during the extraordinary exam period. The exam format will be identical to the original final exam.

2. Students may retain their other grades obtained throughout the course (i.e., grades for resolution of case studies and tests), provided they passed these assessments (5 points or more).

3. If a student did not pass one of these assessments or wishes to discard their grade, they must retake only the failed or discarded assessments:

3.1. Resolution of case studies: two practical assignments related to the subject will be assigned. These two assignments will be individual. These assignments will maintain the same format as those completed during the course. Students must submit their assignments before the extraordinary exam date and be prepared for an oral defense of their work with the professor.

3.2. Continuous assessment test: they will be substituted by the grade of the final exam of the extraordinary exam.

(B) PASSED THE FINAL EXAM BUT NOT THE COURSE

1. The student who has passed the final exam but failed the course must retake the failed evaluations (resolution of case studies and/or tests).

2. The failed evaluations will be evaluated in the extraordinary call in accordance with point 3 of the previous section (A).



3. The grades of the passed evaluations will be automatically kept. However, the student can retake the final exam and the other assessments. The final exam will have the characteristics indicated in point 1 of the previous section (A).

4. Any student who wishes to take a test that has already been passed (i.e., a test that they are not obliged to retake, whether it is a final exam or any other) **must inform the professor of the test in question two weeks before the scheduled date of the exam.**

(C) PASSED THE COURSE BUT WANTS TO ENHANCE GRADES

1. Following the general regulations of the University of Navarra, students who request may be evaluated in the extraordinary exam period, even if they have passed the course. To do so, they must request to be included in the transcript **up to five calendar days before the beginning of the exam period of that call**. The course's final grade will be obtained in the extraordinary exam period, even if it is lower than the previous one.

2. Students who wish to take this exam must retake the failed evaluations (resolution of case studies and/or tests). The failed evaluations will be evaluated in the extraordinary exam following the criteria indicated in point 3 of section (A).

3. The student will automatically keep the grades of the passed evaluations. However, retaking the final exam and the other passed evaluations is possible. The final exam will have the characteristics indicated in point 1 of section (A).

4. Any student who wishes to take a test that has already been passed (i.e., a test that they are not obliged to retake) **must inform the professor of the test in question two weeks before the scheduled date of the exam.**

OFFICE HOURS

Jorge A. Machín

Fridays from 11:45h to 12:45 h., or by appointment (jmachinmezh@unav.es).

Office 1651 – Central Library Building

BIBLIOGRAPHY

Primary

Hage, J., Waltermann, A., and Akkermans, B. (eds.), *Introduction to Law*, 2nd ed., Springer, 2017. [Find the ebook at the Library](#)

Bergel, Y., *Handbook of Spanish Civil Patrimonial Law*, 2nd ed., Tecnos, 2019.

Secondary

Alexy, R., *Teoría de los derechos fundamentales* (translated by Carlos Bernal Pulido), 3rd ed., Centro de Estudios Políticos y Constitucionales, 2022.

Dworkin, R., *Taking Rights Seriously*, Harvard University Press, 1978.

Hart, H.L.A., *The Concept of Law*, 3rd. ed., Oxford University Press, 2012.

Hohfeld, N. W., "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning", *The Yale Law Journal*, vol. 23, n. 1 (1913), pp. 16-59.



Universidad
de Navarra

Finnis, J., *Natural Law and Natural Rights*, 2nd ed., Oxford University Press, 2011.

Schauer, F., *Playing by the Rules. A Philosophical Examination of Rule-Based Decision-Making in Law and in Life*, Oxford University Press, 1991.

Schauer, F., *Thinking Like a Lawyer. A New Introduction to Legal Reasoning*, Harvard University Press, 2009.