



PRESENTATION

Brief description: This course provides Business Administration students with an overview of the fundamental principles of law and the legal system. Additionally, it includes a special module that introduces legal issues related to corporate, commercial, and business activities.

- **Titulación:** Introduction to Law
- **Módulo/Materia:** Módulo 2. Organización de Empresas. Materia 2.2. Gestión Aplicada.
- **ECTS:** 6
- **Curso, semestre:** 3º, semestral (enero-mayo)
- **Carácter:** Obligatoria
- **Profesorado:** Jorge Alejandro Machín Mezher (School of Law).
- **Idioma:** English
- **Aula, Horario:** Monday from 12:00 to 13:30 h. (Amigos, A.12) and Wednesday from 10:00 to 11:30 h. (FCOM, A.13)

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

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 professor will upload the relevant book chapters and materials to ADI throughout the course.

Unit 1. What is Law? Legal Rules, Legal System, and the Purposes of Law. 1.1. What Makes Law “Law”. 1.1.1. Punishment. 1.1.2. Authority. 1.1.3. Generality. 1.1.4. Normativity. 1.2. Legal Rules and Legal System. 1.2.1. Formal and Material Conditions. 1.2.2. The Validity Chain. 1.2.3. Hart’s Rules and the Rule of Recognition. 1.3. Legal Positivism and Natural Law. 1.3.1. Moral Principles and Law. 1.3.2. What Natural Law Theory Is Not. 1.3.3. Justice and Legal Certainty. 1.4. The Purposes of Law. 1.4.1. Social Coordination. 1.4.2. Dispute Resolution. 1.4.3. Protection of Fundamental Rights. 1.4.4. Promotion of Social Values.

Unit 2. Legal Reasoning: How Lawyers Think, Argue, and Interpret Rules. 2.1. Legal Syllogism. 2.2. Classification of Facts. 2.3. Justification of Rules. 2.3.1. The Source Thesis (Validity). 2.3.2. The Possibility of Challenging Rules. 2.3.3. Precedents (*Ratio Decidendi*). 2.4. Interpretation. 2.4.1. Canons of Interpretation. 2.4.2. Analogy. 2.4.3. Distinguishing. 2.4.4. Broad and Narrow Interpretation. 2.5. Conflicts of Rules. 2.5.1. *Lex superior derogat legi inferiori*. 2.5.2. *Lex posterior derogat legi priori*. 2.5.3. *Lex specialis derogat legi generali*. 2.6. What About Conflicts of Principles? A Short Commentary.

Unit 3. Basic Concepts of Law: Legal Personhood, Rights, and Branches of Law. 3.1. Fields of Law. 3.1.1. Public Law and Private Law. 3.1.2. Substantive Law and Procedural Law. 3.2. Legal Subjects (Legal Personhood). 3.2.1. Natural Persons. 3.2.2. Legal Persons. 3.3. Rules, Operative Facts, and Legal Consequences. 3.4. Juridical Acts and Juridical Facts. 3.4.1. Definition. 3.4.2. Formalities and Competence. 3.4.3. Nullity, Validity, and Avoidance. 3.5. Subjective Rights. 3.5.1. Hohfeld’s Legal Positions. 3.5.2. Fundamental Rights and Human Rights. 3.5.3. Rights *in Rem* and Rights *in Personam*.

Unit 4. Basic Aspects of Public Law (I): Procedural Law and the Court System. 4.1. The Court System. 4.1.1. Different Kinds of Courts. 4.1.2. Hierarchy of Courts. 4.1.3. Different Kinds of Procedures. 4.2. Jurisdiction and Competence. 4.2.1. Material Competence. 4.2.2. Territorial Competence. 4.2.3. Functional Competence. 4.3. Principles of Procedural Law. 4.3.1. Institutional Principles. 4.3.2. Procedural Principles. 4.4. General Aspects of Procedures. 4.4.1. Standing. 4.4.2. Notification. 4.4.3. Proofs and Evidence. 4.4.4. Deadlines and Time Limits.

Unit 5. Basic Aspects of Public Law (II): Constitutional Law and the Modern State. 5.1. Constitutionalism and Power. 5.1.1. The Problem of Political Power. 5.1.2. What is Constitutional Law About? 5.1.3. Constitutionalism: Definition, Backgrounds and Types. 5.2. From the Police State to the Welfare State. 5.2.1. The Liberal State and the Rule of Law. 5.2.2. From Formal Freedoms to Real Freedoms. 5.2.3. The Expansion of State Power. 5.2.4. Tocqueville’s Warning of Soft Despotism. 5.3. Basic Principles of Constitutionalism. 5.3.1. Separation of Powers. 5.3.2. Protection of Fundamental Rights. 5.3.3. Checks and Balances. 5.3.4. Rule of Law. 5.4. The Problem of Judicial Review.

Unit 6. Basic Aspects of Public Law (III): Administrative Law and the Rule of Law. 6.1. The Public Administration. 6.1.1. The Purpose of Public Administration. 6.1.2. What is Administrative Law About? 6.1.3. The Administration Within the *Trias Política*. 6.2. Requirements for the Use of Public Powers. 6.2.1. General Principles of Administrative Law. 6.2.2. Procedural and Substantive Principles. 6.3. The Problem of Discretionary Powers. 6.3.1. Governing by Principles. 6.3.2. Proportionality and Balancing. 6.3.3. The Incommensurability Objection. 6.4. Judicial Review of Administrative Act. 6.4.1. Preliminary Objection. 6.4.2. Specialized Administrative Courts. 6.4.3. Standing and Remedies.

Unit 7. Criminal and Tax Law: Case Study for Business Administration Students.

SPECIAL MODULE

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

Unit 8. Contract Law: Formation, Performance, and Enforcement. 8.1. Contract Law. 8.2. Sources of Contract Law and Formation of a Binding Contract. 8.3. The Contents of the Contract. 8.4. Remedies of the Parties.



Unit 9. Property and Tort Law: Rights, Obligations, and Liability. 9.1. Property Rights and Property Law. 9.2. Property Rights in Civil Law and Common Law. 9.3. Primary and Secondary Property Rights. 9.4. Principles of Property Law. 9.5. Creation, Transfer, and Termination of Property Rights. 9.6. European Union Property Law. 9.7. Tort Law and Justice. 9.8. Fault Liability and Strict Liability. 9.9. Mechanisms for the Distribution of Damage. 9.10. Limitations.

Unit 10. Competition Law and Consumer Protection: Ensuring Market Fairness. 10.1. Introduction. 10.2. The Legal Framework of Competition (EU and Domestic Legislation). 10.3. Competition Restrictions. 10.4. The Legal Framework of Consumer Protection (EU and Domestic Legislation). 10.5. Unfair Commercial Practices. 10.6. Producer Guarantees and Liability. 10.7. Trademarks and Unfair Competition.

Unit 11. Corporate Law: Legal Framework of Corporations. 11.1. Corporations. 11.2. Limited Liability Company. 11.3. Joint-Stock Company. 11.4. Partnerships. 11.5. Special Purpose Entities. 11.6. Worker Cooperatives. 11.7. Professional Corporations. 11.8. Labor Cooperatives. 11.9. European Economic Interest Grouping. 11.10. Temporary Business Association.

Unit 12. Mortgage Law: Rights, Obligations, and Secured Transactions. 12.1. Distinctions between Real Rights and Personal Rights. 12.2. Ownership. 12.3. Possession. 12.4. Actions. 12.5. Preferential Rights. 12.6. Security Rights. 12.7. Rights of Use and Enjoyment. 12.8. Other Real Rights.

Unit 13: Principles of Auditing: Standards, Procedures, and Financial Integrity. 13.1. The Audit Report. 13.2. The Audit Process. 13.3. Cash and Cash Equivalents. 13.4. Inventories. 13.5. Property, Plant, and Equipment. 13.6. Financial Assets - Trade Receivables. 13.7. Financial Liabilities - Trade Payables. 13.8. 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.

As will be detailed below, the primary methodology of the course consists of 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) and will vary in nature, ranging from scientific monographs to web pages and current news articles.

As a general rule, Monday classes will be devoted to theoretical lectures, while Thursday classes will be practical in nature and focused on the analysis and discussion of case studies. Practical classes are designed to complement the theoretical lectures and, in most cases, the Thursday sessions will serve to deepen and apply the theoretical concepts introduced in the Monday lectures. However, the professor may occasionally use part of the Thursday class to complete or further develop theoretical issues introduced earlier.

In practical 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 is encouraged, and practical cases will generally be discussed in groups of five students.

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 (20% = 2 points)
2. Assignments or resolution of case studies (30% = 3 points)
3. Midterm Exam (25% = 2.5 points)
4. Final Exam (25% = 2.5 points).

Unjustified absence on assessment days results in a zero grade.

The final exam must be passed (5 points or more) to pass the course.

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

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. Students may retain their other grades obtained throughout the course, provided they passed these assessments (5 points or more). If a student does not pass an assessment or chooses to discard their grade, that grade will be replaced by the result obtained in the extraordinary exam.

(B) PASSED THE FINAL EXAM BUT NOT THE COURSE

Students who have passed the final exam but failed the course must take the extraordinary exam, and their final course grade will be the grade obtained on that exam.

(C) PASSED THE COURSE BUT WANTS TO ENHANCE GRADES

Following the general regulations of the University of Navarra, students may request to 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. Students who take the extraordinary exam to improve their grade must take the exam, and their final course grade will be the grade obtained on that exam, even if it is lower than their previous grade.

OFFICE HOURS



Universidad
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Jorge A. Machín

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

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BIBLIOGRAPHY

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

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

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

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

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.

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.