



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 312014 **Name:** -State Ecclesiastical Law

Credits: 6,00 **ECTS Year:** 4 **Semester:** 2

Module: Optional Courses

Subject Matter: Itineraries of Basic Legal Sciences **Type:** Elective

Field of knowledge: Social and Legal Sciences

Department: Public Law

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

OP3106 Jaime Gonzalez Argente (**Responsible Lecturer**)

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Module organization

Optional Courses

Subject Matter	ECTS	Subject	ECTS	Year/semester
Itineraries of Basic Legal Sciences	36,00	-Canon Law Institutions	6,00	4/2
		-History of European Construction	6,00	4/2
		-Human Rights	6,00	4/2
		-Roman Law	6,00	This elective is not offered in the academic year 24/25
		-Social Doctrine of the Catholic Church	6,00	This elective is not offered in the academic year 24/25
		-State Ecclesiastical Law	6,00	4/2
Itinerary of Economic Law	48,00	Banking Law	6,00	This elective is not offered in the academic year 24/25
		Consumer Law	6,00	This elective is not offered in the academic year 24/25
		-Insurance Law	6,00	4/2
		Intellectual Property Law	6,00	This elective is not offered in the academic year 24/25



Itinerary of Economic Law		-International and Comparative Law of Brands, Designs and Unfair Competition	6,00	4/2
		International Commercial Law	6,00	This elective is not offered in the academic year 24/25
		-International Commercial Transactions	6,00	4/1
		-International Taxation Law	6,00	4/0
Itinerary of Sectorial Administrative and Specialized Labour Law	72,00	Air and Maritime Law	6,00	4/2
		-Employment Procedural Law	6,00	This elective is not offered in the academic year 24/25
		Energy Law	6,00	This elective is not offered in the academic year 24/25
		Environmental Law	6,00	This elective is not offered in the academic year 24/25
		European Union Competition Law	6,00	4/1
		Information and Communication Technology Law	6,00	4/0
		National Health System Law	6,00	This elective is not offered in the academic year 24/25



Itinerary of Sectorial Administrative and Specialized Labour Law	Public Contract Award Law	6,00	This elective is not offered in the academic year 24/25
	-Real Estate Law	6,00	This elective is not offered in the academic year 24/25
	-Trade Union Law	6,00	This elective is not offered in the academic year 24/25
	Transport Law	6,00	This elective is not offered in the academic year 24/25
	Water Law	6,00	This elective is not offered in the academic year 24/25

Prerequisites

Students must have passed at least the 48 ECTS of Basic Training of the first two semesters. Students are free to choose the electives they wish, breaking with the grouping proposed. As explained above, the Study Plan has three optional subjects that are grouped in this way:

- 1 optional subject in the seventh semester.
- 2 optional subjects in the eighth semester.



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To handle confidently the sources and elements of Ecclesiastical Law and to be able to keep up to date with the normative and jurisprudential changes and to initiate research itineraries in an autonomous way and as a team.
- R2 To know the informing principles and know how to apply them fluently to each case.
- R3 To know how to differentiate the relations between the Church and the religious confessions and the public authorities and the effects of the agreements on these relations .
- R4 To understand the legal status of religious denominations and their entities.
- R5 Understand and be confident with the use, according to state legislation, the regime of temporary assets of religious denominations, the status of ministers of worship and religious assistance in publicly-owned establishments.
- R6 To be able to know and apply the legislation of the Spanish state order related to the celebration of marriage of the different religious confessions .
- R7 To learn about the freedoms of the teaching environment and the status of religious education and its teachers in the Spanish educational system.
- R8 To understand and handle conscientious objection and its manifestations.
- R9 To be able to analyze disputes and the resolution of jurisdictional bodies.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.				X
CG2	Analysis and synthesis capacity			X	
CG4	Problem-solving capacity.				X
CG8	Ethical commitment to information management.			X	
CG11	Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.			X	
CG13	Information management capacity.		X		
CG15	Ability to work in interdisciplinary teams.			X	
CG16	Ability to develop and maintain one's own competencies, skills and knowledge according to the standards of the profession.			X	
SPECIFIC		Weighting			
		1	2	3	4
CE2	Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated.			X	
CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.				X



CE4 Ability to understand and know how local, regional, state, community, and international institutions work, in their genesis and as a whole, and to identify the competent institution or administration in each case as well as the sectoral law applicable in each case.

X

CE9 Ability to enforce legal norms with the economic environment.

X

CE20 Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).

X



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7, R8, R9	40,00%	Practical tests
R1, R2, R3, R4, R5, R6, R7, R8, R9	40,00%	Attendance, active participation and attitude in the subject/ course/ module
R1, R2, R3, R4, R5, R6, R7, R8, R9	20,00%	Written theoretical tests

Observations

1^a) Students must obtain a minimum of 4 points out of 10 in the theoretical exam and in the practical exam to make the average and to be able to sum the other assessment instruments. However, in the 2nd call, the practices presented throughout the course will not be taken into account, neither the assistance and participation. The student must do a practical questionnaire and a theoretical questionnaire the same date of the official exam. The mark obtained in said tests will represent 100% of the final grade (50% theoretical and 50% practical).

2^a) In relation to the concept of "attendance, active participation and a favourable attitude in the subject" (40%), the mere attendance or physical presence at classes will compute a maximum of 10%, while the remaining 30% will derive from the favourable attitude in the subject. The assessment will be made through the records of attendance and the quality of the participation.

3^a) Students must obtain a minimum of 5 points out of 10, both in 1st or 2nd call, to pass the subject.

According to article 9 of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, the continuous evaluation system is the preferred evaluation system at the UCV. The art. 10 allows, however, for those students who, in a justified and accredited manner, express their inability to attend in person (or to synchronous communication activities for virtual and/or hybrid teaching modalities), their evaluation on an extraordinary basis in the so-called single evaluation. Said single evaluation must be requested within the first month of each semester to the Dean of Faculty through the Vice-Deaneries or Master's Directorates, with the express decision on the admission of said request from the student concerned being the responsibility of the latter.

The evidence to be presented and/or the test/s to be carried out in the single evaluation by



the student will be the same as for the rest of the students, although the percentages awarded to the different evaluation instruments will be the following: 50% practical tests and 50% theoretical written tests.

CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.

Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- | | |
|-----|---|
| M1 | Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment. |
| M8 | Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom. |
| M9 | Supervised monographic sessions with shared participation. |
| M11 | Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc. |
| M12 | Set of written and/or oral tests used in the initial, formative or summative evaluation of the student. |



- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1	R1, R2, R3, R4, R5, R6, R7, R8, R9	24,00	0,96
Theoretical classes. M8	R1, R2, R3, R4, R5, R6, R7, R8, R9	24,00	0,96
Seminar. M9	R1, R2, R3, R4, R5, R6, R7, R8, R9	5,00	0,20
Tutorial. M11	R1, R2, R3, R4, R5, R6, R7, R8, R9	5,00	0,20
Assessment M12	R1, R2, R3, R4, R5, R6, R7, R8, R9	2,00	0,08
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M1, M9	R1, R2, R3, R4, R5, R6, R7, R8, R9	45,00	1,80
Individual work. M11	R1, R2, R3, R4, R5, R6, R7, R8, R9	45,00	1,80
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
INTRODUCTION. RELIGION, LAW AND SOCIETY	TOPIC 1. The science of ecclesiastical law. The evolution of the term and ecclesiastical law in Spain
THE NORMATIVE SOURCES IN THE REGULATION OF THE RELIGIOUS FACT AND THE PRINCIPLES OF ECCLESIASTICAL LAW	TOPIC 2. The sources of ecclesiastical law TOPIC 3. The principles of Spanish Ecclesiastical Law
RELIGIOUS FREEDOM	TOPIC 4. The right of religious freedom: Content, limits and penal protection
THE RELIGIOUS CONFESSIONS	TOPIC 5. Religious confessions and their entities in the Spanish legal system
REGIME OF RELIGIOUS CONFESSIONS	TOPIC 6. Economic regime and financing TOPIC 7. The ministers of worship TOPIC 8. Religious freedom in the field of education TOPIC 9. The marriage system: Religious freedom and family law TOPIC 10. Religious assistance
THE CONSCIOUSNESS OBJECTION	TOPIC 11. Conscientious objection and its manifestations



Temporary organization of learning:

Block of content	Number of sessions	Hours
INTRODUCTION. RELIGION, LAW AND SOCIETY	2,00	4,00
THE NORMATIVE SOURCES IN THE REGULATION OF THE RELIGIOUS FACT AND THE PRINCIPLES OF ECCLESIASTICAL LAW	4,00	8,00
RELIGIOUS FREEDOM	4,00	8,00
THE RELIGIOUS CONFESSIONS	4,00	8,00
REGIME OF RELIGIOUS CONFESSIONS	12,00	24,00
THE CONSCIOUSNESS OBJECTION	4,00	8,00



References

BASIC BIBLIOGRAPHY

Código Universitario de Derecho Eclesiástico del Estado,
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(12.06.2024)

LEAL-ADORNA, M. - VALENCIA CANDALIJA, R., (Coord), *Derecho y religión en los medios de comunicación (recopilación de casos para su análisis jurídico)*, Madrid, Universidad Católica de Valencia San Vicente Mártir - Edisofer 2021

ROSELL GRANADOS, J.- GARCÍA GARCÍA, R.. (Coord), *Derecho y religión*, Madrid, Universidad Católica de Valencia San Vicente Mártir - Edisofer 2020

SPECIALISED BIBLIOGRAPHY

ALENDASALINAS, M., La libertad de creencias y su tutela jurídica, Valencia, 2015

ASENSIO SÁNCHEZ, M. Á., Fenómeno religioso y ordenamiento jurídico, Madrid 2017

GARCÍA GARATE, A., El hecho religioso en el ordenamiento español, Madrid, 2012

GARCÍA GARCÍA, R., La libertad de expresión en colisión con la libertad religiosa, propuesta de consenso, en en Anuario de derecho canónico: revista de la Facultad de Derecho Canónico integrada en la UCV, Nº. 6 S, 2018, págs. 265-295

GARCÍA GARCÍA, R., Los acuerdos entre la Santa Sede y el Estado Español: Algunas consideraciones sobre su aplicación práctica tras más de cuarenta años de vigencia, en Anuario de derecho canónico: revista de la Facultad de Derecho Canónico integrada en la UCV, Nº. 11, 2022, págs. 39-92

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NAVARRO VALLS, R.-MARTÍNEZ TORRÓN, J. Conflictos entre conciencia y ley. Las objeciones de conciencia, Madrid 2012

NIETO NÚÑEZ, S., CORRAL SALVADOR, C., LÓPEZ NIETO, J.M., Los Concordatos y Acuerdos Hispanoamericanos. 1851-2012 (Textos originales en español de los Concordatos y Acuerdos (actuales e históricos) y su significado. Murcia, 2016

PALOMINO LOZANO, R. Derecho y religiones, Cizur Menor 2022

TORRES SOSPEDRA, D., Notorio arraigo de las entidades religiosas en España: pasado, presente y futuro, Valencia 2023

ELECTRONIC RESOURCES

Anuario de Derecho Eclesiástico,

en https://www.boe.es/biblioteca_juridica/anuarios_derecho/anuario.php?id=E_2023

Código Universitario de Derecho Eclesiástico del Estado,

en https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=300&modo=2¬a=0&tab=2
(12.06.2024)

Conferencia Episcopal Española: Base documental:

<http://www.conferenciaepiscopal.es/base-documental/>



Universidad
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San Vicente Mártir

Course guide

Year 2024/2025
312014 - -State Ecclesiastical Law

Ministerio de Justicia de España: Área temática sobre LIBERTAD RELIGIOSA:
<http://www.mjusticia.gob.es/cs/Satellite/Portal/es/areas-tematicas/libertad-religiosa>
Página Web de la Santa Sede: <http://w2.vatican.va/content/vatican/es.html>

