

**1. General information****Course:** RELIGIOUS MATRIMONIAL LAW**Type:** ELECTIVE**Degree:** 334 - UNDERGRADUATE DEGREE PROGRAMME IN LAW**Center:** 3 - FACULTY OF LAW OF ALBACETE**Year:** 4**Main language:** Spanish**Use of additional languages:****Web site:****Code:** 35349**ECTS credits:** 4.5**Academic year:** 2022-23**Group(s):** 10**Duration:** C2**Second language:****English Friendly:** Y**Bilingual:** N**Lecturer:** JOSE MARIA MARTI SANCHEZ - Group(s): 10

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2. Pre-Requisites

The course **requires** a level of Spanish, oral and written (or English, in special programs), appropriate to a university degree. Also ability to use and understand legal sources. To participate in class and carry out the proposed exercises, **it is recommended** to be familiar with ICT, at the user level, and with the use of a foreign language.

3. Justification in the curriculum, relation to other subjects and to the profession

Marriage is a fundamental right of the person. At the same time, it is presented as a key piece in community life. Marriage supports social life and conditions their levels of well-being and capacity for integration. The weight of the family, as an educational agent, in the knowledge society cannot be forgotten.

Marriage and the family today face great legal challenges. First, to establish its features and functionality, and, second, to harmonize the different operating models in an open society (religious marriages, civil marriage, other forms of cohabitation). It is particularly important to know the legal structure of canonical, Jewish and Islamic marriage, due to its wealth and social implantation.

The relevance of the "marriage system" requires serious study. This, according to the complexity of the matter, must be connected with various legal branches, both public and private law, and take advantage of the achievements of auxiliary sciences such as History, Sociology or Philosophy. To know the regulation of marriage, it is necessary to integrate sources of diverse origin and hierarchical rank: Constitution; International human rights law; agreements with confessions, whether they have the nature of an international treaty or ordinary law; Spanish and regional law on marriage; the judicial decisions and the resolutions by the General Directorate of Registries and Notary, etc.

The practical incidence of the study of religious marriage and about the "Concordat weddings" are unquestionable. This study will make easier to understand the profile of marriage in Spain and too how the legal reaction to religious unions is, their elements - for example, the dowry - and vicissitudes - such as the problem of repudiation. Also, thanks to the comprehensive approach to the subject, it is possible to face issues related to the decline of the institution, as well as marriages "of convenience" or "de facto unions". Finally, the student who follows these teachings will take a first step towards forensic practice in ecclesiastical courts and in advice to people who, from fidelity to their traditions and / or religious beliefs, want to start a matrimonial project with legal-civil relevance.

4. Degree competences achieved in this course**Course competences**

Code	Description
E01	To become aware of the importance of law as a regulator of social relations.
E02	To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems.
E03	Learn to use constitutional principles and values as a working tool in the interpretation of the legal system.
E04	Ability to search, identify and use legal sources (legal, jurisprudential and doctrinal).
E05	Ability to read, interpret, analyse and write legal documents from an interdisciplinary perspective.
E07	To critically analyze the legal system that allows the identification of the social values underlying the legal norms and principles.

5. Objectives or Learning Outcomes**Course learning outcomes****Description**

The study and reflection of the normative sources relating to religious matrimonial law, whether of the state or of the different religious denominations, especially from the Code of Canon Law, as well as the jurisprudential decisions of the canonical instances.

Additional outcomes**6. Units / Contents****Unit 1: Marriage: general ideas.****Unit 2: Marriage system: in Spain and in Europe.****Unit 3: Civil effects of canonical law marriage, as well as of different religious minorities (Judaism, Islam, Orthodox Church, etc.)****Unit 4: Canonical law marriage.**

Unit 5: The marriage of religious minorities, with recognition in Spanish law.

Unit 6: The interreligious marriage.

ADDITIONAL COMMENTS, REMARKS

In the "Virtual Campus" explanations and study sources will be offered to facilitate the learning of the subject program.

7. Activities, Units/Modules and Methodology

Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (theory) [ON-SITE]	Lectures		0.77	19.25	Y	N	
Class Attendance (practical) [ON-SITE]	Case Studies		0.24	6	Y	N	
Project or Topic Presentations [ON-SITE]	Combination of methods		0.24	6	Y	N	
Individual tutoring sessions [ON-SITE]			0	0	N	-	
Group tutoring sessions [ON-SITE]			0	0	N	-	
Progress test [ON-SITE]	Assessment tests		0.1	2.5	Y	N	
Study and Exam Preparation [OFF-SITE]	Self-study		1.55	38.75	N	-	
Writing of reports or projects [OFF-SITE]	Combination of methods		0.65	16.25	Y	N	
Other off-site activity [OFF-SITE]	Combination of methods		0.3	7.5	Y	N	
Analysis of articles and reviews [OFF-SITE]	Guided or supervised work		0.65	16.25	Y	N	
Total:			4.5	112.5			
Total credits of in-class work: 1.35			Total class time hours: 33.75				
Total credits of out of class work: 3.15			Total hours of out of class work: 78.75				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

8. Evaluation criteria and Grading System

Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Assessment of problem solving and/or case studies	20.00%	40.00%	To remain within the continuous assessment system, the student must solve the cases or problems that be proposed throughout the course. Information about them will be offered on the "Campus Virtual".
Oral presentations assessment	15.00%	0.00%	Activity in class. Necessary for continuous evaluation. They will be accompanied by a reference to the sources consulted.
Assessment of active participation	15.00%	0.00%	To remain within the continuous evaluation system, the student must attend class regularly. Even if this is not the case, it will be valued this item, according to the circumstances. The participation also can take profit of the virtual resources.
Theoretical exam	50.00%	60.00%	A progress test (30%) will be established, whose grade if it is 5/10 or more will average the other assessable merits. Those who do not reach the minimum or be absent, must pass a global final exam (60% theoretical and 40% practical), on the date set by the academic calendar. In this moment, could be possible too to upload a grade, or recover the course activities not carried out satisfactorily.
Total:	100.00%	100.00%	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

Evaluation criteria for the final exam:

Continuous assessment:

The exposed ones, with the explanations on demand, as needed, especially regarding the students who cannot keep up with the class activities. Continuous assessment students who aspire to a grade of outstanding will need a specific final exam that completes their grade for the course.

Non-continuous evaluation:

Evaluation criteria not defined

9. Assignments, course calendar and important dates

Not related to the syllabus/contents	
Hours	hours
General comments about the planning: In the "Virtual Campus", information will be given on the temporal distribution of the topics of the program, as well as on the didactic activities.	
Unit 1 (de 6): Marriage: general ideas.	

Group 10:
Initial date: 06-02-2023 End date: 13-02-2023
Comment: The periods may vary depending on the circumstances.
Unit 2 (de 6): Marriage system: in Spain and in Europe.
Group 10:
Initial date: 20-02-2023 End date: 27-02-2023
Comment: The periods may vary depending on the circumstances.
Unit 3 (de 6): Civil effects of canonical law marriage, as well as of different religious minorities (Judaism, Islam, Orthodox Church, etc.)
Group 10:
Initial date: 06-03-2023 End date: 13-03-2023
Comment: The periods may vary depending on the circumstances.
Unit 4 (de 6): Canonical law marriage.
Group 10:
Initial date: 20-03-2023 End date: 27-03-2023
Comment: The periods may vary depending on the circumstances.
Unit 5 (de 6): The marriage of religious minorities, with recognition in Spanish law.
Group 10:
Initial date: 17-04-2023 End date: 01-05-2023
Comment: The periods may vary depending on the circumstances.
Unit 6 (de 6): The interreligious marriage.
Group 10:
Initial date: 08-05-2023 End date: 15-05-2023
Comment: The periods may vary depending on the circumstances.

10. Bibliography and Sources							
Author(s)	Title/Link	Publishing house	Citv	ISBN	Year	Description	
Rosa Corazón,	Nulidades matrimoniales (...que no lo separe el hombre), 4ª ed. http://www.iuscanonicum.org/index.php/descargas-y-recursos/file/74-nulidades-matrimoniales.html	Desclée de Brouwer,	Bilbao		2016	Consulta para causas matrimoniales canónicas.	
María Álvarez de las Asturias	La nulidad matrimonial. Mitos y realidades http://greco.uclm.es/Record/Xebook1-7665 (con VPN de la UCLM)	Digital Reasons	Madrid		2019	Consulta para causas matrimoniales canónicas	
María D. Cebriá	Los efectos civiles de los matrimonios religiosos no católicos: regulación y realidad https://biblioteca.uclm.es/encuentra-informacion/Recursos/Libros-e/Accesoeditores (con VPN de la UCLM)	Thomson Reuters Aranzadi	Navarra		2018	Consulta eficacia civil del matrimonio religioso minoritario	
J.Mª Martí y Mar Moreno, Coords.	Matrimonio religioso y Derecho español concordado http://www.editorialcomares.com/TV/articulo/3057-Matrimonio_religioso_y_Derecho_espanol_concordado.html	Comares	Granada	9788490453865	2016		
José Mª Martí Sánchez	El matrimonio religioso y su trascendencia jurídica. Temas de Derecho matrimonial religioso y concordado	European Academic Press	Madrid	978-3-906810-02-7	2016	Manual de la asignatura	
M. López Alarcón/R. Navarro-Valls, edición actualizada por S. Cañamares	Curso de Derecho matrimonial canónico y concordado	Tecnos			2010	Consulta sobre Dº Canónico	
R. Domínguez Bartolomé y S. Acuña	Matrimonio religioso y Unión Europea	Punto Rojo			2016	Consulta sobre Dº comparado	
Agustín Motilla	La eficacia en España del Derecho de Familia Islámico. Adaptación al Derecho español de los Códigos marroquí, argelino y tunecino	Editorial Comares	Granada		2018	Para consultas de Derecho islámico en España	
Joaquín Mantecón Sancho	Derecho matrimonial canónico para juristas civiles. Curso básico Texto Completo Libro https://dialnet.unirioja.es/descarga/libro/711903.pdf	Editorial Académica Española			2018	Consultas sobre Derecho canónico	