

**COURSE DATA****DATA SUBJECT****Code:** 42671**Name:** Mediation and arbitration in law of obligations**Cycle:** Master's Degree**ECTS Credits:** 3**Academic year:** 2025-26**STUDY (S)**

| Degree | Center | Acad. year | Period |
|--|------------------|------------|----------------|
| 2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat | Facultat de Dret | 1 | Second quarter |

SUBJECT-MATTER

| Degree | Subject-matter | Character |
|--|---|------------|
| 2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat | Mediation and arbitration in law of obligations | COMPULSORY |

COORDINATION

GUILLEN CATALAN RAQUEL

SUMMARY

This subject has as main objective, and employing a very practical methodology, with a high level of participation of students, to acquire knowledge about some important issues applicable both in mediation and arbitration in relation to the Law of Obligations and Contracts:

Implementation of mediation and arbitration to civil conflicts in the field of relations mandatory

Statement of Principles informants in civil mediation. Limits to the private autonomy, especially in the area of Consumer Rights

Fixing the legal framework of the civil-legal conflicts in the field of the law of obligations

PREVIOUS KNOWLEDGE**RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE**

There are no specified enrollment restrictions with other subjects of the curriculum.



OTHER REQUIREMENTS

No prior knowledge required

COMPETENCES / LEARNING OUTCOMES

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Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.

Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.

Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.

Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.

Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.

Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.

Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.

Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.

Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.

Students should demonstrate self-directed learning skills for continued academic growth.

Use different presentation formats (oral, written, slide presentations, boards, etc.) to communicate knowledge, proposals and positions.

DESCRIPTION OF CONTENTS

Definition. Features. Participants. Conflicts in the field of the Law of Obligations susceptible of mediation



1. Mediation and arbitration in the Law of Obligations

and arbitration. Legal effects of the Agreement.

2. Mandatory norms in the field of the Law of Obligations.

Limits to the mediation of obligations, special reference to the red lines fixed by Consumer Law.

WORKLOAD

PRESENCIAL ACTIVITIES

| Activity | Hours |
|-----------------------------------|--------------|
| Tutorials | 12,00 |
| Theoretical and practical classes | 18,00 |
| Total hours | 30,00 |

NON PRESENCIAL ACTIVITIES

| Activity | Hours |
|---------------------------------------|-------------|
| Attendance at other activities | 0,00 |
| Individual or group project | 0,00 |
| Independent study and work | 0,00 |
| Preparation of lessons | 0,00 |
| Preparation for assessment activities | 0,00 |
| Resolution of case studies | 0,00 |
| Total hours | 0,00 |

TEACHING METHODOLOGY

In addition to the exposition of the relevant theoretical content it is intended that the student will be able to apply in practice the knowledge acquired and develop the skills necessary for the performance of the functions of the mediation and arbitration.

For this reason, the teaching methodology will consist in:

theoretical exposure of the basic contents of the program

analysis of cases and resolving situations of practices on the part of the students

Students will carry out the following tasks:



active participation in classes

solve case studies proposed by mediation or arbitration

be capable of responding to the critical comments raised by the teacher or the colleagues

EVALUATION

The proposed methodology must have its consequences at the level of the evaluation of the subject, as it is intended the acquisition by the student of a series of competences where the acquisition of theoretical knowledge is important, but even more the formation of a trained professional to the settlement of disputes in the field of the law of obligations by means of mediation and arbitration.

Therefore, to pass the subject, the student must resolve to comment on a sentence with a factual assumption in terms of obligations, delimiting the matters of free disposal and issue an opinion to resolve the controversy, applying mediation or in arbitration, drafting the appropriate documents for it. .

These works are valued with 100% of the final grade: summary, systematization, student contribution and practical application to mediation or arbitration.

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