

**COURSE DATA****DATA SUBJECT**

Code: 43173
Name: Bankruptcy law
Cycle: Master's Degree
ECTS Credits: 3
Academic year: 2025-26

STUDY (S)

Degree	Center	Acad. year	Period
2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy	Facultat de Dret	1	First quarter, Second quarter
2901 - Double Master's Degree Programme in Law and Procurement-Corporate Law Comme	Facultat de Dret	1	First quarter, Second quarter

SUBJECT-MATTER

Degree	Subject-matter	Character
2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy	Bankruptcy law	COMPULSORY
2901 - Double Master's Degree Programme in Law and Procurement-Corporate Law Comme	Company Law	COMPULSORY

COORDINATION

HERNANDO CEBRIA LUIS
SALDAÑA VILLOLDO BENJAMIN

SUMMARY

This subject addresses the regulation and processing of bankruptcy proceedings, both from its civil and commercial regulation and from its procedural and international aspects, including the study of punishable insolvencies.

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

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

OTHER REQUIREMENTS

Those of the Bachelor's Degree or the Degree in Law in the areas and subjects that make up the subject, or, if not, those of the Bachelor's Degree or Degree in Business Studies, supplemented, if applicable, with



general legal notions on bankruptcy law.

COMPETENCES / LEARNING OUTCOMES

2128 - Master's Degree in Corporate Law. Trade, Labour and Tax Consultancy

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 las distintas ramas jurídicas de las decisiones y opciones de las empresas, sabiendo aconsejar las más convenientes dentro de la legalidad.

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

Know how to work in multidisciplinary teams reproducing real contexts and contributing and coordinating their own knowledge with that of other branches and participants.

Poseer, comprender y desarrollar habilidades que posibiliten aplicar los conocimientos académicos especializados adquiridos en el grado a la realidad cambiante a la que se enfrentan los abogados para evitar situaciones de lesión, riesgo o conflicto en relación con los intereses encomendados o su ejercicio profesional ante tribunales o autoridades públicas y en las funciones de asesoramiento.

Saber planificar y ordenar jurídicamente la actividad de la empresa para anticiparte a los posibles problemas y contar de antemano con estrategias de solución de los mismos.

Ser capaces de obtener y de seleccionar la información y las fuentes relevantes para la resolución de problemas, elaboración de estrategias y asesoramiento a clientes.

DESCRIPTION OF CONTENTS

1. Legal solutions to economic crises in enterprises

2. Procedural aspects of insolvency proceedings

3. Cross-border insolvencies

4. Punishing insolvencies

**WORKLOAD****PRESENCIAL ACTIVITIES**

Activity	Hours
Tutorials	3,00
Theory	21,00
Seminar	6,00
Total hours	30,00

NON PRESENCIAL ACTIVITIES

Activity	Hours
Individual or group project	20,00
Preparation for assessment activities	19,00
Total hours	39,00

TEACHING METHODOLOGY

MD1 – Training tasks of the teaching-learning process prior to classroom interaction.

MD2 – Training tasks of the teaching-learning process in the classroom interaction process.

Training tasks of the teaching-learning process prior to classroom interaction

First of all, the teaching methodology must be suitable for focusing, from the beginning, on the problem to be addressed, presenting its different facets, which will be developed by each discipline involved. To do so, in each subject, the teachers who begin it must explain the problematic cores that are going to be addressed in it, as well as - in the case of legal subjects - the values and normative purposes pursued by the legal system when regulating and trying to resolve said problems. A teaching-learning process of Law that, under the guise of mere legal technique, avoids the treatment of the inspiring values of the legal system, the social needs that it must resolve and the criteria on which it bases the solutions it adopts is inconceivable. Therefore, from the very beginning, the teacher has the role of revealing and explaining these dimensions in advance. In a word, what operational pedagogy sums up as "presentation of the subject matter" and of the values that shape and explain it.



Secondly, in relation to the above, due to the theoretical-practical content of most of the subjects, and due to the legal knowledge that the Master's students already have, master lectures that place them within the framework of the legal system, already known to them, are not advisable. For this reason – as described in each subject – only a minimal part of the weekly class hours can be called theoretical. Its content, however, cannot be limited to an abstract presentation of the legal system, but to highlighting and presenting its relevant norms and its application criteria for the problems to be addressed. Therefore, it must focus on establishing certain key legal categories or institutions for the resolution of the problems addressed in that subject; at the same time it can serve as a reminder to the students or as an introduction to those who were trained in legal systems other than the Spanish one. The bulk of classroom teaching, however, is covered by the discussion of materials and the resolution of cases and assumptions previously provided to the student. Hence, the teaching methodology has as a central aspect the selection by the teacher of the most suitable materials for the preparation of the debates and the selection and resolution of the most representative problems, without prejudice to the fact that, on occasions, part of the learning consists of the students themselves having to make this selection, but limited by the teachers from among the huge variety of resources and sources available.

Thirdly, to prepare these debates and confrontations of problems, teamwork by the students also becomes a training tool, allowing them to consolidate transversal competences of the degree and assume a work dynamic that they will surely find in their later activities. The distribution and assignment of tasks among the group members, the contribution of each member, their debate and discussion within the group, their coupling to different groups throughout the Master's and the conjunction of all this for their orderly presentation or their joint treatment to solve the problems are skills that are sought to be developed throughout their stage as Master's students.

Fourthly, and transversally to all the subjects - in addition to the specific complementary ones - they must also reinforce their capacity for the use of new technologies, so that both in the offer and selection of materials and in their use and presentation of the results achieved, the use of instruments such as the virtual classroom, the management of databases, electronic consultations, the presentation of panels or slides, etc. is encouraged.

Training tasks of the teaching-learning process in the classroom interaction process

In coherence with the approach of the Study Plan, the teaching methodology must be aimed at placing them in conditions so that they themselves discover and progress in the solution of the problems posed. To this end, it is essential to imbue them with rigor in reasoning, clarity in the separation of different aspects, so that they do not make logical leaps or "prejudices" about the content or interpretation of the relevant regulations, and, ultimately, so that they are capable of reaching and offering their own solution through adequate technical-legal reasoning and values and principles. In an environment as changing as the regulatory framework of the company and its activity, "learned" solutions can be of little value, and emphasis must be placed on their ability to extract for themselves, at any given time, from each current regulatory framework and in the face of each specific problem posed, the most advisable solutions.

Therefore, classroom debate on the materials and problems previously provided by the teacher and worked on by the students becomes the core of the teaching-learning process, although, obviously, it contributes little without the fulfillment of the previous tasks outlined. The role of the teacher in these debates must be that of true moderator, and not that of a mere spectator who attends the presentation of positions or opinions by the students. He must strive to focus on the different aspects of the debate and to organize it; to refine the reasoning that they present, either to extract all their conclusions from them, or to show that



they do not lead to acceptable solutions within the framework of the order; to highlight the consequences that they did not notice of the solutions they propose; and, finally, to recapitulate and close the debate with acceptable collective conclusions, avoiding leaving open questions that could convey the impression that "everything is debatable." Although it is true that the rules are sometimes susceptible to different interpretations, the legal system is a framework of binding precepts, with clear limits on what is not admissible. Finally, without falling into the case method, which does not correspond to our legal system, which is codified and has very developed and precise normative bodies for the different legal areas, the discussion of problems cannot ignore, where appropriate, the jurisprudential background and the solutions given by advisory bodies, so the debate and the solutions in the classroom must address the whole legal phenomenon, integrating, together with the rules, legal experience, the external effects of said rules and their impact on the specific situation in which the legal system must be applied and for which the specialized professional is asked for advice. Therefore, the complementarity of the various legal aspects of a problem cannot be ignored by focusing on one main aspect and without knowing the consequences that it may have in other dimensions, when, in reality, practically all the decisions and options of a company must take into account these various legal aspects and their consequences. Therefore, the problems themselves and, above all, their treatment and solutions, must be built on the basis of this plurality of aspects, imbuing students with the need for comprehensive advice that does not neglect any of them.

EVALUATION

SE1 - Attendance at classes is an essential requirement for being assessed, and a minimum of 80% of sessions must be attended. Below this minimum, and unless there are justified reasons, the student will not be assessed and will be recorded in the minutes as not present.

SE3 - Separate assessment through continuous assessment and specific tests.

At the end of the course, the coordinator will provide the students with an assessment, practical case, work, etc. that they must complete or solve. They will complete it in class before the coordinating professor, who, together with the rest of the professors of the subject, will determine their grade. The approximate dates for the delivery of the case or assessment by the students are at the end of January.

With this assessment system, in addition to the degree of acquisition of the specific skills associated with the subject, it is possible to assess whether students are able to integrate knowledge and face the complexity of formulating judgments based on information that, being incomplete or limited, includes



reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments, as well as whether they know how to work in multidisciplinary teams reproducing real contexts and contributing and coordinating their own knowledge with that of other branches and participants. And be able to integrate into teams, both as managers or coordinators and in specific, limited roles and in support roles for the team itself or for others, to the extent that several of the activities and tests carried out are in teams.

REFERENCES

- ROJO FERNÁNDEZ-RÍO, A., BELTRÁN SÁNCHEZ, E., Comentario de la ley concursal, t. I y t. II, Civitas, última edición.
- MARTÍNEZ-BUJÁN PÉREZ, C.: Derecho penal económico y de la empresa. Parte especial, Tirant lo Blanch, última edición.
- AA.VV. COORD. GARCÍA-CRUCES GONZÁLEZ, J. A., La liquidación concursal, Thomson Reuters, última edición.
- BELLIDO PENADÉS, R.: El Procedimiento de Declaración de Concurso, Ed. Thomson Reuters, Pamplona, última edición.

Complementary or reference bibliography: Given the increasing regulatory changes, it will be provided at the beginning of each subject.

- Readings: articles and monographs that specifically deal with some of the aspects included in the subject. Reading them will allow the student to have a much broader and richer vision of the contents of the subject presented in class or addressed in the basic bibliography. Their purpose is to complete the information in the texts of the basic bibliography, expanding the most relevant aspects and offering, at the same time, an updated vision of the topics to the extent that they require it.
- Practical cases: they provide the student with the possibility of exercising their capacity for analysis and decision-making on real situations that may arise from the material provided, applying the theoretical knowledge they have acquired.
- Judicial or administrative body resolutions: they reflect the criteria with which the Courts or the Administration apply legal regulations.