

Subjects

Barrenetxea Beaskoetxea, Eider (Aretxabaleta kalea, 6 - 1 ez. 48010 Bilbo): **Genero-indarkeria eta babes-aginduari buruzko hausnarketa** (Reflection on Gender Violence and the Protection Order) (Orig. eu). In: *Eleria*. 20, 5-28.

Abstract: As a result of international pressure, the legal handling of gender violence has changed radically in the last few years. Spanish legislation, obviating the definition given by the UN, links this violence to that produced within the family unit. The protection order which arose as a tool to combat gender violence has proven to be a positive achievement, as it contemplates multiple and varied measures. In practice, however, the excessive tendency to turn to criminal law and the lack of flexibility shown has done more harm than good to victims. An in-depth reflection on this issue is required.

Key Words: Gender Violence. Protection Order. Protective Measure. Family Violence. Criminal Law. Reflection.

Arrese Iriondo, M^a Nieves (Euskal Herriko Unibertsitatea. Lan Harremanen U.E. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Sarriena, z/g. 48940 Leioa): **Atzeritarren familian bizitzeko eskubidea: familia berrelkartzea** (Foreigners' Right to Live with their Family: Family Regrouping) (Orig. eu). In: *Eleria*. 20, 29-50.

Abstract: The right to family regrouping is an issue which is taken into consideration in all regulations on immigration, as, at this time, family regrouping has become the main channel through which to obtain a resident's permit. For this reason, the requirements to exercise this right are increasingly more demanding, and the conditions that must be met by families who wish to regroup are also becoming stricter. Likewise, it is necessary to review the scope of this right for citizens of the European Union with foreign relatives, in the case of citizens with Spanish nationality, for example.

Key Words: Family. Foreigners. Regrouping. Resident's Permit.

Otañua Zabala, Goizeder (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Sarriena, z/g. 48940 Leioa): **Nazioarteko legediaren eragina Espainiako zigor arloko bigarren instantziaren arauketan** (The Influence of International Legislation on the Regulation of the Second Instance of Criminal Matters in Spain) (Orig. eu). In: *Eleria*. 20, 51-68.

Abstract: The second instance for criminal matters is included in Article 24 of the Spanish Constitution, within the scope of effective legal protection. This basic right is regulated by two treaties of international scope (International Covenant on Civil and Political Rights and Protocol 7 of the European Convention on Human Rights) which, in some aspects, contradict each other. We will reflect on the way in which this right has materialised in Spain and on the problems that have arisen around it, observing whether the path covered until now has been sufficient to guarantee the effectiveness of the execution of the right.

Key Words: Second Instance for Criminal Matters. Effective Legal Protection. Appeal. *Novum iudicium*, *revisio prioris instantie*.

Imaz Zubiaur, Leire (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Zibila Saila. Agirre Lehendakaria Etorb., 83. 48015 Bilbo): **Euskal lurraldeen berezko sistema judiciala. Iraganaren eta etorkizunaren arteko zubia marrazteko erronka** (The Basque Territories' Own Judicial System. The Challenge of Building a Bridge between the Past and the Future) (Orig. eu). In: *Eleria*. 20, 69-100.

Abstract: For centuries the Basque territories have had their own judicial system within the multidisciplinary foral regime; this was based on the clear leading role of "home-grown" judges who interpreted and applied the general regulation included in the *fueros*. In the Northern Basque territories, the *fueros* were abolished with the French Revolution in 1789; those of the Southern lands, however, by the *Fuero Abolition Act* of 21 July 1876. According to the autonomous model recognised by the Spanish Constitution of 1978, the Southern Basque territories only conserve the right to appeal or revise before the High Courts of Justice.

Key Words: Code of Law. "Local" Judges. Statutes of Autonomy. Autonomous State. Law of the Historic Territories. Higher Court of Justice. Further Appeal. Appeal for Review.

Sentences and Courts

Zelaia Garagarza, Maite (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Manuel Lardizabal, 2. 20018 Donostia): **Kataluniako Autonomi Estatutuari buruzko Konstituzio Auzitegiaren Epaia eta Autonomien Estatua** (The Constitutional Court's Sentence on the Statute of Autonomy of Catalonia and the State of Autonomies) (Orig. eu). In: *Eleria*. 20, 101-105.

Abstract: It could be stated that the Constitutional Court's sentence of 28th June 2010 on the Statute of Autonomy of Catalonia 2006 is one of the sentences that has had a more essential influence on the State of Autonomies in recent years. It was not an easy task to try and reach an agreement on this resolution and on the seventh attempt a consensus was finally reached on a sentence. In this paper, we have attempted to take a closer look at its most significant aspects.

Key Words: Constitutional Court. Sentence. State of Autonomies. Statute of Autonomy. Catalonia. Anti-constitutionality.

Etxebarria Estankona, Katixa (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Publikoa Saila. Sarriena, z/g. 48940 Leioa): **XXI. menderako bulego judicial berria. Azken erreforma prozesalak** (The New Court Offices of the 21st century. The Latest Procedural Reforms) (Orig. eu). In: *Eleria*. 20, 107-111.

Abstract: On 4 November 2009 the two laws were published in the Official State Gazette: Law 13/2009, on reforming procedural law to implement the new Judicial Office and Organic Law 1/2009, complementary to the Law on

reforming procedural law to implement the new Judicial Office, which modifies Organic Law 6/1985, of 1 July, on the Judiciary. These two laws carry out the necessary procedural changes to establish an agile and modern Legal Administration apt for the 21st century. The purpose of this work is to explain the changes deriving from said laws.

Key Words: Judicial Office. New Judicial Office. Procedural reforms. Judiciary. Procedural laws.

Legal Basque Language

Etxeberria Guridi, Jose Francisco. (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Publikoa Saila. Lardizabal Pasealekua, 2. 20018 Donostia): **174/2010 Dekretua, ekainaren 29koa, Euskal Autonomia Erkidegoko justizia administraziooko hizkuntza-normalkuntzari buruzkoa** (Decree 174/2010 of 29th June on Linguistic Normalisation of the Judiciary of the Autonomous Community of the Basque Country) (Orig. eu). In: *Eleria*. 20, 113-116.

Abstract: The use of Basque in Administration of Justice is unfortunately not a pacific matter. Although the object of the Decree 174/2010 is the linguistic “standardisation” of the Administration of Justice, it is obvious that the “standardisation” policy has failed and is subject to political changes. In ten years three Decrees have been approved on the same subject. The Constitutional Court and other Courts have also issued resolutions on this prickly matter: for which positions and under which circumstances it is justifiable to demand a linguistic profile. Unfortunately as they say in the movies, “to be continued”.

Key Words: Basque Language. Administration of Justice. Linguistic standardisation. Linguistic profile. Date of entry into force.

Interview

Bengoetxea, Joxerramon. Professor of Philosophy of the Faculty of Law of the UPV-EHU (Orig. eu). In: *Eleria*. 20, 117-120.

Chronicles and commentaries

Suberbiola Garbizu, Irupe (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Publikoa Saila. Sarriena, z/g. 48940 Leioa): **B.E.Z.-aren zerga tasaren aldaketak dituen efektu juridikoak** (The Legal Effects of Modifications in the VAT Rate) (Orig. eu). In: *Eleria*. 20, 121-124.

Abstract: Law 26/2009 on the General State Budget, increased Value Added Tax from 16% to 18%, and the reduced rate from 7% to 8%; both taxes are applicable as of 1 July 2010. It is not the first time that this happens as Value Added Tax was already subject to modification in 1992 and 1995. Using the lesson learned then, below we present the details of applying the new taxes.

Key Words: Fiscal tax. Financial debts. Modification of the tax base. Contract undertaken with the Public Administrations.

Bengoetxea Alkorta, Aitor (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Enpresa Zuzenbidea Saila. Manuel Lardizabal, 2. 20018 Donostia): **Lan-merkatuaren erreforma (35/2010 Legea, irailak 17koa)** (The Labour Market Reform (Law 35/2010 of 17th September)) (Orig. eu). In: *Eleria*. 20, 125-129.

Abstract: As a consequence of the financial crisis that began in 2008, the unemployment rate has increased significantly in Spain and is now above 20% of the active population. To combat this situation Law 35/2010 has entered into force, with urgent measures to reform the labour market. This establishes the following objects in the statement of reasons: stable employment; internal flexibility; promoting employment; and improving labour mediation. In this chronicle we go beyond the objects mentioned and critically analyze the new measures and the impact that they could have on the labour market.

Key Words: Unemployment. Labour market. Stable employment. Promoting employment. Labour mediation. Flexibility.

Iraculis Arregui, Nerea (Euskal Herriko Unibertsitatea. Gizarte eta Komunikazio Zientzien Fak. Enpresa Zuzenbidea Saila. Sarriena Auzoa, z/g. 48940 Leioa): **Merkataritza Zuzenbidearen eguneratzea eta eraberritzea: kapital-sozietateen Legea** (Update and Modification of the Trade Law: Company and Corporations Law) (Orig. eu). In: *Eleria*. 20, 131-134.

Abstract: The new Companies and Corporations Law has been created with the objective of overcoming the lack of coordination, imperfections and shortfalls produced as a result of successive modifications made in trade legislation. The new Law breaks away from the traditional regulation of companies and corporations which was dispersed in Spanish legislation, by combining in one text the entire regulation on companies. The aim is to emphasise the fundamental unit that exists between the various types of companies and corporations. This leads to a regulation of the different areas in general for all companies and corporations and, within each chapter or section, the specific characteristics of each company are included, avoiding reference to other texts.

Key Words: Revised Text. Systematic Reorganisation. Innovative Approach. Simple Search of the Regulations. Specialities of each Company.

Beriain Flores, Irantzu (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Zibila Saila. Manuel Lardizabal, 2. 20018 Donostia): **Alokairuzko amak espainiar ordenamendu juridikoan: debekua, etorkizuneko erronka?** (*Surrogate Mothers in the Spanish Legal System: Current prohibition, future challenge?*) (Orig. eu). In: *Eleria*. 20, 135-138.

Abstract: The report titled “*Surrogate Mothers in Spanish Law: Current Prohibition, Future Challenge?*” has the objective of explaining the importance and the legal consequences of the latest agreements adopted by the Directorate-General of Registers and Notaries on the contracts of *surrogate mothers*. More specifically, two decisions are the focus of study in this report: on the one side, The DGRN’s Resolution of 18th February 2009 and, on the other, the DGRN’s Instruction of 5th October 2010, on the registration system for registering the parentage of children born via surrogate motherhood.

Key Words: Nullity of Surrogate Motherhood Contract. Registration of the Birth Certificate. Validity of Parentage. Spanish Public Order. Supreme Interest of the Child. Control of the Legality of Foreign Sentences. Exequatur. Adoption.

News. News. Bibliography. Doctoral thesis. Future Laws. (Orig. eu). In: *Eleria*. 20, 139-145.

Classics

Defence of classic criminal matters by Günther Jakobs

Landa Gorostiza, Jon Mirena. Aurkezpena (Presentation) (Orig. eu). In: *Eleria*. 20, 147.

Garro Carrera, Enara. Günther Jakobs-en “Kriminalizazioa ondasun juridikoaren kaltearen aurretiko estadioan” (“Criminalisation in the Stage Prior to the Damage of a Juridical Good”, by Günther Jakobs) (Orig. eu). In: *Eleria*. 20, 148-155.