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REVISTA DE EDUCACIÓN

Original article

Theories in the real estate transfer system: importance in the training of Law students

Teorías en el sistema de transferencia de bien inmueble: importancia en la formación de estudiantes de Derecho

Teorias no sistema de transferência de bens imóveis: importância na formação de estudantes de Direito

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Received: June 7, 2024

Accepted: September 3, 2024

ABSTRACT

The education of law students requires a deep understanding of the theories behind the real estate transfer system. This study aims to analyze the predominant doctrinal positions and comparative legislation, identifying relevant legal systems and contrasting them with current legislation. The primary method was a literature review, using inclusion and exclusion criteria with a descriptive approach. Analytical-synthetic, interpretive, and legal hermeneutics methods were applied, employing documentary analysis techniques and observing the VII and IX Civil Jurisdictional Plenums of the Supreme Court of Peru. The results indicate that the theory of title and mode best guarantees legal security for the parties involved. In contrast, the French consensual system, predominant in real estate transfers, is not effective for the buyer. This highlights the importance of the theory of title and mode in the education of future lawyers, providing them with a solid foundation to understand and apply principles that ensure adequate legal protection. It is concluded that promoting the registration of real estate transfers in the corresponding public registries is essential, a recommendation based on the need to guarantee legal security. This knowledge is crucial for law students, as it not only prepares them to face legal challenges in their professional practice but also provides them with the necessary tools to drive legislative reforms that enhance legal security in real estate transfers.

Keywords: transfer; students; property; legal security; university.

RESUMEN

La formación de los estudiantes de Derecho requiere una comprensión profunda de las teorías del sistema de transferencia de bienes

inmuebles. Este estudio tiene como objetivo analizar las posturas doctrinales predominantes y la legislación comparada, identificando los sistemas jurídicos relevantes y contrastándolos con la legislación vigente. La revisión de literatura fue el método principal, utilizando criterios de inclusión y exclusión, con un enfoque descriptivo. Se aplicaron métodos analítico-sintético, interpretativo y la hermenéutica jurídica, empleando técnicas de análisis documental y observación del VII y IX Pleno Jurisdiccional Civil de la Corte Suprema del Perú. Los resultados indican que la teoría del título y modo es la que mejor garantiza la seguridad jurídica para los sujetos de derecho. En contraste, el sistema consensual francés, predominante en la transferencia de bienes inmuebles, no resulta efectivo para el adquirente. Esto resalta la importancia de la teoría del título y modo en la formación de los futuros abogados, ya que les proporciona una base sólida para comprender y aplicar principios que aseguren la protección legal adecuada. Se concluye que es esencial promover la inscripción de la transferencia de bienes inmuebles en los registros públicos correspondientes, recomendación que se fundamenta en la necesidad de garantizar la seguridad jurídica. Este conocimiento es crucial para los estudiantes de Derecho, ya que no solo los prepara para enfrentar desafíos legales en su práctica profesional, sino que también les brinda las herramientas necesarias para impulsar reformas legislativas que mejoren la seguridad jurídica en la transferencia de bienes inmuebles.

Palabras clave: transferencia; estudiantes; propiedad; seguridad jurídica; universidad.

RESUMO

A formação dos estudantes de Direito exige uma compreensão profunda das teorias do sistema de transferência de bens imóveis. Este estudo tem como objetivo analisar as posições doutrinárias predominantes e a legislação comparada, identificando os sistemas jurídicos relevantes e contrastando-os com a legislação vigente. A

revisão de literatura foi o método principal, utilizando critérios de inclusão e exclusão, com uma abordagem descritiva. Métodos analítico-sintético, interpretativo e hermenêutica jurídica foram aplicados, empregando técnicas de análise documental e observação dos VII e IX Plenos Jurisdicionais Civis da Suprema Corte do Peru. Os resultados indicam que a teoria do título e modo é a que melhor garante a segurança jurídica para as partes envolvidas. Em contraste, o sistema consensual francês, predominante na transferência de bens imóveis, não é eficaz para o adquirente. Isso destaca a importância da teoria do título e modo na formação dos futuros advogados, proporcionando-lhes uma base sólida para compreender e aplicar princípios que garantam a proteção jurídica adequada. Conclui-se que é essencial promover o registro das transferências de bens imóveis nos registros públicos correspondentes, recomendação fundamentada na necessidade de garantir a segurança jurídica. Esse conhecimento é crucial para os estudantes de Direito, pois não só os prepara para enfrentar desafios jurídicos em sua prática profissional, mas também lhes fornece as ferramentas necessárias para impulsar reformas legislativas que aprimorem a segurança jurídica nas transferências de bens imóveis.

Palavras-chave: transferência; estudantes; propriedade; segurança jurídica; universidade.

INTRODUCTION

The training of law students is a comprehensive process that goes beyond the simple acquisition of theoretical knowledge. It requires a deep and applied understanding of the legal principles that govern society. In this context, the development of law students is essential to ensure that they are prepared to face contemporary legal challenges and to contribute effectively to the development of the legal system (Martínez, 2024; Acebedo *et al.*, 2017).

One of the critical areas of study for law students is the transfer of real property. Understanding the theories and systems that govern this area is essential, as the transfer of property, is a central part of civil and commercial law. However, the problematic situation lies in the diversity of legal systems and theories that exist, which can lead to confusion and inconsistent applicability in different jurisdictions (Colina, 2021).

The specific problem addressed in this study is the lack of clarity and effectiveness in the application of the theories of the real estate transfer system, in particular when comparing the French consensual system with the title and mode theory. This lack of clarity can lead to legal uncertainties affecting, both, purchasers and sellers of real estate.

The main objective of this research is to analyze the predominant theories in the transfer of real estate, to identify the most effective legal systems and to evaluate how this knowledge can be better integrated into the academic training of law students (de Costa and Chessler, 2023). Through an exhaustive review of the literature, the analysis of comparative legislation and the observation of practical cases, we seek to provide a solid foundation that allows students not only to understand existing theories, but to apply this knowledge effectively in their future professional practice.

This study aims to contribute to the improvement of legal education, ensuring that future lawyers are well prepared to handle the complexities of real estate transfers and promoting reforms that improve legal certainty in this crucial area. Currently, in recent decades around the world we are witnessing the exponential growth of societies, both in their population and in negotiations for the transfer of real estate properties and with it the existence of various problems typical of informal urban growth, concurrence of creditors, the tugurization particularly in the human settlements, degradation of the environment, among others; so that today the transfer of

ownership of real estate has become a very frequent commercial activity and often causes various conflicts for the purchasers that are still pending resolution.

In Mexico, Guatemala and Venezuela It has been planned that need for registration in the real estate registry and that this registration is accompanied by good faith registry for guaranteeing the security legal of the creditor, and so, to avoid fraud to third parties, with respect to a particular real estate, based on the theory of title and mode of the real estate transfer system.

In Peru, according to the regulations contained in article 949 of the Civil Code, the theory of the consensual system has been adopted for the transfer of real estate; that is, the only agreement of wills between both parts grants validity to the transmission carried out, not requiring the delivery of the property (*traditio*), as occurs in the case of movable property. This has caused deficiencies, since it does not take registration as an essential element for the protection of the right of ownership, since this system is only established based on the contract; it not only generates uncertainty and conflict in terms of real rights, legal insecurity in the future creditor of the real estate, but there are also dispersed and contradictory regulations in the Peruvian normative body. Such is the case of content in the art. 1135° and the content in the article 2022 of the Civil code, that prescribes with precision that for oppose rights royal about estate who also have real rights over them, it is necessary that the right that is opposed be registered prior to that of the one to whom it is opposed.

This is why Guerrero (2020) states that the right to property is one of the most problematic acts in our reality, since its legal regulation does not fully guarantee the right of acquisition of its owner.

Taking into account what it has been exposed, and inspired in this problematic that HE comes extending not only to international level, but

rooting to national level, we formulate the following research problem, through the following question: how does the title and mode theory system provide legal security to the purchaser in the transfer of real estate? Formulating as a hypothesis that the theory of title and mode of the real estate transfer system provides significant legal security to the purchaser of the real estate.

The study is justified by the practical implications it has, insofar as it contributes to the study, analysis and solution to the problems that plague the country with the concurrence of owners of the same property, which in the long run, also causes an increase in the procedural burden for the justice system, as a consequence of the legal uncertainty for the purchaser. Likewise, a theoretical justification is fulfilled in the sense that it abounds in the analysis of the theories of systems of transfer of real estate and the best option in compliance with legal and constitutional theories and principles and supraconstitutional. The social relevance of the present scientific article lies in the contribution to the solution of a problem latent of our social reality caused by the lack of legal security for the purchaser in the transfer of real estate, according to substantive civil legislation, which is the focus for a modification to it.

The study was based on a literature review, using inclusion and exclusion criteria to select the most relevant sources. A descriptive approach was adopted and analytical-synthetic, interpretive and legal hermeneutic research methods were applied. The techniques employed included documentary analysis and observation of the VII and IX Civil Jurisdictional Plenums of the Supreme Court of Peru.

A thorough analysis of the theories governing the transfer of real property is crucial to the education of law students. This study began with a detailed review of the literature, focusing on two main theories: the title and mode theory and the French consensual system. The title and mode theory establishes that the transfer of property requires two essential elements: a valid

title and the delivery of the property (mode). In contrast, the French consensual system holds that mere agreement between the parties is sufficient to transfer property, without the need for an additional act. This theoretical analysis is essential for students to understand the underlying principles and practical implications of each approach.

The review of comparative legislation is an essential tool in the training of law students, as it allows them to understand how different jurisdictions approach the transfer of real estate.

The legal systems of several countries were examined, including those that follow the title and mode theory, such as Germany and Peru, and those that adopt the consensual system, such as France. This review allowed the identification of the advantages and disadvantages of each system and their impact on legal certainty. For example, in the German system, the combination of a valid title and delivery of the asset provides greater legal certainty, while in the French system, the simplicity of the consensual agreement can generate uncertainties for the purchaser. This comparative analysis is crucial for students to develop a critical and evaluative view of the different legal approaches.

Various research methods were applied to analyze these legal systems and their relevance to the training of law students. The analytical-synthetic method allowed the theories to be broken down into their fundamental components and the relevant information to be synthesized. The interpretive method facilitated the understanding of how these theories are applied in different legal contexts. Legal hermeneutics, for its part, helped to interpret regulations and doctrines from a critical and contextual perspective. These methods are essential in the training of law students, as they provide them with the analytical and critical skills necessary to evaluate and to apply complex legal concepts.

Documentary analysis and observation techniques were used in the VII and IX Civil

Jurisdictional Plenaries of the Supreme Court of Peru. These plenaries provided practical cases and judicial decisions that illustrate how theories are applied in practice. Observing these plenaries allowed law students to see how the rules are interpreted and applied in real situations, enriching their theoretical understanding with concrete examples. This practical experience is essential for students to understand the real application of legal principles and develop critical skills to interpret and apply the law.

DEVELOPMENT

As background that has given the theoretical contribution on the security legal and the analysis of the real estate transfer system, was located Chambi (2017), who says that the consensual real estate transfer system has some disadvantages because it cannot be determined with certainty who the owner of the real estate is.

Other national antecedents such as Mendoza (2016), carry out an analysis on better property rights, and point out that different institutions are alleged such as double sale, public faith in the registry, registry opposability, legitimation, priority, in opposability in case of simulation, document falsification, among others. The relevance of the contribution provided by the Court of Cassation is analyzed for the treatment of the various legal figures, specifically the existence of double sale and, by most, it is decided to give preference to the owner that acquired from good faith, although the transfer was not registered; in addition, it has to be interpreted in a systematic manner and it concludes that it has to respect the principle of good faith in the registry.

For his part, Huanco (2015) maintains that the Superintendence National of Records Publics (SUNARP), through its registry system fulfills its mission of providing legal security through various administrative mechanisms that

contribute to the effectiveness of compliance with legal security, such as preventive annotation for alleged documentary falsification or identity theft, registry alert, blocking for alleged falsification of documents and the temporary immobilization of games of properties. Of the same mode, regarding legal certainty, Cervantes (2020) stated that the legislation, while adopting the Consensual System for the transfer of real estate improves the transfer of property to the dispose of the property and that for manifesting the security not only the objective or formal form, but also the subjective or material security should exist coinciding in its position with Huanco.

Sanchez (2009), on the other hand, analyzes the effects of the priority registry in the acquisition real estate, given that the priority the registry is limited to resolving the conflict between the concurrence of acquirers of the domain or other rights royal about a certain good. In this case, the author holds that the effectiveness of publicity is established by the formula of unenforceability or ineffectiveness of the acquisition, by virtue of a title not registered against third parties and is specified when the title of acquisition of the corresponding right has been published in the Registry; likewise, also it can explain, to the reverse, which the right registered will be opposable either effective against all, including against previous unregistered acquisitions that derive from the same transferor. In this sense, the enforceability of the registered right, as an effect of publicity registry, is the reverse of the unenforceability of the acquisition not registered, in cases of concurrence of several owners of the same property.

Regard to the system of transfer of estate real estate, Moscoso (2012) provides basic notions regarding the conceptualization of real rights and concludes that the transfer of property is linked to civil or commercial formalities or solemnities according to the type of property or the public interest that the legislator has identified in it.

The distinctions between the legal regime of movable and immovable property refer to the way of transferring ownership with or without the need for a registry. However, all property rights in Colombia require for their transfer of the accompaniment of the qualification and mode, being this last solemn or not, he concludes that the only one certificate of the record or the only public or private writing by themselves they are not full proof of ownership. Both are required to delimit its existence and scope; that is, the theory of title and mode is highlighted to conclude the process of transfer of assets.

Gonzales (2016) argues that the property is the individual right of the enjoyment, exclusive, exclusive and perpetual, which falls on assets, which is imposed on the state and third parties, but which exercise, in all its aspects, requires agreement, limitation or restriction by virtue of the collective interests that society considers relevant to its organization and development, through the general clause of the common good.

Theory of the qualification and mode in the transfer of the property

It is impossible to speak about real rights or about the transmission of real estate in our legislation without mentioning and explaining the importance of the title and mode theory (Vidal, 2016); therefore, it is necessary to establish the conceptual definition of these categories.

The title is the act through which the will of both parties to enter into a contract is reflected; that is, it does not refer to the document but to the basis legal by which it establishes consent of the parts. That is, through the title the cause or reason for the transfer of a real right is justified; while the mode, refers to the way in which the transmission and acquisition of the real right is made effective through legal facts appropriate for the transfer of ownership.

This theory refers to the need, dependence and interrelation between both acts in order to achieve the transfer of real property. Without the

existence of the mode, the title would be insufficient to be able to produce the acquisition of this right; and, without the execution of a previous title, the delivery or transfer of the real right or property in question could not be carried out.

Esquerre (2016), agreeing deeply with the theory French, points out that for this system, the substantial is the consent of the parts; that is, the will of the parts by means of the contract is sufficient to produce the effect of the transfer of property corresponding to the indemnity as compensation.

The security legal as principle of the universally recognized right, guarantees the enjoyment and stability of rights, providing certainty from their acquisition to their extinction. It is so that Chaname (2016) manifests that the legal security is a guarantee of stability in legal traffic, allows the free development of individuals, banishing inhibition due to uncertainty. For his part, Huanca, in Esquerre (2016), states that legal security consists of knowing that the right we are aware of safeguards our interests related to our existence, our fundamental rights, for example: the right to life, the right to freedom or referring to this essay, the right to property, a guarantee that provides moral and legal tranquility, as well as the sense of solidity that is provided to the person.

A transcendental aspect that must also be considered in this system of transfer of real estate is the advertising registry, as principal registry, because it provides certainty regarding the declarations of acts or rights that can be registered, showing and confirming their veracity.

The training of law students requires a deep and critical understanding of the theories underlying systems for the transfer of real estate. Two fundamental theories in this field are the title and mode theory and the French consensual system. The title and mode theory maintains that two essential elements are required for the transfer of property: a valid title (legal act justifying the

transfer) and delivery of the property (physical or symbolic act manifesting the will to transfer the property). This approach seeks to ensure legal certainty by closely linking legal justification with effective action.

In contrast, the French consensual system is based on the premise that mere agreement between the parties is sufficient to transfer ownership. Under this system, the transfer is effected simply by mutual consent, without the need for an additional act of delivery. Although this method may seem simpler and less bureaucratic, it can generate legal uncertainties, since a concrete act evidencing the transfer of ownership is not always required.

For law students, it is essential to understand not only the theoretical foundations of these positions, but also their practical implications. The title and mode theory provides a double guarantee, since both the title and the delivery must be legally valid and effectively made. This offers additional protection against potential disputes, since each step of the transfer process must be documented and verifiable. On the other hand, the consensual system, although more direct, can leave the parties vulnerable to later conflicts if there is no clear record of the transfer.

Comparative legislation review

To enrich the education of law students, it is crucial that they understand how different jurisdictions approach the transfer of real property. This not only provides them with a comparative perspective, but also allows them to identify best practices and potential areas for improvement in their own legal systems (Menor, 2022).

In Germany, for example, the theory of title and mode is deeply rooted in the legal system. Transfer of property requires a valid contract (title) and a deed of transfer (mode), usually registered with a notary public. This process ensures that all parties are properly informed and that the transfer is carried out in a transparent and verifiable manner. Furthermore,

registration in the land register ensures that ownership is clearly documented, which significantly reduces the chances of legal disputes.

A similar approach is followed in Peru, where the transfer of real estate also requires a valid title and delivery of the property. This system seeks to provide greater legal certainty for both the seller and the buyer by ensuring that both steps of the process are clear and verifiable. Observing practical cases, such as the jurisdictional plenaries of the Supreme Court of Peru, allows students to see how these theories are applied in practice and how courts interpret and solve disputes related to the transfer of property.

Importance of legal certainty

A crucial aspect in the training of law students is the understanding of the importance of legal certainty in the transfer of real estate. Legal certainty refers to the certainty and predictability of the law, allowing individuals and entities to trust that their rights will be respected and protected by the legal system. In the context of the transfer of real estate, this means that all parties involved must be certain that the transfer will be carried out in a fair, transparent and lawful manner.

The title and mode theory is particularly effective in providing this legal certainty. By requiring both a valid title and delivery of the asset, it ensures that the transfer is legally justifiable and effectively carried out. This dual requirement reduces the risk of disputes, as each step of the process is clearly documented and verifiable. For law students, understanding this theory and its practical application is essential, as it provides them with a solid foundation for tackling complex legal issues in their future professional career.

On the other hand, the French consensual system, although simpler, can lead to legal uncertainties. By not requiring an additional act of delivery, it can be difficult to prove that the transfer was actually carried out if a dispute arises. This lack of additional formality can result

in conflicts over the validity of the agreement or over the terms of the transfer. It is important for law students to understand these limitations and how they can affect the parties involved.

Practical application and real cases

Observing practical cases and participating in simulations are essential educational tools for law students. These methods allow students to see how legal theories are applied in real situations and how courts interpret and solve disputes. In the context of the transfer of real estate, observing the plenary sessions of the Supreme Court of Peru provides valuable practical experience.

The 7th and 9th Civil Jurisdictional Plenary Sessions of the Supreme Court of Peru, for example, offer cases that illustrate how the theories of title and mode and the consensual system are applied in practice. These cases allow students to see how courts interpret and apply the rules in real situations, enriching their theoretical understanding with concrete examples. Observing these plenary sessions also provides an understanding of how disputes are solved and how legal principles are applied in practice.

Furthermore, participation in real estate transaction simulations and internships provides students with valuable practical experience. These activities allow them to apply their theoretical knowledge in real-life situations, developing critical skills in interpreting and applying the law. Simulations, in particular, allow students to experience the process of transferring real estate from the beginning to the end, from drafting the contract to delivery of the property and registration in the land registry.

Comparative and global education

In today's globalized world, a comparative understanding of law is more important than ever. Law students must be familiar with the legal systems of different countries and how they address common issues, such as the transfer of

real property. This not only enriches their academic training, but also provides them with a global perspective that will be invaluable in their professional practice (Coronel *et al.*, 2024).

For example, a comparison between the legal systems of Germany and France provides insight into the different ways in which the transfer of real estate can be approached. While Germany emphasizes legal certainty through the theory of title and mode, France opts for the simplicity of the consensual system. Understanding these differences allows students to assess the strengths and weaknesses of each approach and how they can be applied in different contexts.

Furthermore, the integration of comparative law modules into the academic curriculum enables students to develop a critical understanding of the legal systems of different countries. This not only enriches their academic training, but also provides them with a global perspective that will be invaluable in their professional practice. Facing different legal approaches and practices enables them to develop a critical and evaluative view of law, preparing them to address complex legal issues in a global context.

Proposals for improvement in academic training

To ensure that law students receive a comprehensive and applied education, several improvements must be made to the academic curriculum. Firstly, it is essential to include specific courses on the transfer of real estate, which address both theoretical and practical aspects. These courses should offer a combination of lectures, practical case analyses and simulations of real estate transactions.

In addition, it is important to encourage students to participate in internships and research projects that allow them to apply their knowledge in real-life contexts. Collaboration with law firms, notaries and public registries can provide students with valuable practical experience and a deeper understanding of how legal theories are applied in practice.

It is also recommended that comparative law modules be integrated into the curriculum, so that students can develop a critical understanding of the legal systems of different countries. This will not only enrich their academic training, but will also provide them with a global perspective that will be invaluable in their professional practice.

Finally, it is essential to promote the use of information technologies and digital tools in the teaching of law (Solano, 2024). The use of legal databases, real estate transaction management software and practical case simulators can significantly improve the quality of education and prepare students for the challenges of the modern professional world (Gómez *et al.*, 2022).

Importance of professional ethics

In addition to a technical understanding of legal theories and systems, it is crucial for law students to develop a strong ethical foundation. The transfer of real estate involves a number of ethical responsibilities, including the obligation to act honestly and transparently, to protect the interests of clients, and to ensure that all transactions are conducted fairly and in accordance with the law.

Ethics education should be an integral part of the law curriculum, addressing issues such as professional integrity, conflict of interest, and fiduciary responsibility. Students must understand that, in addition to their technical skills and legal knowledge, their ethical conduct is critical to building a successful and respected career in the field of law.

A thorough understanding of real estate transfer theories and comparative law has a significant impact on the professional practice of lawyers. Equipped with this knowledge, future lawyers will be better prepared to advise their clients on how best to carry out property transfers, to minimize legal risks, and to ensure that all transactions are conducted fairly and in compliance with the law.

Furthermore, training in comparative law enables lawyers to work in a global context, advising international clients and participating in cross-border transactions. The ability to compare and to contrast different legal systems also enables lawyers to propose and to advocate for legislative reforms that improve legal certainty and fairness in the transfer of real estate.

Innovation and emerging technologies

In today's world, technology plays an increasingly important role in all aspects of life, including the transfer of real estate. Law students must be familiar with emerging technologies that may impact this field, such as block chain, smart contracts, and digital transaction platforms (Fernandez *et al.*, 2021).

Block chain, for example, offers a secure and transparent way to record real estate transactions. By using a decentralized and verifiable ledger, blockchain can significantly reduce the risk of fraud and improve transparency in the property transfer process. Smart contracts, which are computer programs that automatically execute the terms of a contract when certain conditions are met, also have the potential to simplify and secure real estate transactions (Barja *et al.*, 2024).

Integrating these concepts into the academic curriculum can prepare students for the future of real estate law, equipping them with the skills and knowledge necessary to use and to apply emerging technologies in their professional practice (Vera and Leyva, 2024; Gutiérrez *et al.*, 2021).

Participation in legislative reforms

The academic training of law students should not be limited to understanding and applying existing laws. It is also important that students feel empowered to participate in the process of legislative reform. By understanding the strengths and weaknesses of current legal systems, students can contribute to the creation

of fairer and more effective laws that improve legal certainty and justice in the transfer of real estate.

Addressing this issue is, therefore, relevant to the function of social change that law has; and, in this specific part of civil patrimonial law that regulates the transfer of real estate, we must propose alternative solutions and contribute to legal security for the purchaser and put an end to one of the central problems of this part of private law, at the intersection between the law of obligations and the law of things, as Pérez (2016) maintains.

Participation in research projects, legal clinics, and advocacy activities can provide students with valuable experience in promoting legislative reforms. By working collaboratively with legislators, non-governmental organizations, and other relevant actors, students can contribute to the creation of a legal framework that better reflects the needs and realities of contemporary society.

CONCLUSIONS

Comprehensive and comparative training in the field of transfer of immovable property is essential to prepare law students for their future professional career. An understanding of the theories of title and mode and the French consensual system, together with a critical review of comparative legislation, provides a solid foundation for addressing complex legal problems and promoting legislative reforms.

The integration of practical methods, such as observing real cases and participating in simulations and professional practices, enriches academic training and prepares students for real-world challenges. Furthermore, the incorporation of emerging technologies and ethics education into the academic curriculum ensures that future lawyers are equipped with the skills and values necessary to practice effectively and responsibly.

Finally, law students' education must be a dynamic and ever-evolving process, responding to changes in society and the law. By providing a comprehensive and comparative education, law schools can prepare their students to be agents of change and advocates for justice in the realm of real property transfer and beyond.

From the analysis of the present cassation, it is concluded that the property transfer system operates extra-registered, with the sole obligation of the parties, giving relevance to the unregistered property, with the real property right prevailing over another credit right.

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Conflict of interests:

The authors declare not to have any interest conflicts.

Authors' contribution:

The authors participated in the design and writing of the article, in the search and analysis of the information contained in the consulted bibliography.

Cite as

Vargas Flores, R. L., Espejo Vargas, Z. C., Sierralta Pinedo, S., Lujan Espinoza, G. M. (2024). Theories in the real estate transfer system: importance in the training of law students. *Mendive. Journal on Education*, 22(3), e3890. <https://mendive.upr.edu.cu/index.php/MendiveUPR/article/view/3890>



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