

Code: IUS/01

Credits: 8

Matter: PRIVATE LAW

Main language of instruction: Italian

Other language of instruction: English

Teaching Staff

Head instructor

Prof. Margherita Oliva - margherita.oliva@unicusano.it

Introduction

1. Objective of the course :

The educational objective of the private law course is to offer and to permit the students to acquire knowledge, through deductive methodology, of the legislation that governs the life of the individual from the embryonic moment to the death succession mortis causa, considering interpersonal relationships and private ones.

Following a theoretical - practical teaching path or, more specifically, examining abstract facts in

relation to concrete cases, we tend to obtain from the student a knowledge of the law considered as natural and legal rights. In short, we tend to provide a vision of a law that is attentive to the needs of the associates, to the evolution of customs and technological development, and, as such, in continuous change.

Objectives

2. Course Structure:

Credit 1- introductory considerations of private law

Credit 2 - legal transaction

Credit 3 - absolute rights, community of property and possession

Credit 4 - obligations

Credit 5 - contract

Credit 6 - obligations arising from unilateral acts, from law, from unlawful acts

Credit 7 - family rights

Credit 8 – death succession mortis causa and donations

Each CFU contains: A) 6 videotaped lessons; B) 6 self-assessment tests, each containing 2 questions; C) 1 lecture note, that is divided into modules and paragraphs and D) slides, which require a total commitment of 21 hours for each CFU. Therefore, the total commitment for educational teaching is 168 hours. While, for e-tivity the total commitment is 32 hours of interactive teaching.

Competencies:

The course of study: Private Law is formulated to give students the possibility to acquire a good understanding of the legal norms that regulate the life of the associates both in the relationship between private individuals and those between private individuals and institutions. The course offers basic concepts regarding the reading and exact interpretation of legal norms, as well as the connection between them and other branches of law that refer to similar cases. For example, the prohibition of emulative acts foreseen and governed by the civil code is also examined with reference to criminal danger, or the separation of spouses which is also illustrated taking into consideration the rules of the code of civil procedure relating to the appeal arrangements for separation, as well as the processual phases of the verdict.

Moreover, concrete cases brought to the attention of judicial authorities are examined by the students present during the lessons, which are also available to off-premises students on the platform.

The disputes that are examined, in particular those affected by the three levels of judgment, with particular attention to the decisions of the Supreme Court of Cassation. In this way, the student has tools and knowledge at his disposal, that allow him to touch the concreteness of the law firsthand and the indispensability of the same in a community that is connoted with the requirement of civilization.

Syllabus

3. Programme of the course:

The course is developed through the pre-recorded audio-video lessons that come together with slides and handouts, offering the educational material available on the platform. Asynchronous self-assessment tests are also available, which accompany the pre-recorded lessons and allow students to evaluate both their

comprehension and the degree of acquired knowledge of the contents of each of the lessons.

Scheduled web-conference lessons are also available, following a pre-programmed calendar.

Interactive teaching is carried out in the virtual classroom forum and includes e-tivity: practice exercises related to legal institutions of private law, previously uploaded on the platform, precisely, in the collaborative forum area, which the student analyzes, taking into consideration a verdict by the judges of merit and / or legitimacy regarding the case under analysis. The chats available on the platform constitute an asynchronous discussion area, where the teachers and / or tutors identify the themes and most significant topics of teaching and interact with the enrolled students.

The Private Law Course includes 8 formative Credits with a total study load of about 200 hours, divided into 168 hours of teaching (DE) and 32 of interactive teaching (DI). It is advisable to distribute the study time uniformly over a period of 8 weeks, dedicating between 16 and 20 hours of study per week.

Evaluation system and criteria

The exam can be taken in oral or written form.

The oral exam consists of an interview to ascertain the student's level of preparation.

The written test is divided in the format "20 + 1" model:

- 1 point is allocated for each correct answer in the 20 closed-ended questions related to the contents of the whole exam program
- to the open-ended question chosen between the two proposals, a maximum score of 10 is assigned based on the teacher's verification of the expected learning outcomes.

The themes addressed during the e-tivity course, may be the object of exam questions, which make up part of the final evaluation.

The assignment of the final evaluation is based on an oral exam (also through messages on the platform) with the lecturer, in which the student will express his / her specific interests in relation to topics he / she intends to enhance; there should be no preclusions to the thesis assignment request and a particular average is not required to request it.

Bibliography and resources

4. Materials to consult:

Material available on the platform: lecture notes, slides, video lessons and self-assessment test.

5. *Recommended bibliography:*

- ✓ Pietro Rescigno, *Manuale di diritto privato italiano*, Milano, Ipsoa, ultima edizione.
- ✓ Andrea Torrente - Pietro Schlesinger, *Manuale di diritto privato*, Torino, Giuffrè, ultima edizione.
- ✓ Alberto Trabucchi, *Istituzione di diritto civile*, Padova, Cedam, ultima edizione.