# Principles of Private Law

## Prof. Giulio Ponzanelli

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course of Private Law Institutions aims to ensure that first-year students learn and become acquainted with the most important categories of private law (legal rule, sources of law, subjective right, legal subjectivity, legal capacity, personality rights, legal persons, family law, inheritance law, ownership and property law, rights in rem, obligations and related sources, contract, unlawful act, unilateral promises and obligations arising from the law, protection of rights, etc.).

The acquisition and knowledge of the general theory and of the fundamental principles of the relations between private individuals is, in fact, indispensable for the student to understand our legal system in its essential elements, since it constitutes a cognitive and methodological basis through which students can investigate in the following years individual and more specific areas of private law.

At the end of the Principles of Private Law course students will know the general theory and fundamental principles of the relationships between private parties, essentially governed by the civil code.

The course will provide students with the basic categories and notions of private law and allow them to acquire a sufficiently solid and structured method of understanding the subject to be able to investigate the private sector subjects in the following years.

At the end of the course students will be able to acquire a correct notional-theoretical base (basic notions, sources and legal rules) and to develop an appropriate technical language.

Furthermore, at the end of the course students will have acquired a method of critical investigation of the private law area and will be directed, on the one hand, towards a methodological education focused on the constant consultation of the normative sources; on the other hand, to the critical consideration and enhancement of case law arguments and doctrinal theories to relate them to legislative data through an evolved and contextualized interpretation within the national and supranational order.

***COURSE CONTENT***

General law: rules and the legal system; fact patterns and legal effects; private law and public law; sources of private law; temporal effects of law and conflicts of law; legal analogy and reasoning.

Individual legal situations; personal and economic rights; legal facts and acts; time limits and lapse; persons.

Property and associated legal and factual individual situations; real rights; acquisition and extinguishment of real rights; protection of real rights; ownership; protection of ownership; *quia timet* actions.

Personal freedom: autonomy with regard to one's person and property.

Obligations; contracts; typical (nominate) contracts; unilateral promises; rights of credit; obligations stemming from specified acts or facts capable of giving rise to such in accordance with the legal system; tort.

Succession; donations.

Family law.

Protection of rights (Book VI of the Civil Code).

***READING LIST***

Torrente-Schlesinger, *Manuale di diritto privato,* F. Anelli-C. Granelli (ed. by), Giuffrè, Milan, latest edition.

The following parts should NOT be considered in the exam preparation: the section entitled "The Company", which includes the chapters from LVI to LXIV (the enterprise and the company; the general statute of the entrepreneur; the statute of the 'commercial entrepreneur; the subordinate employment relationship; the collective enterprise; partnerships; limited companies; cooperatives; insolvency proceedings.).

We recommend that students constantly and systematically refer to the main sources of the private relation discipline through the use of an updated civil code.

***TEACHING METHOD***

The course is divided into classroom frontal lectures, during which the lecturer will encourage attending students to constantly interact and freely ask questions and make observations.

At the same time the lecturer, starting from an analysis of legislative data or of court rulings, will raise questions and issues, encouraging students’ participation, reasoning, critical analysis and the developing of possible solutions to specific legal profiles.

***ASSESSMENT METHOD AND CRITERIA***

The exam is oral and consists of multiple questions designed to verify the students’ actual preparation on the entire course content.

The exam assessment will be based on the accuracy and thoroughness of the students’ answers, their command of the technical language and their reasoning skills demonstrated also when requested.

***NOTES AND PREREQUISITES***

There are no prerequisites for attending the course including passing preliminary exams.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.