# Elements of Civil Law

## Prof. Antonio Albanese – Prof.ssa Laura Guffanti Pesenti

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

The course aims to provide students with the knowledge, including the methodological one, of the subject studied, necessary for a critical examination of the interpretative problems related to the legislation regulating compulsory relationships and the solutions offered by the relevant literature and case law.

At the end of the course, students will have achieved the following learning outcomes:

*Knowledge and understanding*

Students will have acquired a single-subject knowledge of the law of obligations and will be able to understand the systematic links between the different rules, also belonging to other areas of civil law.

*Ability to apply knowledge and understanding*

Students will be able to apply the acquired concepts to answer the most current questions in the case-law and doctrinal debate.

*Independent judgement*

Students will be able to critically examine the arguments used to support the different interpretative theses and to evaluate in a comparative way their logical consistency and persuasive force, by choosing the most appropriate solution to the case examined.

*Communication skills*

Students will be able to present legal matters, their solutions and the arguments on which they are based in correct legal terminology.

Attending students who voluntarily decide to present a case study in the classroom (physical or virtual), will have developed the skills necessary for the oral presentation (including the use of computer and visual aids) of complex legal issues and their possible solutions.

*Learning ability*

Students will be able to identify the normative, jurisprudential and doctrinal sources that constitute the knowledge tools necessary to resolve disputes between private parties regarding the fulfilment and non-fulfilment of obligations.

***COURSE CONTENT***

Obligations in civil law system. Obligation as relationship. Sources of obligations. Obligation content. Duties of good faith and fair dealing. Duty of care. Performance. Non-performance and liability. Termination of bilateral contracts. Obligations of protection without performance. Damages. Ways of extinguishing obligation other than by performance. Succession in credit and debt.

***READING LIST***

A. Albanese, *Il raple porto obbligatorio: profili strutturali e funzionali,* Libellula, Tricase (LE), 2014 .

VV.AA., *Diritto civile. Nuovi casi e soluzioni con guida metodologica* edited by G. Christandl and Evelyn Gallmetzer, Giuffrè, Milan, 2017.

Students are advised to make continual reference to the latest available edition of the Civil Code.

***TEACHING METHOD***

Classroom lectures and presentation of practical cases discussed in the classroom.

***ASSESSMENT METHOD AND CRITERIA***

Students will take the exam, by orally answering a series of questions (normally three) aimed at verifying their level of knowledge of the course contents, as well as their ability to argue in logical-legal terms the solutions established by the case law and doctrine regarding the different interpretative problems. For the purposes of evaluation, the students' ability to express themselves with an appropriate technical-legal language and to relate the various parts of the program will also be considered relevant.

Excellent marks will be assigned to students who demonstrate mastery of the issues addressed as well as the ability to critically represent the different interpretative solutions and the topics on which they are based, through a correct use of the language.

Satisfactory marks will be assigned to students who demonstrate adequate knowledge of the topics of the course and present them with a correct language, although not always technically accurate.

With reference to at least two questions, pass marks will be assigned to students who demonstrate to be able to reconstruct and present, although with some knowledge gaps, the interpretative problem and the main topics on which the solutions offered by the doctrine and case law are based.

With reference to at least two questions, fail marks will be assigned to students with knowledge gaps that prevent them from identifying the interpretative issue to be examined, the possible solutions to it, and/or the main arguments on which the latter are based. Likewise, the assessment will be negative if the language used in the answers is inadequate to express the contents in a clear and legally unambiguous manner.

***NOTES AND PREREQUISITES***

# The exam may be sat only by students who have passed the exam for Principles of Private Law.

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.