# .- Civil Law I

## Prof. Carlo Rusconi

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

The course aims to carry out an in-depth analysis of the institutions of general private law through the application of the legal technique, that students will be strongly invited to use. The course will be focused on the law of obligations. The dogmatic analysis of the categories will be supported by the study of case law, through a continuous assessment of the actual status of the discipline.

At the end of the course, students will be able to know in depth the law of obligations and become familiar with the use of legal technique, that must take into account also the links between the different registers used for argumentation. Therefore, they will be able to identify the problems implied in the changes under way, as well as the systematic implications, acquiring or improving their critical thinking skills in the legal field, that is to say, in general, their independent judgment skills. Furthermore, this perspective based on the need to carry out in-depth methodological analysis and the development of the research of logical-cultural connections will allow students to improve their learning skills.

In terms of practice, students will be able to use the tools they need to identify the main legal problems arising from practical case studies concerning the law of obligations, and formulate an appropriate solution. The discussion based on judgments will allow students to acquire more expertise in the critical approach towards case law, and promote the development of their skills in terms of exposition and argumentation.

***COURSE CONTENT***

Obligations in the civil law system. The contractual relationship. The sources of obligation. The object of obligation. The performance. The interest of the creditor. Good faith and fair dealing. Protection obligations. Fulfilment. Subrogation. Non-fulfilment and liability. The default of the debtor. The default of the creditor. The compensation for damage. The forms of discharge other than fulfilment. The transfer of receivables. Delegation, expromission, and assumption. Alternative obligations. Pecuniary obligations. Joint and several liabilities, collective obligations in general, divisible and indivisible obligations. Personal guarantees and collaterals. The preservation of collaterals.

***READING LIST***

A. Nicolussi, *Le obbligazioni*, Cedam Wolters Kluwer, Padua, 2021

Students are strongly invited to consult an updated edition of the civil code on a regular basis.

***TEACHING METHOD***

Frontal lectures and discussions based on case law.

***ASSESSMENT METHOD AND CRITERIA***

The exam will be different for attending and non-attending students.

- Attending students will have the possibility to take a written interim test aimed to assess the knowledge they have acquired after the first half of the lectures of the semester. The test, lasting about three hours, will be based on three open-ended questions and the solution of a practical case study. For each answer, students can get up to a maximum of 8 points, while for the solution of the practical case study they can get up to a maximum of 6 points, that will contribute to the definition of the final mark, expressed in thirtieths. The students who pass the interim test will be exempted from studying the corresponding part of the course content for the final exam, but this will be possible only for one year starting from the interim test. The final assessment will consist of an oral exam, where students will get a mark, expressed in thirtieths, resulting from the average calculated with the interim test.

- Non-attending students will have to take an oral exam.

The assessment criteria will include the relevance and accuracy of the answers, the use of an appropriate legal terminology, and the ability to provide meaningful arguments and find connections between different legal institutions.

***NOTES AND PREREQUISITES***

Students are expected to have a basic knowledge of private law.

Information on office hours available on the teacher's personal page at http://docenti.unicatt.it/.