# .- Principles of Private Law

## Prof. Andrea Renda

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

The course will introduce students to the key categories of private law and legal argument through an examination of the single principles that comprise the course programme.

At the end of the course, the following learning outcomes are expected:

*Knowledge and understanding*

Students will be able to describe the main institutions of Italian private law.

*Ability to apply knowledge and understanding*

Students will be able to apply the acquired knowledge in order to provide solution to elementary practical cases and to use an appropriate legal language, albeit an institutional one.

# *COURSE CONTENT*

The legal order – Structure and function of rules – Sources of private law – The interpretation of the law and the techniques of legal argument – Legal parties – Natural persons: legal capacity, capacity to act, legal incapacity to act and mental capacity; personal rights – Legal persons: associations, foundations, committees and companies (outline) – Individual legal rights – Facts, acts and legal effects – Legal transferability – Statute of limitations and forfeiture – Property – Rights in rem – Ownership and possession – Obligations: sources and general rules, modification and extinguishment – General liability of a debtor – Tort – Deed, transaction and contract – The conclusion of the contract also through web– The essential and ancillary elements of a contract – The effects of contract – Agency – Invalidity and termination of contracts – Consumer contracts – The main typical contracts – Obligations arising from unilateral acts – Other sources of obligations – Registration. - Succession on death.– Proofs. - Family law.

***READING LIST***

The recommended textbooks are:

- V. Roppo, *Diritto privato*, Giappichelli, Turin, latest edition. The one necessary for this course is the *editio maior* consisting of about 1,000 and not the shorter *editio minor* labelled as “*Linee essenziali*”, or

- A. Torrente, P. Schlesinger, *Manuale di diritto privato*, Giuffrè, Milan, latest edition, or

- S. Mazzamuto (ed), *Manuale del diritto privato,* Giappichelli, Turin, latest edition.

The chapters on the following topics can be skipped: banking contracts, agricultural contracts, credit instruments, enterprises, businesses, company and labour.

It is necessary to constantly refer to the most up-to-date edition of the Civil Code and associated legislation.

***TEACHING METHOD***

Lectures.

***ASSESSMENT METHOD AND CRITERIA***

The exam will take place in a different modality for attending or non-attending students.

* Attending students shall sit a written mid-course test aimed to verify their level of learning after attending about half the lectures of the year. The test lasts about three hours, and will consist of three open-ended questions. Each question will carry a maximum score of 10/10, which will contribute to the definition of the final mark of the exam out of thirty. Passing the mid-course test will exonerate students, for one year since the mid-course test, from preparing the corresponding part of the syllabus for the final examination. The final exam will be oral and will award a mark out of thirty, which will be averaged with the mark of the mid-course test. Students who do not wish to make use of the mid-course test mark and of the corresponding partial syllabus exemption may take the oral exam with the same modalities and contents indicated below for non-attending students.
* Non-attending students shall take an oral exam on the entire syllabus indicated in the *Guida del corso di laurea in Giurisprudenza*, on the therein indicated reading list.

For the purposes of evaluating both the written and the oral test, the relevance and completeness of the answers, the appropriate use of the legal language, the capacity for argumentation and the ability to connect legal institutions will contribute.

***NOTES AND PREREQUISITE***

Being institutional, the course does not require prerequisites related to the contents. In any case, it requires a predisposition to reasoning and intellectual curiosity.

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