

Table 5.2.Course Specification

Study Programme: Undergraduate Academic Studies - BA in Law (Hons)
Course Title: Law of Obligations
Teacher(s): Assist. Prof. Katarina Jovičić, SJD, Assist. Prof. Vladimir Crnjanski, SJD, Assist. Prof. Slobodan Vukadinović, SJD
Course Status: M (mandatory)
ECTS credits: 12
Condition: None
Course aim: Acquire adequate theoretical and practical knowledge on the basics of the approaches pertaining to the law of obligations crucial to further comprehension of civil law cases pertaining to both the matter and process of the law.
Course outcome:
<p>Course contents:</p> <p><i>Semester I</i></p> <p>Lessons 1-3: The concept and significance of the law of obligations (torts and contracts law); The origin and developments pertaining to the law of obligations; Sources of the law of obligations, The concept and contents of an obligation; Actors/subjects of an obligation;</p> <p>Lessons 4-6: Protection of an obligation; Similarities and differences between an obligation and real rights (rights <i>in rem</i>); Types of obligations; Financial obligations;</p> <p>Lessons 7-9: Sources of obligation; The concept and significance of a contract; The concept and contents of the freedom of contract principle; Limitations pertaining to the freedom of contract;</p> <p>Lessons 10-12: Civil capacity of the contracting parties; Requirements pertaining to the consideration; The basis (<i>causa</i>) and motive of a contract;</p> <p>Lessons 13-15: Declaration of intention/will and meeting of minds of the contracting parties; Negotiations; Preliminary agreement/option contract and the final contract; A contracting offer; The concept and conditions of accepting an offer; The time and place of a contract conclusion;</p> <p>Lessons 16-18: Contracts concluded based on general business terms; Contractual interpretation; The form of contracts; Types of obligation contracts;</p> <p>Lessons 19-21: Effects of a contract; Objection of failure to execute the contract; Liability for legal defects of objects; Liability for material defects of objects;</p> <p>Lessons 22-24: Excess defect; Failure to perform contractual obligations; Change of circumstances;</p> <p>Lessons 25-27: Breach/rescission of a contract; Void contracts; Voidable contracts;</p> <p>Lessons 28-30: Contracts of sale; Modalities of contracts of sale; Compensation agreements/contracts; Contracts pertaining to gifts/gift agreements; Loan agreements/contracts;</p> <p>Lessons 31-33: Lease agreements/contracts; Contract of deposit; Contracting employees part-time (<i>locatio operis</i>); Agency contract.</p>

Semester II

Lessons 34-36: Causing damage as a source of obligations; Liability for damage; Indemnity and contractual liability; Differentiating indemnity and contractual liability; The relationship of indemnity and criminal liability;

Lessons 37-39: Grounds for liability for damage/harm: a) Fault as grounds for liability for damage/harm - Fault-based liability criteria - Grounds for fault-based exoneration from liability; b) Vicarious liability; c) Objective liability (risk-based liability) - Sources of jeopardy - Liable actors/subjects - Liability terms and conditions - Grounds for exoneration from liability;

Lessons 40-42: Special cases of liability for damage: - Liability for harm in an accident caused by a moving vehicle - Manufacturers' liability for faulty goods - Liability in case of terrorist acts, public demonstrations and manifestations - Event organizers' liability - Liability for depriving someone of basic aid/assistance - Liability for animal-induced damage - Liability for damage or harm due to construction - Vicarious liability (for the same damage/harm);

Lessons 43-45: Damage/harm and its compensation - Types of damage/harm: material and immaterial - Forms of material damage/harm and the principle of awarding damages - Forms of immaterial damage/harm and the principle of damages;

Lessons 46-48: Management without a mandate (*negotiorum gestio*) as a source of obligations - Origin and (pre)conditions - Legal consequences; Unilateral declaration of intention/will as a source of obligations - Public promise of awards (terms and conditions, revocation, effects);

Lessons 49-51: Effects of an obligation - Securing claims: a) Personal claim security means - Liquidated damages/penalty clause - Pledge/warranty/guarantee/surety - Forfeiture - Debtor solidarity - b) Real security means: Advance payment - Guarantee/security/caution money - Legal pledge;

Lessons 49-51: Replacing actors/subjects in an obligation - Assigning a claim - Contract conveyance - Transfer of debt - Accessing others' debts - Assignment;

Lessons 49-51: Delay in an obligation - Debtor's delay - Creditor's delay; Extinction of an obligation - Fulfilling an obligation;

Lessons 52 -54: Compensation - Remission of a debt - Novation - Confusion (of rights) - Impossibility of performance/execution;

Lessons 55 -57: Prescription of claims - Concept and effects - Suspension and interruption of prescription - Obligations with multiple creditors and debtors - Correlative obligations - Solidary obligations - Indivisible obligations.

Coursebook(s) / Readings (in Serbian):

Mandatory:

1. Јаков Радишић, Облигационо право, Правни факултет Ниш, 2014.
или Јаков Радишић, Облигационо право (the general part), Номос, Београд, 2004.
2. Лепосава Карамарковић, Зоран Ивошевић, Облигационо право (lectures scripta), Правни факултет Универзитета Унион, Београд, 2010., the 2nd part ПОСЕБНИ УГОВОРИ, pp. 50-75.

Additional:

Слободан Перовић, Облигационо право (the general part), Службени лист СФРЈ, Београд, 1990. (An alternative for the part of the exam pertaining to contract law.)

Обрен Станковић, Накнада штете, Номос, Београд, 1998 (An alternative for the part of the exam pertaining to indemnity law.)

Коментар Закона о облигационим односима, I и II књига, Савремена администрација, Београд, 1995.

Relevant regulations:

Закон о облигационим односима - ЗОО – „Службени лист СФРЈ”, број 27/78, 39/85, 57/89 и „Службенилист СРЈ” бр. 31/93, 22/99, 44/99

No. of active teaching lessons: 5+2

Theory: 5

Practice: 2

Teaching methods:

Lectures with presentations, legal texts analysis, exercises and internship, consultations, group work, PPT presentations, real-life case-handling, analysis of judicial decisions, progress tests.

Grading (max. No. of points: 100)

Pre-examination obligations	Points	Final examination	Points
In-class activity (during lessons)	10		
Out-of-class activity (additional, self-induced: writing texts, translation, etc.)	-	Testing - oral	60
Practice	10		
Progress tests	20		
Seminar papers	-		