

Table 5.2.Course Specification

Study Programme: UALS - Undergraduate Academic Legal Studies - BA in Law (Hons)
Course Title: Fundamentals of Civil and Commercial Law
Teacher(s): Assoc. Prof. Jelena Simić, SJD, Assist. Prof. Slobodan Vukadinović, SJD
Course Status: M (mandatory)
ECTS credits: 12
Condition: None
<p>Course aim: Students will have the opportunity to acquire knowledge of the basic civil law concepts and institutes, which are common to all special parts of civil law. The aim of the course is to learn and understand the principles of civil law, along with acquiring knowledge about modern achievements in civil law science and general legal concepts used in civil law, above all its sources, types of civil rights, status of subjects of civil and commercial law, the concept and elements of civil law relationships, characteristics of civil law norms and methods of their interpretation.</p>
<p>Course outcome: <i>Knowledge and intellectual skills</i> Successful completion of the course is expected to enable students to describe and explain the principles of civil law; determine modern achievements in civil law science; recognize, define, establish and mutually distinguish general legal concepts used in civil law; critically evaluate legislative solutions and case law and interpret civil law norms, as well as notice new problems that manifest themselves in practical life, business and case law.</p> <p><i>Competences</i> By successfully mastering the subject matter, students will acquire knowledge and skills necessary for understanding, interpreting, conducting critical analysis and implementing civil law norms, as well as skills related to the practical application and critical consideration of case law.</p>
<p>Course contents: The contents of the course are of an introductory nature and are vertically related to all positive legal cases in civil and commercial law.</p> <p><u>Theoretical classes</u></p> <ol style="list-style-type: none"> 1. Civil law around us. The concept of civil rights and obligations. Types of civil rights and obligations. Simple and complex rights. Absolute and relative rights. Opposing and non-opposing rights. 2. Rights of belonging, authority, disposition, claim, participation, acquisition and transformation rights. Rights involving objects and no-object rights. Rights to rights and object-rights. Disposal rights and disposable rights. 3. Property and non-property rights. Transferable and non-transferable rights. Rights involving subjects and no-subject rights. Someone's and everyone's rights. Individual and collective rights. Main and dependent rights. 4. Rights and obligations by branches of civil law. Family rights. Property rights. Contractual rights. Economic rights. Intellectual rights. 5. Personal rights (personality rights). Inheritance rights. Assets (sets of property rights and obligations). 6. Acquisition, transfer and termination of civil rights and obligations. Guarantee and limitations of civil rights. 7. The illusion of rights - the so-called abuse of rights; Violation and protection of civil rights. 8. Legal entities. Status rights. 9. Natural persons. Legal capacity of a natural person. Inception. Conception. Birth.

Commented [P1]: U ovakvim konstrukcijama uobicajeno je da bude noN-object (ne no-object). Ne znam da li je ovo mozda terminus tehnikus, pa sam zato ostavila.

Commented [P2]: Isto, videti gore.

Termination. Death. Declaring a missing person dead. Determining death. Commorients. Legal capacity of a natural person. Delinquent capacity. Identity characteristics of a natural person.
 10. Legal entities. The principle of legal separation and independence. Functions of a legal entity. Types of legal entities. Elements of a legal entity. Organizational unity. Identity of a legal entity. Recognition of legal subjectivity. Legal capacity. **Business capacity.** Delinquent capacity. Animals.
 11. Legal facts. Types of legal facts. Set of facts, legal basis and manner. Legal affairs. **A term.** Functions. Ways of declaring will. Perfecting legal affairs. **Ingredients** of legal affairs.
 12. Types of legal affairs. Valid and invalid legal affairs. Representation and related legal institutions.
 13. Non-business activities. Causing damage. Time. Counting time. Legal institutes where time is a constitutive legal fact.
 14. Civil law - name and notion. Systematics of modern civil law. Subject and method of civil law
 15. Civil law in a legal system. Comparative civil law and history of civil law. Sources of civil law. Hierarchy of sources of civil law. Civil law terms. Civil law norms. Civil law interpretation, **concretization** and filling of gaps.

Commented [P3]: Zasto je ovo crveo i sta zapravo znaci? Nisam nasla nista sto bi se ovde uklopilo, izuzev trmina koji se vise koristi u ekonomiji, a koji znaci sposobnost firme da obavlja odredjeni obim posla.

Commented [P4]: Ovo je malo nejasno. Misli li se na sam termin 'pravne cinjenice', na neki rok / rokove ili? Ako je termin, onda treba 'The term' ili jos bolje 'The concept'.

Commented [P5]: Legal affairs contents? Meni ovo kao laiku zvuči kao sastojci (za nesto).

Commented [P6]: bolje: 'its materialisation'

Practice lessons:

Delivered in practical classes. Following theoretical classes by means of practical examples from legal practice and positive legislation, they contribute to mastering the material using students' team and individual work. Practice lessons include interactive work and discussions based on hypothetical examples and case studies.

Coursebook(s) / Readings:

Required reading:

1. Владимир В. Водинелић, *Грађанско право - Увод у грађанско право и Општи део грађанског права*, Правни факултет Универзитет Унион у Београду и ЈП „Службени гласник“, Београд, 2014.
2. Слободан Вукадиновић, *Основи грађанског и привредног права: Практикум за вежбе*, Правни факултет Универзитет Унион, Београд, 2020.

Additional reading:

1. Владимир В. Водинелић, *Такозвана злоупотреба права*, Номос, Београд, 1997.
2. Владимир В. Водинелић, *Грађанско право – Уводне теме*, Службени гласник, Београд, 2012.
3. Владимир В. Водинелић, Београдска цивилистика и њено европско окружење, *Анали Правног факултета у Београду*, 1-2, 1993, = у: *Научно наслеђе Правног факултета у Београду 1841-1941*, Београд, 1994
4. Јелена Симић, *The Protection of Nasciturus Within the Civil Law*, *Правни записи*, бр. 2/2018, стр. 255-270, доступно *on-line*.
5. Слободан Вукадиновић, Систематика грађанског права професора Водинелића, *Правни записи*, бр. 1/2012, стр. 108-125, доступно *on-line*.
6. Јелена Симић, Правни проблеми дефинисања поља правне заштите *nondum conceptus-a*, *Страни правни живот*, бр. 3/2018, стр. 25-41, доступно *on-line*.
7. Катарина Јовичић, Слободан Вукадиновић, С., *Уговорна одговорност - правни режим у упоредном праву*, *Теме*, бр. 2/2018, стр. 647-660.

No. of active teaching

lessons:

Total: 120; Weekly: 8 (4 T+ 4 P)

Theory: 60

Practice: 60

Teaching methods:

Theoretical and practical classes analyzing cases and case law examples in order to acquire practically applicable knowledge and skills. Work on assignments with smaller groups of students, followed by a joint discussion on solutions. If necessary, a Power Point presentations and a practicum for practical classes may be used. Students can write a term paper or an essay, which they present orally, followed by a discussion and analysis in order to get feedback.

Grading (max. No. of points: 100)

Pre-examination obligations	Points	Final examination	Points
In-class activity (during lessons)	8	Oral exam	50
Out-of-class activity (Term paper / essay)	4		
Practical classes – activity and homework	8		
Test (3)*	30 (3x10)*		

**) Passing a test exempts a student from a part of the material on the oral exam.*

Linking learning, teaching methods and assessment: By fulfilling the course obligations and taking the exam, a student can achieve the stated learning outcomes. The condition for successfully mastering the course is regular attendance in least 50% of the classes. Activity during theoretical and practical classes is documented. Continuous assessment of knowledge is achieved by solving tasks (essay and / or problem type) in written form (tests). The quality of a term paper or essay is assessed according to pre-established criteria. Successfully passing the tests exempts a student from the final written exam and the obligation to study a part of the subject contents for the oral exam. The oral exam consists of answering the lecturer's questions. A student who does not pass the test is obliged to take a written exam before the oral exam (to write a problem-solving essay and / or respond to problem-based tasks).