

Table 5.2. Course Specification

Study Programme: Undergraduate Academic Studies - BA in Law (Hons)
Course Title: Special Civil Proceedings
Teacher(s): Prof. Nebojša Šarkić, SJD, Prof. Milena Trgovčević Prokić, SJD, Assist. Prof. Vladimir Crnjanski, SJD
Course Status: E (elective)
ECTS credits: 4
Condition: None
Course aim: Getting introduced to and understanding basic principles and procedural institutes in the matter of special civil proceedings - Enforcement proceedings, notarial proceedings, non-contentious proceedings and bankruptcy proceedings.
Course outcome: Enabling students to participate independently in special civil proceedings.
Course contents: <i>Lesson 1-2:</i> Objectives, concept and sources of bankruptcy law; Historical developments of bankruptcy law and proceedings; The concept and structure of bankruptcy law; Differentiating between material bankruptcy law and bankruptcy proceedings; <i>Lesson 3-4:</i> Types and principles of bankruptcy and reorganization; Types of bankruptcy; Principles of bankruptcy proceedings: Universality, parity; disposition and officiality; Judicial or statutory initiation of proceedings; Urgency; Two-stage proceedings; Reorganization attempt; Other material and procedural principles; Bankruptcy court and its auxiliary bodies; International authority of courts in Serbia; Real and territorial authority; Court composition; Board of Creditors; <i>Lesson 5-6:</i> Bankruptcy trustee - Concept and role; Appointment terms and conditions; His/her position in bankruptcy proceedings; Appointment procedure; Authority; Responsibilities; Reward and reimbursements for performance of duties; <i>Lesson 7-8:</i> Parties in bankruptcy proceedings; The concept of a party in the material and procedural sense; Character of a party in proceedings; Debtors in bankruptcy; Procedural position of a debtor in bankruptcy; Creditors in bankruptcy - Concept and types; Secured and unsecured creditors; Other privileged creditors; The course of bankruptcy proceedings; Basic stages; Initiating bankruptcy proceedings; Preliminary proceedings; Grounds for bankruptcy; Opening/initiating of bankruptcy; Bankruptcy writ/decision; Public announcement; Time of ensuing of consequences resulting from opening bankruptcy; Consequences ensuing by the force of law; <i>Lesson 9-10:</i> Legal consequences of opening bankruptcy; Procedural and legal consequences of opening bankruptcy; Material and legal consequences of opening bankruptcy; Claims; Effects and procedure of debt claims; Preliminary hearing; Debt claims not disputed at a test hearing; Established debt claims; Litigation instruction; Disputed debt claims lawsuit; <i>Lesson 11-12:</i> Bankruptcy, liquidating assets and prorata distribution; The concept of bankruptcy; Liquidating assets constituting the bankrupt estate; Transforming a bankrupt estate into divisible property; Prorata distribution; Finalizing bankruptcy proceedings; Personal administration and some special bankruptcy proceedings; Personal administration - The concept and terms of appointment; Measures; The position of a bankruptcy debtor; Duration; Abolishment/putting out

of force; Bankruptcy of a bank; Basic concepts; Bankruptcy of an insurance company; Basic concepts;

Lesson 13-14:

Bankruptcy Trustee Licensing Agency; Foundation; The concept and terms of reference; Sources of law; Authority; Bankruptcy Trustee candidates' training; Bankruptcy Trustee candidates' exam; The position of the licensed Bankruptcy Trustees;

Lesson 15-16:

Reorganization; The concept of reorganization; Origins; Evaluating reorganization preconditions; Reorganization terms and conditions; Creditor statement - The concept, modalities, voting, No. of votes; Concluding the agreement; Effects of a reorganization agreement; Legal measures of reorganization; The position of the Bankruptcy Trustee within the reorganization process; Reorganization duration; Abolishing/putting a reorganization agreement out of force; Finalizing reorganization by means of debtor recovery; International bankruptcy; Serbian legislation; The UNCITRAL model of a law; EU legislation;

Lesson 17-18:

Enforcement proceedings; General information on the enforcement law - History of enforcement proceedings (in Serbia and globally); Principles; Means of enforcement; Applying litigation rules in enforcement proceedings; The course of the proceedings; Remedies; Enforcement officers (history, comparative law, normative regulation in Serbia); Specific procedures of court enforcement (taking over and taking away of a child, employee reconveyance, etc.);

Lesson 19-20:

Extrajudicial/out-of-court proceedings

A part of the course concerning this matter is included into the Family Law course (e.g. child/minor marriage, extension of parental rights, deprivation of legal capacity, etc.), as well as the Inheritance Law course (the probate proceedings). Therefore, the concept of this part of the course is to complement other courses by dealing with the contents not included into them, such as the following: General information on extrajudicial proceedings; The judicial cf. extrajudicial proceedings; Principles of extrajudicial proceedings; Status lawsuits; Expropriation, regulation usage of jointly owned assets, deposits; Participants of extrajudicial proceedings; The role of social welfare centers; The course of extrajudicial proceedings;

Lesson 20-22:

Notary Law

A part of the course concerning this matter is included into the Judicial Organization Law course. Therefore, the concept of this part of the course is to complement the aforementioned course by presenting novelties pertaining to the notary law in Serbian jurisdiction, such as the following: Notary Public law; History of notary law; Principles of notary proceedings; Authentication/witnessing of signature; Contents validation; Types of notary acts; Notary deposit; The course of Notary Public proceedings.

Coursebook(s) / Readings (in Serbian):

Mandatory:

N. Šarkić, D. Radulović, M. Počuča, Special Civil Procedures, Enforcement Proceedings, Notary Public (Notarial Proceedings) non-contentious proceedings and bankruptcy proceedings, Second Amended Edition, Belgrade, 2019.

Regulations: Law on Enforcement and Security, Law on Notary Public, Law on Non-Contentious Proceedings, Bankruptcy Law.

Commented [P1]: Opet situacija sa prevodom literature na srpskom na engleski. Mislim da bi trebalo zauzeti stav i uskladiti ovo u svim silabusima. Ovo bi najbilje bilo da urade sami nastavnici jer oni znaju tacne nazive literature koju (ni)su prevodili na engleski,

No. of active teaching lessons:

Theory: 30

Practice: 0

Teaching methods: Lectures, in-class discussions.			
Grading (max. No. of points: 100)			
Pre-examination obligations	Points	Final examination	Points
Attendance	-		
In-class activity (during lessons)	10	Oral exam	60
Out-of-class activity (additional, self-induced: writing texts, etc.)	-		
Progress tests	30		