

DEGREE COURSE IN LEGAL SCIENCES FOR IMMIGRATION, HUMAN RIGHTS AND INTERCULTURALITY L-14

ACADEMIC YEAR 2023/2024

PRIVATE LAW INSTITUTIONS

General information	
Year of the course	I
Academic calendar (starting and ending date)	Second semester (February, 27, 2024 – May, 31, 2024)
Credits (CFU/ETCS):	9
SSD	IUS 01 PRIVATE LAW
Language	Italian
Mode of attendance	Optional but recommended

Professor/ Lecturer	
Name and Surname	Cataldo De Sinno
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Telephone	
Department and address	Ionic Department in "Legal and Economic Systems of the Mediterranean: society, environment, culture", via Duomo 259, Taranto
Virtual room	
Office Hours (and modalities: e.g., by appointment, on line, etc.)	In the second semester, every Tuesday from 9.30 to 11.00, prior appointment requested by email.

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
225	72		135
CFU/ETCS			
9			

Learning Objectives	The course intends to train students in the mastery of the main knowledge of the private law area with an intercultural imprint to be achieved through a balanced relationship between basic cultural education, training on the foundations and systematically more relevant aspects of the private law discipline of positive law.
Course prerequisites	Since this is a first-year discipline, there are no specific prerequisites other than those required for admission to the degree course.

Teaching strategie	The main teaching method is frontal teaching. However, for the full realisation of the training objectives and in order to enable the acquisition of the ability to apply knowledge, a series of exercises and seminars is also planned
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Expected learning outcomes in terms of	<i>Full ability to analyse and combine legal norms, ability to set up adequate lines of reasoning and legal argumentation for a correct approach to general and special issues (cases and cases in point), with awareness of their technical-legal implications.</i>
Knowledge and understanding on:	<i>Knowledge and ability to understand the legal institutions covered in the course content.</i>
Applying knowledge and understanding on:	<i>Capacity for concrete application of the knowledge acquired during the course</i>
Soft skills	<p><i>Capacity for critical reasoning on the study, which will be achieved by means of practical exercises aimed at collecting and commenting on the most recent case law and doctrinal theses</i></p> <p><i>In order to enable students to acquire the ability to communicate and convey what they have learnt, they will be directly involved in participating in specific in-depth study activities on the topics covered by the course at special conferences and study days held at the Ionian Department</i></p> <p><i>During the course, practical learning methods will be used (such as the analysis and commentary of the most recent and most relevant judgments) so as to enable students to acquire an autonomous critical capacity with regard to the interpretation and application of legal institutions. This will enable them to pursue their studies independently throughout their lives.</i></p>
Syllabus	
Content knowledge	<p>GENERAL PART:</p> <p><i>The legal system: public law and private law. Sources of law. Subjects of the legal relationship: natural person and legal person. Legal capacity and capacity to act. Existential legal situations. Personality rights. Real situations. Property. Property. Rights in rem of enjoyment. Possessory situations. Situations of debt and credit. Obligations: notion, structure and characters. Typical species of obligations. Pecuniary obligations. Pecuniary security and means of preservation. Real situations of guarantee (pledge and mortgage). Personal situations of guarantee: surety, promise of the deed of a third party. Prescription and forfeiture. The contract. Requirements and accidental elements. Vices of consent. Good faith. Option and pre-emption. Representation. The contract for a person to be appointed. The preliminary contract. The assignment of the contract. The contract in favour of a third party. Contracts by adhesion. The consumer contract. Unfair terms. The pathology of the contract. Invalidity: nullity and voidability. Rescission and termination of the contract. Civil liability. Contractual and non-contractual liability. Liability based on fault and strict liability. Compensable damage. Injustice of damage. Pecuniary and non-pecuniary damage. The family. Marriage. Civil unions. Cohabitation. Family property regime. Filiation. Adoption. Separation and divorce. Succession: general concepts: inheritance and legacy, vocation and deletion. Legitimate and testamentary succession. Legitimate beneficiaries. Representation. Acceptance of inheritance. Renunciation of inheritance. Joint inheritance. Substitutions and augmentation. Donation. Publicity and transcription.</i></p> <p>SPECIAL PART</p> <p><i>The inviolable human rights in the Italian legal system. The right to health and the healthiness of the environment. Immissions and emissions. Precaution and prevention Effectiveness of protection. The inhibitory civil protection of inviolable human rights</i></p>

Texts and readings	<p><i>For the general part:</i> A. TORRENTE - P. SCHLESINGER, <i>Manual of Private Law</i>, Giuffrè, latest edition</p> <p><i>For the special part:</i> C. DE SINNO, <i>I diritti alla salute e alla salubrità dell'ambiente fra legalità costituzionale ed effettività della tutela</i>, 2023, forthcoming, (only chapters I and II section I), or C. DE SINNO- F. COLUCCI, <i>Salute e Ambiente fra diritto e cronaca</i>, Kurumuny, 2015 (pages 17-61 and 77-140)</p> <p>, <i>Consultation of current legal texts (Constitution, Civil Code, complementary laws) is also necessary.</i></p>
Notes, additional materials	<i>Any additional teaching material will be made available to students using the dedicated platforms</i>
Repository	<i>In the dedicated platforms (e-learning) of the Ionian Department website</i>

Assessment	
Assessment methods	<i>The profit tests are designed to ascertain the adequate preparation of the students as well as the acquisition of the credits corresponding to the training activities. The tests consist of an oral examination.</i>
Assessment criteria	<ul style="list-style-type: none"> - Knowledge and ability to understand the legal institutions covered by the course content. - Capacity for concrete application of the knowledge acquired during the course - Capacity for critical reasoning on the study carried out - Quality, effectiveness and linearity of exposition, competence in the use of specialist vocabulary - Ease of understanding of the legal issues presented
Final exam and grading criteria	<p><i>The final grade is awarded in thirtieths. The examination is considered passed when the mark is greater than or equal to 18.</i></p> <p><i>The grade will be progressively higher - up to the award of honours (awarded with the unanimous consent of the board) - in relation to the verification of the student's attainment of an excellent degree of autonomy of judgement and a marked critical capacity for argumentation and exposition.</i></p>
Further information	
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