

Academic subject: <i>Private law</i>			
Degree Class: L-16		Degree Course: Political, economic and administrative sciences,	
		Academic Year: 2021/2022	
		Kind of class: mandatory	Year: 1
			Period: I semester
			ECTS: 8 ECTS lessons: 8
Time management, hours, in–class study hours, out–of–class study hours lesson: 64 in–class study: 136			
Language: Italian		Compulsory Attendance: Not compulsory, but strongly recommended	
Subject Teacher: Ferdinando Parente		Tel: e–mail: ferdinando.parente@uniba.it	Office: Department of Political Sciences Room n. 7 Floor I Address, Corso Italia, n. 23
Office days and hours: Monday, h. 10:00 on platform Microsoft teams, send an email to arrange an appointment please			
Prerequisites: Passing the exam of IUS/01 Private Law must precede the exams belonging to the scientific-disciplinary sectors: IUS/07 Labour law, IUS / 07 Collective bargaining, IUS/01 Environmental private law, IUS / 04 Industrial law. It's also useful a basic knowledge of the Constitution (in particular, in the matter of principles and fundamental rights and of rights and obligations of citizens).			
Educational objectives: The candidate is required to show, in the oral exam, the systematic and analytical learning of the principles, rules and institutions of private law, according to the Italian-European sources system, illustrating the most relevant profiles also in terms of the interpretation of contracts. The final vote is attributed by evaluating, in addition to complete preparation on the contents of the matter, also the ability to effectively understand them, the ability to critical and systematic reasoning around the topics covered, as well as the expository mastery of concepts.			
Expected learning outcomes (according to Dublin Descriptors)		<p>Knowledge and understanding: the student acquires the fundamental notions concerning the main institutions of civil law and the essential discipline of the same by attending, not compulsory but highly recommended, teaching activities, organized in lectures, supplementary seminars, including interdisciplinary, and exercises on “case studies”.</p> <p>Making judgements: the student is able to understand and use the technical-legal terminology; knows how to distinguish, within a text or a speech, the parts that describe normative elements from those that offer interpretation; knows how to operate the opportune ones systematic and axiological connections between the different ones civil law institutes; uses regulatory texts.</p> <p>Applying knowledge and understanding: teaching aims to introduce the study of private law by offering a critical and problematic view of the subject, inspired by respect for constitutional legality and and the centrality of the value of the person.</p> <p>Communication: the student is able to understand the structure and function of the main institutions of civil law; knows how to apply the knowledge acquired to solve non-complex practical cases; acquires the basic knowledge for learning the legal disciplines related to private law that he will have to deal with in the degree course (eg, Labor law).</p>	
Course program The general part of the course will focus on the introductory notions and the fundamental principles of private law. In particular, we will proceed with the analysis of the sources of private law, the identification of the different types of facts, acts and legal effects, the study of the subjects (natural and legal persons), of the legal subjective situations (existential, real, possessory, credit and debit, guarantee), negotiation and contractual autonomy, civil liability and the features of family and succession law.			

The special part of the course will pay particular attention to the regime of privileges in the attempt to accredit a new systematic of the criteria of hermeneutics of this legitimate cause of pre-emption priority, for overcome the phenomenon of "legislative particularism" and rationalize the fragmentation of interventions legislative.

1) General part:

1. *Introductory notions and fundamental principles*: Social reality and legal system - Sources of law - Principles - Fact and legal effect - Subjective situation and legal relationship - Dynamic of subjective situations - Legal method and interpretation. Application of the law in the space and the time. 2. *Natural and legal persons*. 3. *Legal situations*: Existential situations – Real situations - Possession situations - Credit and debt situations - Guarantee situations - Prescription and forfeiture. 4. *Negotiation autonomy*: Negotiation autonomy and contractual autonomy - Negotiation autonomy with non-patrimoniale content - Individual contracts: a) contracts relating to the transfer of situations; b) contracts and (acts) relating to the destination of goods for purpose; c) contracts relating to the enjoyment and use of goods; d) contracts relating to the execution of works and services; e) agreements without valuable consideration and without valuable consideration - Unilateral promises - Advertising and registration. 5. *Civil liability*: Liability for tort - Liability c.d. special - Tort and damage. 6. *Business enterprise*: Business and firm - Competition. 7. *Family and parental relationships*. 8. *Succession on death*.

2) Special part:

The dimension of the privilege - The object of the privileges – Subjective profiles of privilege - Modifying events of the subjects.

Teaching methods: the study of the program requires the consultation of a civil code updated and accompanied by the main sources regulations:

G. De Nova, *Codice Civile e leggi collegate*, Zanichelli, Bologna, ultima edizione; or A. Di Majo, *Codice civile*, Giuffrè Editore, Milano, latest edition; or AA.VV. *Codice civile esplicato*, Simone, Napoli, latest edition.

Lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.

In particular, these teaching methods will facilitate the acquisition by the students the following transversal skills:

a. *Ability to solving problems, i.e. to apply what has been learned to a concrete case, selecting the knowledge that allows it to be solved in the most appropriate way*: attending students will apply, in the analysis of legal problems and concrete cases agreed with the teacher, the method and argumentative techniques studied.

b. *Analyzing and synthesizing information, that is, acquiring, organizing and reformulating data and knowledge from different sources*: attending students will be invited, during the seminar and exercise, to grasp and summarize the meaning of some judgments of jurisprudence, in turn an expression of synthesis between the description of the case in point of the judicial order and the reasons for the decision.

c. *Making judgments independently, that is, interpreting the information with a critical sense and making consequent decisions*: attending students will have to take a stand on the adequacy and reasonableness of the judicial orders examined.

d. *Communicate effectively, i.e. transmit information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector*: attending students, during seminars and exercises, will be invited to speak with the teacher on the solutions adopted.

e. *Continuous learning, that is, knowing how to recognize one's gaps and identify effective strategies aimed at acquiring new knowledge and skills*: attending students will be asked, during seminars and exercises, to intervene and correct their mistakes in research activities.

f. *Working in a group, i.e. coordinating with other people, including those of different cultures and professional specializations, integrating skills*: students who attend seminars and exercises will be asked to form a working group for the analysis and comment of cases and jurisprudential sources.

Auxiliary teaching: Prof. Ferdinando Parente (President), prof. Francesco Di Giovanni; prof. Salvatore G. Simone; prof.ssa Valeria Corriero; prof. Donato Forenza; dott.ssa Annamaria Putorti; dott. Donato Sebastio; dott. Augusto Sebastio; dott.ssa Miccoli Anna Maria.

Assessment methods: final mark out of thirty (from 18/30 to 30/30 with honors). Oral exam only.

Bibliography:**General part:**

P. Perlingieri, *Istituzioni di diritto civile*, ESI, Napoli, latest edition; or alternatively, A. Torrente, P. Schlesinger, F. Anelli, C. Granelli, *Manuale di Diritto Privato*, Giuffr  Editore, Milano, latest edition.

Special part:

F. Parente, *Manuale di diritto dei privilegi*, ESI, Napoli, 2017, pp. 13-118.