

COURSE OF STUDY: L-16 – Political, economic and administrative sciences

ACADEMIC YEAR 2023-2024

ACADEMIC SUBJECT : PRIVATE LAW

General information	
Year of the course	I
Academic calendar (starting and ending date)	I semester (18 September 2023-7 december 2023)
Credits (CFU/ETCS):	8
SSD	IUS - 01
Language	Italian
Mode of attendance	Not compulsory, but strongly recommended

Professor/ Lecturer	
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Department and address	Department of Political Sciences, Floor I Adress, Corso Italia, n. 23
Virtual room	Platform Microsoft teams, Code smtfe3v7
Office Hours (and modalities: e.g., by appointment, on line, etc.)	Microsoft teams, send an email to arrange an appointment please Consult the web page: www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti

Work schedule			
Hours			
Total	Lectures	Hands-on (seminars)	Out-of-class study hours/ Self-study hours
200	64		136
CFU/ETCS			
8	8		

Learning Objectives	<p>The student will acquire a solid wealth of technical and methodological knowledge in private law; will be able to use the legal lexicon and to grasp the systematic and axiological connections between the institutions of private law.</p> <p>The student will achieve autonomy in the search for regulatory sources and in the systematic interpretation of the same, in light of the concrete interests at stake, in view of the solution of practical cases from an interdisciplinary perspective.</p> <p>Among the ways in which the expected abilities are verified, we note the analysis of cases, addressed by doctrine and jurisprudence, during the lessons</p>
Course prerequisites	<p>Passing the IUS/01 Private Law exam must precede the exams belonging to the scientific-disciplinary sectors: IUS/07 Italian and European Labour law, IUS/07 Industrial relations. 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)</p>

Teaching strategie	The method with which to deal with the study of the discipline, and which will be followed by the teacher during the lectures, implies in addition to the analysis of
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	<p>private institutions, through the continuous consultation of the regulatory sources (primarily the civil code), also the ability understanding of them. This involves the development of a critical and systematic reasoning capacity around the topics dealt with, as well as the expository mastery of concepts.</p> <p>Lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
Expected learning outcomes in terms of	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”.
Knowledge and understanding on:	The student is able to understand the complexity of the civil issues submitted to him and to interpret the main laws and privat legal institutions, on the basis of the knowledge acquired during the educational activities, in order to apply them to the concrete case, with particular regard to the protection of weak subjects, through the use of an appropriate legal lexicon.
Applying knowledge and understanding on:	The student is able to apply the knowledge acquired to the concrete case, with particular regard to the protection of weak subjects, through the use of an appropriate legal lexicon
Soft skills	<ul style="list-style-type: none"> • <i>Making judgements</i>:the student is able to understand and properly use the technical-legal terminology; is able to distinguish, within a text or a discourse, the parts that describe regulatory elements from those that offer their interpretation; knows how to operate the appropriate systematic and axiological connections between the various institutions of civil law and transdisciplinary between the various disciplines covered by the course of study. • <i>Communication</i>: 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). • <i>Lifelong learning skills</i>: the course aims to introduce the study of private law, offering a critical and problematic view of the matter, inspired to respect for constitutional and European legality and by the centrality of the value of the person, with particular regard to the protection of the subjects and the social formations considered weak people (minors, women, homosexuals, unmarried couples, families, individuals who lack all or part of autonomy). • <i>Working in groups</i>: students attending the seminars will be asked to coordinate with other people, including those of different cultures and professional specializations, integrating skills and forming a working group for the analysis and comment of cases and jurisprudential sources.
Syllabus	
Content knowledge	<p>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 law.</p> <p>The special part of the course will pay particular attention to the personal bio-law</p>

	<p>regime, especially in the governance of nascent life, of corporeality and interventions on the body, in an attempt to accredit a new systematic of the criteria of hermeneutics of this area of private law with respect to tradition historical of the civil code.</p> <p>1) General part:</p> <p>1. <i>Introductory notions and fundamental principles</i>: 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. <i>Natural and legal persons</i>. 3. <i>Legal situations</i>: Existential situations – Real situations - Possession situations - Credit and debt situations - Guarantee situations - Prescription and forfeiture. 4. <i>Negotiation autonomy</i>: Negotiation autonomy and contractual autonomy – Negotiation autonomy with non-patrimonial 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. <i>Civil liability</i>: Liability for tort - Liability c.d. special - Tort and damage. 6. <i>Business enterprise</i>: Business and firm - Competition. 7. Family and parental relationships. 8. Succession on death.</p> <p>2) Special part: The government of nascent life - The juridical status of corporeality - The interventions on the body and mind and the informed consent</p>
<p>Texts and readings</p>	<p>General part:</p> <p>P. Perlingieri, <i>Istituzioni di diritto civile</i>, ESI, Napoli, latest edition; or alternatively, A. Torrente, P. Schlesinger, F. Anelli, C. Granelli, <i>Manuale di Diritto Privato</i>, Giuffrè Editore, Milano, latest edition.</p> <p>Special part:</p> <p>F. Parente, <i>Dalla persona biogiuridica alla persona neuronale e cybernetica. La tutela post-moderna del corpo e della mente</i>, ESI, Napoli, 2018, pp. 11-130</p>
<p>Notes, additional materials</p>	<p>The study of the program requires the consultation of a civil code updated and accompanied by the main sources regulations: G. De Nova, <i>Codice Civile e leggi collegate</i>, Zanichelli, Bologna, latest edition; or A. Di Majo, <i>Codice civile</i>, Giuffrè Editore, Milano, latest edition; or AA.VV. <i>Codice civile esplicito</i>, Simone, Napoli, latest edition.</p>
<p>Repository</p>	
<p>Assessment</p>	
<p>Assessment methods</p>	<p>It is required to the candidate to show, in the oral exam, systematic and analytical learning of principles, rules and of the institutes of private law, according to the Italian-European system sources, with particular regard to the protection of subjects and social formations considered weak (minors, women, homosexuals, unmarried couples, family, individuals who lack all or part of autonomy).</p> <p>Oral exam only.</p>
<p>Assessment criteria</p>	<ul style="list-style-type: none"> • <i>Knowledge and understanding on</i>: students should have the ability to analyze and synthesize information, i.e. to acquire, organize and reformulate data and knowledge from different sources. Attending students will be invited,

	<p>during the seminar and during the examination, 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.</p> <ul style="list-style-type: none"> • <i>Applying knowledge and understanding on:</i> students must have the ability to solve problems, that is to apply what they have learned to a concrete case, selecting the knowledge that allows them to solve it 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. • <i>Making judgements:</i> students must be able to formulate judgments independently, i.e. interpret information with a critical sense and make consequent decisions. Attending students will have to take a stand on the adequacy and reasonableness of the judicial orders examined. • <i>Communication skills:</i> students must be able to communicate effectively, to 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. • <i>Lifelong learning skills:</i> students must be able to recognize their own gaps and identify effective strategies aimed at acquiring new knowledge and skills.
Final exam and grading criteria	<p>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 topic discovered, as well as the expository mastery of concepts.</p> <p>The verification method of the expected learning outcomes is the oral test, which consists of a minimum of three questions on the teaching programme. The vote shall be expressed out of thirty (from 18/30 to 30/30 with honors). If the candidate/candidate does not demonstrate the knowledge, at least sufficient, of basic subjects in the context of teaching, the examiner should not proceed with subsequent questions.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p>Insufficient: 0-17 Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p>Sufficient: 18-20 Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p>Discreet: 21-23 Discrete knowledge of the topics contained in the program, discrete ability to argue and make connection between the various topics, through the use of an adequate legal lexicon by candidates</p> <p>Good: 24-26 Good knowledge of the topics contained in the program, good ability to deepen and critique, through the use of an adequate legal lexicon by candidates.</p> <p>Distinguished: 27-28 More than good knowledge of the topics contained in the program, more than</p>

	<p>good ability to deepen and argue on the links between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Very good: 29-30</p> <p>Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Excellent: 30L</p> <p>Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise and excellent mastery of legal lexicon.</p>
<p>Further information Auxiliary teaching</p>	<p>Prof. Ferdinando Parente (President), prof. Francesco Di Giovanni; prof. Salvatore G. Simone; prof.ssa Valeria Corriero; prof. Donato Forenza; dott.ssa Annamaria Putortì; dott. Donato Sebastio; dott. Augusto Sebastio; dott.ssa Miccoli Anna Maria.</p>
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