



Syllabus «Comparative Civil law»

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International law
Educational and professional program – «International law»

Year of study: 2, Semester: 3

Number of credits: 4

Language of instruction: english

Course leader

PhD, Associate professor, Associate professor at the Department of International Law and Migration Policy

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Description of the discipline

Comparative civil law is a discipline of civil law specialization, aimed at in-depth study of the main features of civil law concepts and institutions of different legal systems and promotes the training of specialists in international law.

The subject of the discipline is - comparative legal analysis of legal regulation of civil relations in Ukraine and basic legal systems based on civil law of Ukraine, international acts, basic codified acts of civil law of other states, scientific sources and materials of judicial practice.

The course of lectures aims to provide a basic system of theoretical knowledge in the field of civil law regulation of contractual, non-contractual and hereditary relations, which sets out the basic theoretical principles of comparative civilization, reveals the main scientific problems, features of national consolidation and main features of legal regulation of civil relations. systems.

The purpose of the seminars is to consolidate the theoretical knowledge acquired by students while listening to lectures and in the course of independent work on the proposed topic. Students acquire practical skills in the use of civil law remedies provided by the systems of private law of different states, on the basis of which the ability to qualify civil relations and interpret the relevant rules of law is formed.

Course structure

Hours (Lec. / Prac.)	Topic	Learning outcomes	Task
2/2	Topic 1. The concept of the essence of comparative civil law	Understand the reasons for the emergence of civil law. Basic principles and trends in the development of civil law. The concept of the civil legal system (family). The main components of the civil legal system. The main civil legal systems of the modern world.	Tests, questions
4/4	Topic 2. Concepts and types of sources of civil law: comparative analysis	To know the concept of sources of civil law of foreign countries: laws, administrative acts. To know the general characteristics of the sources of English law regulating civil relations. The role of parliamentary acts and delegated legislation in regulating civil relations. The concept of precedent in English law. Peculiarities of the legal system of the USA as a federal state. Know the types of sources of EU law, the rules of their application. General characteristics of individual sources that are of particular importance for the regulation of civil relations.	Cases
2/2	Topic 3. Civil legal relations: comparative aspect	Know the concept of civil legal relations. The emergence of civil legal relations on the basis of legislation and other legal regulations: civil contract, founding document of a legal entity, custom, international agreement, court precedent. Understand the features inherent in civil legal relations. Subjects of civil legal relations. Types of objects of civil legal relations. Subjective civil law. Elements of the content of subjective civil law. Types of subjective civil duties. Types of civil relations.	Tests, questions
2/2	Topic 4. Natural persons in civil law: comparative analysis	To know the concept of a natural person in the civil law of foreign countries. The concept of legal capacity in the doctrine of civil law and the legislation of foreign countries. Basic principles of civil legal capacity of an individual in the law of foreign countries. Deprivation of legal capacity.	Cases
2/2	Topic 5. Legal entities in civil law: comparative analysis	Know the concepts and signs of a legal entity in various civil legal systems. Theories of the legal entity in the doctrine of civil law of foreign countries.	Cases
2/2	Topic 6. The concept of representation in	To know the concept of representation in the civil law of foreign countries. Direct and legal representation in the countries of continental Europe. (France, Germany).	Tests, questions

	the civil law of foreign countries: a comparative analysis		
2/2	Topic 7. Objects of civil law	Know the general concept of objects of civil rights. Identify types of civil law objects. Personal non-property goods as objects of civil law. Things as objects of civil rights. Classification of things. Other objects of civil rights. Securities as objects of civil rights Characteristics of certain types of securities.	Tests, questions
2/2	Topic 8. Implementation and protection of civil rights	Understand the exercise of civil rights and the fulfillment of legal obligations. Know the reasons for the abuse of subjective civil law. Restrictions on civil rights. Incentives in civil law. Protection and protection of civil rights. Ways to protect civil rights. Procedure for protection of civil rights.	Tests, questions
2/2	Topic 9. Statute of limitations in different civil legal systems	Know the concept of statute of limitations and the meaning of its application. General characteristics of sources of legal regulation of limitation of action. Attribution of statute of limitations to substantive and procedural law in different countries.	Tests, questions
4/4	Topic 10. Property law in various civil legal systems	To know the concepts and types of property rights in foreign civil legal systems. Absolute nature of property rights. The right of succession and the right of priority in rem. Objects of property rights in the civil law of foreign countries. Classification of objects of property law.	Tests, questions
2/2	Topic 11. Fiduciary property in the civil law of England and the USA	To know the establishment of the institution of trust property. Contents of fiduciary property. Ways of creation of trust property. Object of trust property.	Tests, questions
2/2	Topic 12. Ownership in different civil legal systems	Know the concept of property ownership. The institution of possession in French law. Regulation of the institution of ownership in German law.	Tests, questions

List of recommended literature:

1. Аванесян Г. М. Басенко Р. О. Цивільне право України (Загальна частина): навчально-методичний посібник. Полтава: ПЕП, 2020. 199 с.
2. Майданик Р.А. Речове право : підручник. Київ: Алерта, 2019. 1102 с.
3. Романюк Я.М. Речові права та чуже майно. *Речове право: пріоритети та перспективи* : матеріали Київських правових читань. Київ, 22 березня 2019 року / Р.А. Майданик, Я.М. Романюк та ін. ; відп. ред. Р.А. Майданик. Київ : Алерта, 2019. 266 с.
4. Майданик, Р. А. Переосмислення загальної частини речового права в умовах європеїзації та рекодифікації. *Підприємництво, господарство і право*. 2021. №6. С.39–54.
5. Цивільне право. Загальна частина: навчальний посібник. За загальною редакцією Сліпченка С.О. Харків. 2022. 332с.
6. Харченко Г. Г. Речове право в Україні: пріоритетні напрями вдосконалення. *Проблеми цивільного права та процесу*. 2019. С. 101-104.
7. Грущинська, Н. Характеристика нерухомого майна як об'єкта цивільного права. *Підприємництво, господарство і право*. 2020. (2). С. 23-30.
8. Омельчук, О. С. Перешкоди в реалізації цивільних прав в умовах воєнного стану та шляхи пошуку компромісу публічних та приватних інтересів. *Часопис цивілістики*. 2022. (45). С 18-22.
9. Логойда, В. М. Криптовалюти як об'єкт цивільних прав: порівняльно-правовий аналіз: дис. ... д-ра філ. Право / Державний вищий навчальний заклад «Ужгородський національний університет», Ужгород, 2022.
10. Schäfer, H. B., Ott, C. *The economic analysis of civil law*. Edward Elgar Publishing. 2022. 648 p.
11. Maccaay, E. *Law and economics for civil law systems*. Edward Elgar Publishing. 2021. 520 p.
12. Mashdurohatun, A., Yuliawan, I., Susilo, A. B., Laksamana, A. W., Mansyur, M. A. The effectiveness of intellectual property rights protection to improve creative economy realization in Semarang district. *Journal of Southwest Jiaotong University*, 2021. 56(2).
13. Dolgopolova, L. M., Us, M. V., & Glotov, S. O. (2020). Relevant issues of property rights protection in Ukraine. *Journal of Advanced Research in Law and Economics*, 11(4 (50)), P. 1137-1144.
14. Kadi, J., Hochstenbach, C., & Lennartz, C. (2020). Multiple property ownership in times of late homeownership: A new conceptual vocabulary. *International Journal of Housing Policy*, 20(1), P. 6-24.
15. Nugmanovna, M. A. (2022). The place and significance of social and legal control in the legal socialization of the individual in civil society. *Asian Journal of Research in Social Sciences and Humanities*, 12(2), P.21-33.
16. Savanets L., Baran A., Podkovenko T., Poperechna H., Dyka O. Breach of obligations under agreements for the purchase and sale of goods and supply of digital content in the law of the European Union and Ukraine. *Revista Cuestiones Políticas*, Volumen 41, Número 79. 2023. S.156–171. DOI: <https://doi.org/10.46398/cuestpol.4179.11>
17. Стахира Г. М., Саванець Л. М. Концепція договору постачання цифрового контенту в умовах адаптації договірної права України до *acquis communitare* ЄС. *Форум Права*. 2020. 61(2). С. 56–64. DOI: <http://doi.org/10.5281/zenodo.3702455>
18. Poperechna H. Muzyka A., Cherniak O., Lytvyn N., Artemenko O, Shevchenko D. Cosmetology Services in Ukraine: Problems of Legal Regulation. *Journal of Forensic Science and Medicine* | Published by Wolters Kluwer - Medkno. V.9.Iss.2. 2023. P.137-143 (web of science) DOI: 10.4103/jfsm.jfsm_62_22

Evaluation policy

- ● **Deadline and Recompilation Policy:** Relocation of modules takes place with the permission of the dean's office if there are good reasons (for example, due to illness).
- ● **Academic Integrity Policy:** Write-offs during tests and exams are prohibited (including the use of mobile devices). Mobile devices may only be used during online testing (for example, Kahoot).
- **Attendance policy:** Attendance is a mandatory component of the assessment for which points are awarded. For objective reasons (e.g. illness, international internship) training can take place online in consultation with the course leader.

Evaluation

The final grade for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Together
30%	40%	30%	100%
1. Oral survey during classes (6 topics of 5 points each - 30 points) 2. Written work - 70 points	1. Oral survey during classes (6 topics of 5 points each - 30 points) 2. Written work - 70 points	1. Writing and defense of CPIT - 80 points 2. Completing tasks during training - 20 points	100

Grading scale:

On the scale university	On the national scale	On the ECTS scale
90-100	excellent	A (excellent)
85-89	good	B (very good)
75-84		C (good)
65-74	satisfactory	D (satisfactory)
60-64		E (enough)
35-59	non-satisfactory	FX (non-satisfactory with possibility of repeated passing)
1-34		F (non-satisfactory with repeated course of lectures)