

Course 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: 4

Number of credits ECTS: 2 Language of study: English

Course leader:

PhD, Associate Professor, Associate Professor of the Department of International Law and
Migration Policy
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Description of the discipline

«Comparative civil law» is an academic discipline that contributes to the training of specialists in the field of international law. Students acquire theoretical knowledge and practical skills in applying civil law acts to specific situations, the ability to carry out legal analysis of civil law norms and independently analyse judicial practice. Students will acquire knowledge of the peculiarities of the concept and types of obligations, the procedure for concluding and performing various contractual structures, understand the system of obligations, and the peculiarities of inheritance and family legal relations in the civil law of Ukraine and foreign countries.

Course structure

Hours (lect. / prakt.cl.)	Topic	Results of the study	Tasks
2 /	1 General provisions of the law of obligations	Understand the concept and types of obligations in different legal systems. Understand the grounds for obligations and the terms and principles of their fulfilment. Know the consequences of failure to fulfil obligations	Questions, essay
2 / 2	2 Enforcement of obligations in the civil law of foreign countries	To know the peculiarities of ways of ensuring the fulfilment of obligations in civil and commercial law of Ukraine and foreign countries. Understand the peculiarities of their application to specific legal relations	Questions, tests, case, essay
2 / 2	3 Civil liability in the legislation of different countries	Know the concept and grounds of civil liability. Understand the peculiarities of forms of civil liability for failure to fulfil obligations and the grounds for exemption from liability	Questions, tests, case, essay
2 /	4 General provisions on contracts in civil law	Understand the peculiarities of contracts in the civil law of Ukraine and foreign countries. Know the essential, usual and incidental terms of a contract. Understand the procedure for concluding a contract	Questions, essay

		and the conditions for the validity of a contract in foreign civil law systems	
10 / 4	5 Classification of contractual structures under the civil law of Ukraine and other countries	Know the specifics of various types of contractual structures depending on the purpose of the contract (groups of contracts on: paid transfer of property, free transfer of property, transfer of property subject to periodic payments, transfer of property for use, performance of work, provision of services, transfer of funds)	Questions, tests, case, essay
2 / 2	6 Non-contractual obligations in the civil law of different countries	Understand the concepts of non-contractual obligations and obligations in damages in different civil law systems. To know the grounds for the emergence of liabilities for damage. Understand the concept of damage in the civil law of foreign countries. To know the peculiarities of property and non-pecuniary damage in compensation obligations	Questions, tests, case, essay
2 /	7 Compensation for damage. Compensation for non-pecuniary damage	To know the concept and peculiarities of non-pecuniary damage in the law of foreign countries and the conditions for the emergence of an obligation to compensate for non-pecuniary damage. Understand the peculiarities of determining the amount of liability for non-pecuniary damage	Questions, essay
4 / 2	8 Inheritance law	Know the concept and sources of inheritance law in Ukraine and foreign countries. Understand the peculiarities of inheritance by will and by law	Questions, tests, case, essay
2 / 2	9 General provisions of family law in foreign civil law systems	Know the concept and conditions of marriage in the law of foreign countries. Understand the grounds for divorce in different civil law systems. Know the rights and obligations of spouses. Know the concept and peculiarities of concluding and executing a marriage contract	Questions, tests, case, essay

Bibliography:

1. Draft Common Frame of Reference (DCFR). URL: [https://www.trans-lex.org/400725/_outlineedition/-/](https://www.trans-lex.org/400725/_outlineedition/)
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3. Roman Tashian. Invalid transactions in private law doctrine. *Entrepreneurship, business and law*. 2021. № 11. P. 42-47.
4. Taras Sofiiuk, Larysa Neskorodzhena, Yuliia Kabenok. The right of the natural person to individuality. *Entrepreneurship, business and law*. 2021. № 11. P. 27-41.
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6. Kischel, Uwe, and Andrew Hammel, 'The Basic Context of Civil Law', *Comparative Law* (Oxford, 2019; online edn, Oxford Academic, 17 Apr. 2019), <https://doi.org/10.1093/oso/9780198791355.003.0006>
7. Carlo Vittorio Giabardo, *Disobeying Courts' Orders -A Comparative Analysis of the Civil Contempt of Court Doctrine and of the Image of the Common Law Judge*, 10 *J. Civ. L. Stud.* (2017) Available at: <https://digitalcommons.law.lsu.edu/jcls/vol10/iss1/5>
8. Mathias Siems *Comparative law*. University of Durham. Cambridge, United Kingdom : Cambridge University Press, 2018. ISBN 9781107182417. ISBN 9781316633557

9. George Mousourakis? Matteo Nicolini. Comparative Law and Legal Traditions. Historical and Contemporary Perspectives. Ritsumeikan University Kyoto, Japan. ISBN 978-3-030-28280-6 ISBN 978-3-030-28281-3 (eBook) <https://doi.org/10.1007/978-3-030-28281-3>. Springer. 2019
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13. Zimmermann R. Comparative Law and the Europeanization of Private Law Get access Arrow. The Oxford Handbook of Comparative Law (2nd edn). 2019. Pages 557–598. <https://doi.org/10.1093/oxfordhb/9780198810230.013.17>
14. Henry Merryman, David S. The Common Law and Civil Law Traditions. URL: <https://www.law.berkeley.edu/wp-content/uploads/2017/11/CommonLawCivilLawTraditions.pdf>
15. Janet Halley, Kerry Rittich, Critical Directions in Comparative Family Law: Genealogies and Contemporary Studies of Family Law Exceptionalism, The American Journal of Comparative Law, Volume 58, Issue 4, Fall 2010, Pages 753–775. <https://doi.org/10.5131/ajcl.2010.0001>

Information resources:

1. Official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>.
2. Official website of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. Unified web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judiciary of Ukraine. URL: <http://court.gov.ua/>
5. Unified State Register of Court Decisions URL: <https://reyestr.court.gov.ua/>
6. Official web portal of the United Nations Commission on International Trade Law (UNCITRAL). URL: <https://uncitral.un.org/en>
7. Official website of the Hague Conference on Private International Law. URL: <https://www.hcch.net/ukrainian>

Evaluation policy

- **Deadline and retake policy:** Modules are retaken with the permission of the dean's office if there are good reasons (for example, sick leave).
- **Academic Integrity Policy:** cheating during tests and exams is prohibited (including using mobile devices).
- **Visiting policy:** Attending classes is a mandatory component of the assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Credit module 4	Total
20%	20%	20%	40%	100%
Oral survey during classes (1-5 topics) - 10 points per topic - max. - 50 points. Modular control work - max. 50 points.	Oral survey during classes (6-9 topics) - 10 points per topic - max. 40 points. Modular control work - max. 60 points.	Preparation of CPIT - max. 40 points. Protection of CPIT - max . 40 points Participation in trainings - max. 20 points .	Test tasks (10 tests) 2 points each - max. 20 points Theoretical questions (2 questions) – 20 points per questions - max. 40 points. Case (1 case) – max. 40 points	100

Student evaluation scale

According to the scale of the University	On a national scale	According to the ECTS scale
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		F (unsatisfactory with mandatory repeat course)