

Law Degree Course
Private Law A-L
I year – I and II sem. – 12 CFU
Academic year 2023.2024

- **Course informations**

Private Law [A-L], I year, I and II semester, 12 CFU, 84 hours

- **Professor informations**

- Marcello Mazzuca – email: m.mazzuca@unicz.it; tel. 0961.3694968; students reception: on lessons days after the end of the lessons.

- **Course Description**

The teaching is aimed at providing a systematic framework of the subject through a careful analysis of the structural and functional peculiarities of the individual institutes. Learning the fundamentals of Private Law institutes will allow the student to acquire the necessary knowledge to deal with the university career profitably

- **Course Objectives and Expected Learning Results**

At the end of the course the student must have learned the method and necessary fundamental knowledge to address and resolve problems relating to Private Law.

- **Program**

Introductory notions and fundamental principles. Rules and legal system. Sources of law.

Fundamental principles. Fact and legal effect. Subjective legal situations and legal relationships: structure and function of the relationship. Interpretation of the law and legal methodology. Norms in space and time.

Natural and legal persons. Human person and subject of law: Birth and existence. Legal capacity. Residence and domicile. Disappearance, absence and presumed death. Death.

Ability to act. Causes of exclusion and causes limiting the capacity to act. Support administration. Natural incapacity. Parental authority, guardianship and curatorship.

Legal entities: recognized and unrecognized associations; voluntary associations.

Foundations. Committees.

Legal situations: Existential legal situations. Notion. Statute of existential situations. Right to life and psychophysical integrity. Right to health. Right to honor and reputation. Right to image. Right to confidentiality. Right to information. Right to education and education.

Right to personal identity and identification. The human person in social formations.

Injuries to existential situations and protection tools.

Legal patrimonial situations. Notion. Statute of patrimonial legal situations. Classification of financial situations. Distinction between real and credit legal situations.

Rights in rem situations. The goods. The property. Proprietary statutes. Limits on ownership. Ways of purchasing property. Surface. Emphyteusis. Real rights of enjoyment over another's property: usufruct, use, habitation, servitude. Communion and condominium. Timeshare. Actions to defend rights in rem situations. Possession situations. Possessory actions.

Debt and credit situations. Structure and characteristics of the bond. Classification of bonds.

Structure and characteristics of the bond. The events of bonds. Typical types of bonds.

Financial responsibility. Warranty situations. Real warranty situations. Personal situations of guarantee Prescription and forfeiture

Legal facts. Private autonomy. Classification of legal transactions. Structure of contracts
Essential elements of contracts. Formation of contracts and constraints. Effectiveness of contracts. Invalidation of contracts. Assignment of contracts. Execution of contracts. Deeds with non-pecuniary content. Acts of disposition of the body. Unilateral promises. Advertising and transcription.

Notions of the main typical contracts. Notion of buying and selling. Notion of exchange. Notion of estimating and supply contract. Notion of lease, rent and loan. Notion of leasing contract, Notion of works and procurement contracts. Notion of transport and warehousing contract. Notion of income, gaming and betting. Concept of insurance contract. Notion of mandate, agency and mediation. Concept of franchising contract. Mortgage concept. Notion of suretyship and independent guarantee contract. Notion of antichresis. Deposit concept. Notion of transaction. Notion of assignment of assets to creditors.

Civil liability and tort.

- **Estimated time required for individual study**
240 hours

- **Teaching Methods**

Frontal lessons; simulation and cases

- **Learning resources**

RECOMMENDED TEXTS:

- P. PERLINGIERI, *Manuale di diritto civile*, ESI, Napoli, ult. ed.
 - A. TORRENTE – P. SCHLESINGER, *Manuale di diritto privato*, Giuffrè, Milano, ult. ed.
 - A. TRABUCCHI, *Istituzioni di diritto civile*, CEDAM, Padova, ult. ed.
- Study about Private Law must be accompanied by consultation of a text of the updated Civil Code. Suggested editions:
- P. PERLINGIERI – B. TROISI, *Codice civile*, ESI, Napoli, ult. ed.
 - A. DI MAJO, *Codice civile*, Giuffrè, Milano, ult. ed.

Other didactic material

Further supporting didactic material will be distributed during the lessons.

- **Support activities**

Any seminars will be scheduled during the lessons

- **Frequency modalities**

Modalities are defined in article 8 of the University Didactic Regulations.

- **Verification modality**

General modalities are defined in the University Didactic Regulations, in article 22, available at the following link

http://www.unicz.it/pdf/regolamento_didattico_ateneo_dr681.pdf

During the course there may be **an intermediate test reserved for attending students**. Modalities will be made known during the lessons

The final exam is in **oral** form.

The evaluation criteria are:

Grade	Knowledge and understanding of the topic	Analysis and synthesis skills	Use of references
fail	Important shortcomings. Significant inaccuracies	Irrelevant. Frequent generalizations. Inability to synthesize	Completely inappropriate
18-20	At threshold level. Evident imperfections	Just enough skills	Hardly appropriate
21-23	Routine knowledge	Capable of correct analysis and synthesis. Argue logically and coherently	Use standard references
24-26	Good knowledge	Good analytical and synthesis skills. Topics are expressed coherently	Use standard references
27-29	Knowledge is more than good	Considerable analytical and synthesis skills	Topics have been explored in depth
30-30L	Excellent knowledge	Excellent analytical and synthesis skills	Important insights