

**COURSE OF STUDY:** L-39 -L-40 – *Social Service Sciences and Sociology. - Social Service Sciences*

**ACADEMIC YEAR** 2023-2024

**ACADEMIC SUBJECT : PRIVATE LAW (M/Z)**

General information	
Year of the course	I year
Academic calendar (starting and ending date)	I semester (18 September 2023-7 december 2023)
Credits (CFU/ETCS):	6
SSD	IUS /01
Language	Italian
Mode of attendance	Not compulsory, but strongly recommended

Professor/ Lecturer	
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Virtual room	Platform Microsoft teams, Code ks8dep7
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Work schedule			
Hours			
Total	Lectures	Hands-on (seminars)	Out-of-class study hours/ Self-study hours
150 hours	32	16	102
CFU/ETCS			
6	4	2	

<b>Learning Objectives</b>	<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. 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 development of in-depth seminars</p>
<b>Course prerequisites</b>	<p>A good knowledge of the Italian language and the possession of adequate learning and reasoning skills are required.</p> <p>It is also useful to have a basic knowledge of the Italian Republic Constitution (in particular, in the matter of principles and fundamental rights and of rights and</p>

	<p>obligations of citizens). Passing the examination of Private Law must precede the test of optional examinations of Social Legislation and Administrative Law</p>
<b>Teaching strategie</b>	<p>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 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>
<b>Expected learning outcomes in terms of</b>	<p>The student acquires the fundamental notion concerning the main institution 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>
<b>Knowledge and understanding on:</b>	<p>The student is able to understand the complexity of the civil issues submitted to him and to interpret the main laws and legal institutions, on the basis of the knowledge acquired during the educational activities.</p>
<b>Applying knowledge and understanding on:</b>	<p>The student is able to apply the knowledge acquired during the educational activities to the concrete case, with particular regard to the protection of weak subjects, through the use of an appropriate legal lexicon.</p>
<b>Soft skills</b>	<ul style="list-style-type: none"> <li>• <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.</li> <li>• <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, Laborlaw).</li> <li>• <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).</li> <li>• <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.</li> </ul>
<b>Syllabus</b>	
<b>Content knowledge</b>	<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. The special part of the course will pay particular attention to the</p>

	<p>problem of the interpretation of contracts, in an attempt to accredit a new system of contractual hermeneutics, compared to the traditional one of the civil code, and to legitimize the “corrective” judicial interpretation of contracts.</p> <p>1) General part: 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.</p> <p>2) Special part: Contract and interpretation in the civil code system - Towards a new systematic of contractual hermeneutics criteria The "corrective" interpretation of contracts.</p>
<b>Texts and readings</b>	<p>1) P. Perlingieri, <i>Istituzioni di diritto civile</i>, ESI, Napoli, latest edition. 2) M. Pennasilico, <i>Contratto e interpretazione. Lineamenti di ermeneutica contrattuale</i>, Giappichelli, Torino, latest edition</p>
<b>Notes, additional materials</b>	The study of the program requires the consultation of a civil code updated and accompanied by the main regulatory sources, as well as the study of the didactic material relating to sentences and in-depth essays of civil law institutes
<b>Repository</b>	<i>Published on the teacher's web page, which integrate and update the Manual</i>

<b>Assessment</b>	
<b>Assessment methods</b>	<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>Students who book during the last lesson or via email to be sent to the teacher, no later than the fifth day before the December exam date, will be allowed to take two exemptions (which will take place during the December exam date on first, and the January exam the second), at the end of the course. The reservation on Esse3 must be made, in case of overcoming the first exemption, for the date of the first exam in January (second exemption).</p> <p>The first exemption (December session) will include the study and critical analysis of the following institutions: hierarchy of legal sources, facts, legal acts and effects, subjects (natural and legal persons), legal situations (existential, real enjoyment, possessory).</p> <p>The second part of the exemption (first appeal in January) will concern the following institutions: legal situations (credit, debt and guarantee), negotiation</p>

	<p>and contractual autonomy, civil liability and features of family law; special part of the course dedicated to the interpretation of contracts.</p> <p>The final evaluation will be given by the average of the marks obtained in the exoneration tests.</p>
<p>Assessment criteria</p>	<ul style="list-style-type: none"> <li>• <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, 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.</li> <li>• <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.</li> <li>• <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.</li> <li>• <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.</li> <li>• <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.</li> </ul>
<p>Final exam and grading criteria</p>	<p>The final grade will be attributed through the assessment of the level of preparation demonstrated by the student during the examination in relation to each of the books of the civil code, on which every single question will focus, with particular regard to the subjects, to the legal situations of debt and credit, and negotiating autonomy.</p> <p>The method of verifying 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. For the assignment of honors an ad hoc question will be formulated, through which the student will have to demonstrate a thorough and critical knowledge of a private law institute, as well as an excellent ability to argue on the systematic and axiological connections between the institutions of private law. Oral exam only.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p><b>Insufficient: 0-17</b> Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p><b>Sufficient: 18-20</b> Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p><b>Discreet: 21-23</b></p>

	<p>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  <b>Very good: 24-26</b>          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.  <b>Distinguished: 27-28</b>          More than good knowledge of the topics contained in the program, more than good ability to deepen and argue on the links between the different topics, to criticise, mastery of legal lexicon by candidates.  <b>Very good: 29-30</b>          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.  <b>Excellent: 30L</b>          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><b>Further information Auxiliary teaching</b></p>	<p>President: Prof. Valeria Corriero; Components: Proff. Francesco Di Giovanni, Mauro Pennasilico, Ferdinando Parente, Salvatore Giuseppe Simone; dr. Adriano Buzzanca, Serena Persia, Rocco Lombardi, Tiziana Perillo e Loretta Moramarco.</p>
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