

## DEGREE COURSE IN LAW - LMG/01

**ACADEMIC YEAR 2023/2024**

### CIVIL LAW 1

General information	
Year of the course	III
Academic calendar (starting and ending date)	FIRST SEMESTER – (September, 12, 2023- December, 7, 2023)
Credits (CFU/ETCS):	6
SSD	IUS 01 PRIVATE LAW
Language	ITALIAN
Mode of attendance	Optional but recommended

Professor/ Lecturer	
Name and Surname	CATALDO DE SINNO
E-mail	<a href="mailto:cataldo.desinno@uniba.it">cataldo.desinno@uniba.it</a>
Telephone	
Department and address	Ionic Department in "Legal and Economic Systems of the Mediterranean: society, environment, culture", via Duomo 259, Taranto
Virtual room	
Office Hours (and modalities: e.g., by appointment, on line, etc.)	In the first semester, every Tuesday, after class, from 11.30 to 13.00. Subsequently, every Tuesday from 10.00 to 11.00, prior appointment requested by email

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
150	48		102
CFU/ETCS			
6			

<b>Learning Objectives</b>	The course intends to train students in the knowledge of the civil law area with particular reference to the institution of the contract and the relationship between civil law and issues of environmental and ecosystem protection. These objectives will be pursued through a balanced relationship between basic cultural training and training on the foundations and systematically more relevant aspects of the discipline of positive law. A further objective is to allow for a legal education adhering to the specific needs of the Ionian territory and in line with the declared Euro-Mediterranean vocation of the study course and of the DJSGE.
<b>Course prerequisites</b>	Basic knowledge of private law institutes

<b>Teaching strategie</b>	The main teaching method is frontal teaching. However, for the full realization of the training objectives and in order to allow the acquisition of the ability to apply the knowledge, a cycle of exercises is also foreseen
<b>Expected learning outcomes in terms of</b>	Full ability to analyze and combine legal rules, ability to set lines of reasoning and juridical argumentation suitable for a correct formulation of general and special issues (cases and specifics), with awareness of their technical-juridical implications.
<b>Knowledge and understanding on:</b>	Knowledge and understanding of the legal institutions envisaged by the contents of the course.
<b>Applying knowledge and understanding on:</b>	Ability to concretely apply the knowledge acquired during the course
<b>Soft skills</b>	<p>Critical reasoning skills on the study, which will be achieved through practical exercises aimed at collecting and commenting on the most recent jurisprudential arrests and doctrinal theses</p> <p>In order to acquire the ability to communicate and transmit what has been learned, students will be directly involved in participation in specific in-depth activities of the topics covered by the course covered in special conferences and study days held at the Ionico Department</p> <p>Ability to learn independently. During the teaching, practical learning methods will be used (such as the analysis and commentary on the most recent and most relevant sentences) in order to allow students to acquire an autonomous critical capacity in relation to the interpretation and application of legal institutions. This element will allow them to continue their studies autonomously throughout their lives</p>
<b>Syllabus</b>	
<b>Content knowledge</b>	<p>A) THE CONTRACT</p> <p>The discipline of the contract from the civil code of 1942 to subsequent evolutions. The impact of constitutional principles on the contract. The autonomy of the parties, the "dogma" of the will and the contradictions of the traditional notion of "cause". The interpretative evolution of the cause of the contract in the sense of economic-individual and concrete function. Good faith, abuse of law and integration of the contract. Jurisprudential applications of the rule of good faith and constitutional principles. The problem of withdrawing from the contract. Imbalances in contractual services, taking advantage of the needs of others and the inadequacy and obsolescence of the legal remedy of termination for injury. The contract in globalization. The remedies for contractual imbalances between soft law and hard law. The forms of protection of the contracting party in the civil code and the subsequent and contradictory legislative solutions: bank contracts between transparency of contractual conditions, protection of the bank customer, "marciano" agreement and anatocism. The protection of the weaker contractor in the contract with the consumer and in contracts between companies. The contract and the environment. Relevance of environmental issues and eco-sustainability in the discipline of the contract</p> <p>B) CIVIL LAW AND THE ISSUES OF PROTECTION OF THE ENVIRONMENT AND THE ECOSYSTEM</p> <p>The right to health and the right to a healthy environment. The problem of the effective protection of the rights to health and the wholesomeness of the environment in the event of the exercise of polluting economic activities. The</p>

	constitutional limits to the exercise of economic activity and the inconsistencies of the "ex Ilva case of Taranto"
<b>Texts and readings</b>	<p>part A): C. DE SINNO, <i>The contract between "autonomy", "justice" and "sustainability"</i>, 2023, forthcoming</p> <p>or V. ROPPO, <i>The contract</i>, Giuffrè, latest edition (in particular chapters 1, 2, 3, 4, 5, 6; of chapter 7, only paragraphs 8, 9, 10, 11, 12, i.e. from p. 127 to p. 137; chapter 8; chapter 11; chapters 15, 16, 17, 18; chapters 21, 22, 23, 24, 25; chapters 30, 33, 34; chapters 41, 42, 48)</p> <p>part B): C. DE SINNO, <i>The rights to health and the wholesomeness of the environment between constitutional legality and effectiveness of protection</i>, 2023, forthcoming</p> <p>Or C. DE SINNO- F. COLUCCI, <i>Health and Environment between law and news</i>, Kurumuny, 2015 (in particular pages from 16 to 61; from 77 to 140; from 157 to 203)</p> <p>It is also necessary to consult the legislative texts in force (Constitution, civil code, complementary laws)</p>
<b>Notes, additional materials</b>	Additional teaching material will eventually be made available to students using the dedicated platforms
<b>Repository</b>	In the dedicated platforms (e-learning) of the Ionico Department website
<b>Assessment</b>	
Assessment methods	The achievement checks are aimed at ascertaining the adequate preparation of the students as well as the acquisition of the credits corresponding to the training activities. The tests consist of an oral exam.
Assessment criteria	<ul style="list-style-type: none"> <li>• Knowledge and understanding of the juridical institutes envisaged by the contents of the course.</li> <li>• Ability to concretely apply the knowledge acquired during the course</li> <li>• Critical reasoning skills on the study carried out</li> <li>• Quality, effectiveness and linearity of presentation, competence in the use of specialized vocabulary</li> <li>• Ease of understanding of the legal issues exposed</li> </ul>
Final exam and grading criteria	<p>The final mark is given out of thirty. The exam is considered passed when the grade is greater than or equal to 18</p> <p>The mark will be progressively increased - up to the assignment of honors (attributed with the unanimous consent of the commission) - in relation to the verification of the student's achievement of an excellent degree of independent judgment and a strong critical capacity for argumentation and exposition.</p>
<b>Further information</b>	
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