



ISTITUZIONI DI DIRITTO PRIVATO A - O

IUS/01 - 9 CFU - 2° Semester

Teaching Staff

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LEARNING OBJECTIVES

1. **Knowledge and understanding.** The course aims to provide the keys to a good knowledge and understanding, as well as the sources of law and its interpretation principles, the fundamental institutions of private law most closely related to the economic process in terms of the discipline of the subject (person physical and legal entities), goods and traffic rights, bonds and credit of the contract in general and negotiation models most common and most significant, civil liability, all in a systematic perspective bottom particularly careful to the frequent regulatory changes also source community, as well as legal and doctrinal orientation and the effect of the practice in the evolution of the socio-economic individual institutions.

2. **Applying knowledge and understanding.** The course aims to enable the student to reconstruct and interpret the typological variety of situations and legal interests in the privatized plan, identifying the discipline and the implications and applying in practice the knowledge and skills acquired during the course of lessons and developed with a careful study of the matter.

3. **Making judgments.** The teaching tends to let the student's ability to grasp and elaborate the reasons at the basis of the choices of the system, grasping the real interests underlying the various institutions and prompt its related forms of protection. In particular, the student will be placed in a position to judge whether and to what extent such protection does appear to be adequate to the pursuit and the actual implementation of the objectives of legislative policy that underlie it, also in view of the inevitable repercussions on the socio-economic and the need to draw legally balanced solutions that reconcile individual interest and general interest; and also to distinguish between positive and negative aspects, advantages and disadvantages associated with regulation and the possible options between alternative forms of protection ready by the legislature, particularly with regard to the distribution and circulation of wealth and credit.

4. **Communication skills.** The course must put the student in a position to transfer and apply the knowledge gained outside, using an exposure mode logical argument conforms to the main principles of matter and also suits a technically appropriate legal language. In particular, he must be able to provide

opinions, advice and assistance on issues object of study: the consultation, interpretation and enforcement jurisprudential in general bonds, the method of entering into contracts (principal with respect to the more frequent and relevant practices in socio-economic), the problems of product liability and so on.

5. **Learning skills.** Exceeding the matter must be based on a rigorous assessment in the examination of the achievement by the student of a level of preparation and competence that allows him to approach the study of the other legal teachings and not, as well as those also not legal, but which may present significant implications with them.

COURSE STRUCTURE

The teaching is organized in frontal lecture. The analysis of case studies, contractual models and precedents in case law is expected.

DETAILED COURSE CONTENT

MODULE I

PEOPLE AND REAL RIGHTS

Legal system and rule of law, sources of private law, interpretation of the law and analogy. Subjective legal situations and legal relationship. Acts and contract. Prescription and decadence. Publicity of legal facts and transcription. Judicial protection of rights and proof of legal facts. The subjects of the legal relationship: physical person, legal person, non-profit social organizations. Legal capacity to act, administration support, natural ability, legitimacy. Personality rights. The object of legal relationship: right in the legal sense, their classifications and new types of goods. Property law, claims to money and personal rights of enjoyment. The property in the Civil Code, the Constitution and the special laws: content, function, limits and ways of purchasing the property, measures to protect property. Communion, condominium and timeshare. Individual real rights. Possession and detention, possessory actions, adverse possession.

MODULE II

CREDIT RIGHTS AND OBLIGATIONS

Sources of Obligations. Right to credit, bond, requirements and mandatory character of the provision. Civil obligation, and natural (play and bet). Monetary obligations and interests. Multiple liability and partial, divisible and indivisible, alternative and optional. Strict performance, diligence and good faith. Ways of extinguishing different from performance. Circulation credit and subjective changes active and passive relationship mandatory assignment of credit and assignment of claims units (factoring), subrogation, delegation, exsromission, assumption. Responsibility for non-performance and protection "outside" of the credit default of the debtor and the creditor. Credit guarantees and financial liability of the debtor: Collateral (privileges, pledge, mortgage) and personal (and surety insurance guarantee), means conservation of the collateral (subrogation, revocation, seizure, lien), Enforcement generic and in a specific form. The source of non-contractual obligations: the offense, the unilateral promises and debt instruments, the obligations under the law (management business, unfair, unjust enrichment).

MODULE III

CONTRACT

Contract and bargaining autonomy; contract and unilateral acts. Contract requirements: a) agreement: proposal, acceptance and conclusion of the contract; consensual contracts and real; offer to the public; abnormal forms of conclusion of the contract, membership contracts and "consumer contracts"; pre-contractual liability; b) because: cause and reasons, presupposition, causal abstraction; c) object; d) form. Condition, term, burden; penalty clause and deposit. Obligations of contracting: contract imposed preliminary option, pre-emptive and conventional legal. Interpretation of the contract. Effects of the contract: contracts to effect real and binding effects; effects between the parties and with respect to third parties; conflicts of ownership between buyers more of the same law; integration and execution of the contract. Other events of the contract: legal representation and voluntary and contract concluded by the representative, , the contract in favor of third parties, assignment of the contract, simulation, trust deed. Validity and invalidity of the contract: nullity and annulment, the consequences of disability between the parties and with respect to third parties. Withdrawal, rescission and termination of the contract. Individual contracts (besides those already mentioned in other

TEXTBOOK INFORMATION

PARADISO, *Corso di istituzioni di diritto privato*, Giappichelli, 2018, chaps. and §§ corresponding to the above program.

or

TORRENTE-SCHLESINGER, *Manuale di diritto privato*, 23^a edizione, Giuffrè, 2017, chaps. and §§ corresponding to the above program.

or

TURCO, *Diritto civile*, I, Giappichelli, 2014: chaps. and §§ corresponding to the above program. Please note that insights, given in parts of the text in small font, are optional.
