

## Course Syllabus

**Course:** Civil Law

**Program of study:** Islamic Theology

**Number of ECTS credits:** 4

**Status of course:** Selective

**Code of course:** 306

**Number of classes:** 2+1

**Academic year:** 2021/2022

**Semester:** -V-

**Teacher:** MA. sci. Vedat Shabani, **Cell phone:** Tel: +377 (0) 44 195 331, e-mail: [vedat\\_sh@hotmail.com](mailto:vedat_sh@hotmail.com)

### **Short description of course**

Civil Law (General Section) is about modern treatment of civil law principles underpinning all other sections of civil law. Generally legal institutions which comprise the subject-matter of civil law will be treated according to positive law of Kosovo and civil comparative law namely Common Law. Lectures in this course will be held three times a week – three classes each time. This is selective course that will provide students with theoretical and practical knowledge on civil law issues.

### **Goal of course:**

The aim of the course is to give students of Islamic Studies knowledge on civil law and provide them with information to increase their awareness for implementing provisions regulating legal and civil matters. Students will have an opportunity to accomplish their assignments by using their logic and analysis. Students will develop their abilities for critical approach on law and arguing in the field of civil law.

### **Expected learning outcomes:**

**By the end of the semester students will be able to:**

- Learn sufficient knowledge on Laic Civil Law
- Know legislative system of Kosovo.
- Be able to conduct comparative studies between Islamic Law and Laic Law

- Understand law system in general

### **Instruction Methodology:**

Lessons from Civil Law will be delivered through lectures, seminars, exercises and other possible forms. Lectures will present basic rules of introduction and Kosovo Positive Law. It will also make comparisons with comparative law of institutions of civil law, in particular with Islamic Law. Seminars will be an interactive process where students will study independently under supervision of teacher.

### **Content of course:**

#### **Week one:**

##### CIVIL LAW

Notion and Designation of Civil Law, Subject-Matter Method and System of Civil Law, Basic Institutions of Civil Law, Law and Economy

#### **Week two:**

##### CODIFICATIONS OF CIVIL LAW

Civil law and the best known codifications in the world, Civil Law in Modern World, World Legal Systems

#### **Week three:**

##### RELATIONS OF CIVIL LAW WITH OTHER BRANCHES OF LAW

Civil law and Family Law, Civil Law and Labor Law, Civil Law and Commerce Law, Civil Law and Private International Law, Categorization of Legal Norms and Their Interpretation – Analogy

#### **Week four:**

##### SOURCES OF CIVIL LAW

Notion of Civil Law, Legal Nature of Sources of Civil Law, Sources of Civil Law in Kosovo, Source, Law as the main source of Civil Law in Kosovo, Constitution, International Convention

#### **Week five:**

SOURCES OF CIVIL LAW – continuation

Law in narrow sense as a source of civil law, Applicability and Abrogation of Law, Retroactive functioning of law (retroactive action), Territorial coverage of law, By

laws as a source of civil law, Common law as positive source subsidiary of civil law, Judicial practice as source of Civil Law, Doctrine as a source of Civil Law

**Week six:**

LEGAL AND CIVIL RELATIONS

Subjects of legal and civil relations, Natural person as a subject of law, Legal persons as subject of law, Legal capability to act and capability of delicts, Subject as element of legal and civil relations, Creation and termination of civil and legal relations.

**Week seven:**

First colloquium

**Week eight:**

CLASSIFICATION OF SUBJECTIVE CIVIL LAW

Absolute rights, Relative rights, Legal circulation, Will as a legal fact for creation of legal works, Importance of administrative act in creation of legal works

**Week nine:**

LEGAL WORKS AND THEIR MODIFICATIONS

Notion of legal works, Modification of legal works, Condition, Dead-line, Order.

**Week ten:**

CATEGORIZATION OF LEGAL WORKS

Categorization of legal works, Legal works causal and abstract, Legal works formal and informal; Legal works between alive people and the dead, legal works unilateral and bilateral

**Week eleven:**

REPRESENTATION

Representation, Preclusive period

**Week twelve:**

Invalidity of legal works, Legal rejected works, Deceit, Threat, and Violence

**Week thirteen:**

PASIA PULIANA

Denial of legal works (Actio Pauliana)

**Week fourteen:**

Acquirement, exercise and protection of civil subjective rights

**Week fifteen:**

Preparation for final exam

**Criteria and components of evaluation:**

Participation and involvement in the class 10%

Seminar paper 20%

Intermediary test 30%

Final exam 40%

Total 100%

**Mandatory literature:**

1. Abdulla Aliu, Civil Law, Prishtinë 2013

**Consultative literature:**

1. Juliana Latifi, E Drejta Civile – pjesa e përgjithshme, Tiranë 2005
2. Peter Bydlinski, E Drejta Civile – V;llimi I, Pjesa e përgjithshme, Prishtinë 2015
3. Ejup Haziri, E Drejta Civile Islame, Prishtinë 2014

**Laws:**

Law no 04/L-077 on Contracts and Torts of Kosovo. Official Gazette no 16 dated 19.06.2012, applicable since 19.12.2012

1. Law no 03/L-154 on Ownership and other real right of Kosovo. Official Gazette of Kosovo no 57 date 04.08.2009, applicable since 16.08.2009.