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|  | | | **UNIVERSITY OF EAST SARAJEVO**  Faculty of Law | | | | | | | | | Faculty/academy logo - center | | |
| ***Study program: Law*** | | | | | | | | |
| First cycle of study | | | | IV study year | | | | |
| **Full subject name** | | | PRIVATE INTERNATIONAL LAW | | | | | | | | | | | |
| **Department** | | | Faculty of Law | | | | | | | | | | | |
| **Course code** | | | | | **Course status** | | | | **Semester** | | | **ECTS** | | |
| PF-1-7-031 | | | | | Compulsory | | | | VII | | | 5 | | |
| **Teacher/s** | | Slavko Đorđević, full professor, PhD | | | | | | | | | | | | |
| **Associate** | | Dragana Damjanović, teaching assistant, PhD | | | | | | | | | | | | |
| **The number of teaching hours/ teaching workload (per week)** | | | | | | **Individual student workload (in semester hours)** | | | | | | | **Coefficient of student**  **workload S o1** | |
| **L** | **E** | | | **SP** | | **L** | | **E** | | **SP** | | | **With o** | |
| 3 | 2 | | | 0 | | 63 | | 42 | | 0 | | | 1.4 | |
| Total teaching workload (in hours, per semester)  75 | | | | | | | Total student workload (in hours, per semester)  105 | | | | | | | |
| Total subject workload (teaching+student): 180 semester hours | | | | | | | | | | | | | | |
| **Learning**  **outcomes** | | By mastering this subject, the student will be able to :   1. Understand the structure of norms on the conflict of jurisdictions, collision norms and make a difference in relation to the norms of purely internal branches of law; 2. Understand the complexity of the sources of norms of Private international law and the rules on the sequence of their application; 3. Understand the specific institutions of Private international law; 4. Understand the idea of the logical order of legal entities and correctly apply it in practice; 5. Understand the differences and notice the similarities in the actions of the domestic court when resolving the same disputes with and without a foreign element; 6. Apply the acquired knowledge in practice. | | | | | | | | | | | | |
| **Preconditions** | | Passed exam in the Law of Obligations - general part, compulsory attendance at lectures and exercises. | | | | | | | | | | | | |
| **Teaching methods** | | Lectures, exercises, individual consultations, discussion groups on selected topics, debates, case studies. | | | | | | | | | | | | |
| **Course content by**  **week** | | 1. General part. Concept, object and goal of Private international law. Relevant foreign element. Internal and international sources - Hierarchy of sources. Duty to know and apply international agreements. 2. Units of PIL and the idea of ​​logical order. Conflict norms - concept, elements and types. Points of Attachment. Legalization of foreign public documents. 3. International jurisdiction - concept, types and significance. The relationship between international jurisdiction and local jurisdiction. General and retort jurisdiction. Special jurisdiction. Prorogation and derogation of jurisdiction. 4. Attraction of jurisdiction. International lis pendens. Judicial immunity. 5. Security for costs, free legal aid. International legal assistance - service. Takeing of evidence. 6. Conflict of laws - internal and international. Characterization - subject matter, stages and applicable law. Characterization of an institution unknown to the domestic legal order and filling of legal gaps. Determining the content of foreign law. 7. Renvoi. Non-unified legal systems. Mobile conflict of laws. Preliminary question. General exeption clause. 8. Public policy (ordre public). Overriding mandatory rules and difference in relation to public policy. Substitution and adjustment. Private rights of foreigners and reciprocity. 9. Recognition and enforcement of foreign judgments - concept of a foreign judgment, modalities of foreign judgment recognition, bodies, parties, documents. Conditions for recognition and enforcement - legal force, jurisdiction, respect for the right to participate in the proceedings, reciprocity, respect for public policy, res judicata. Procedure. 10. Special part - Status of natural and legal persons. Family legal relations: marriage, cohabitation, origin of the child, adoption, parental rights and protection of the rights of the child, maintenance. 11. Inheritance relations: general rules. Inheritance legal relations: special rules - Dispositions of property upon death. Agreements as to succession. Measures for securing and protecting rights to inheritance. Estate without a claimant. 12. Property relations (rights in rem). Securities held with an intermediary. Intellectual property. Contracts: general rules. Contract form, contractual capacity, voluntary assignment, legal and contractual subrogation. 13. Contracts: special rules: A contracts relating to rights in rem in respect of an immovable property and a tenancy of immovable property. A contract for the carriage of goods and passengers. Consumer contracts. An individual contract of employment. Debt assumption contract. Compensation. Accessory legal transaction. A contracted agency. 14. Non-contractual obligations - general rules. Specific forms of non-contractual liability for damages - Products liability. Road traffic accidents. 15. Unfair competition. Environmental damage. Defamation of personality rights through mass media. Other non-contractual obligations: Unjust enrichment. Negotiorum gestio. Culpa in contrahendo. | | | | | | | | | | | | |
| **Compulsory literature** | | | | | | | | | | | | | | |
| **Author/s** | | | | **Publication title, publisher** | | | | | | | **Year** | | **Pages (From-To)** | |
| C.M.V. Clarkson, Johnatan Hill | | | | “The Conflict of Laws”, third edition, Oxford University Press | | | | | | | 2006 | | 1–51.  456–504. | |
| Sarcevic, Petar | | | | “The New Yugoslav Private International Law Act”, Am. J. Comp. L. 33 | | | | | | | 1985 | | 283–296. | |
|  | | | | Draft of the new Private International Law Act of the  Republic of Serbia | | | | | | | 2014 | |  | |
| **Additional literature** | | | | | | | | | | | | | | |
| Author/s | | | | **Publication title, publisher** | | | | | | | **Year** | | **Pages (From-To)** | |
| Mirko Zivkovic | | | | “Validity of the Hague Conventions in the field of international private law in the legal system of the Federal Republic of Yugoslavia after the dissolution of the Socialist Federative Republic of Yugoslavia”, Facta universitatis-series: Law and Politics, 1(5) | | | | | | | 2001 | | 633–644. | |
| Marjanovic, Sanja, and Mirko Zivkovic | | | | “Security for Costs in the 1982 PIL Act: The Responsibility of the State for Discrimination”, Collection Papers Fac. L. Nis | | | | | | | 2019 | | 85–95. | |
| **Student responsibilities, types of student assessment and grading** | | **Grading policy** | | | | | | | | | | **Points** | | **Percentage** |
| Pre-exam obligations | | | | | | | | | | | | |
| Regular attendance at lectures/exercises | | | | | | | | | | 10 | | 10% |
| Positively evaluated seminar paper/essay | | | | | | | | | | 10 | | 10% |
| Case study - group work | | | | | | | | | | 5 | | 5% |
| Test | | | | | | | | | | 25 | | 25% |
| ........................................... | | | | | | | | | |  | |  |
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| Final exam | | | | | | | | | | | | |
| for example. final exam (oral/written) | | | | | | | | | | 50 | | 50 % |
| IN TOTAL | | | | | | | | | | 100 | | 100% |
| **Website \_** | |  | | | | | | | | | | | | |
| **Date of**  **certification** | | (enter the last date of adoption of this syllabus at the Council session) | | | | | | | | | | | | |

1 Coefficient of student load S o is calculated as follows :

1. for study programs that do not lead to licensing: S o = (total load in the semester for all subjects 900 h - total teaching load P+V in the semester for all subjects h )/ total teaching load P+V in the semester for all subjects h = . View the content of the form and the explanation.
2. for study programs leading to licensing, it is necessary to use the content of the form and the explanation.