



DIGITAL IN LAW



UNIVERSITÀ DEGLI STUDI
DI MILANO
DIPARTIMENTO DI
STUDI INTERNAZIONALI,
GIURIDICI E STORICO-POLITICI



MOOC: Managing Economic Aspects of Cross-Border Families in the Digital Era

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Presentazione

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Welcome to the course **Managing Economic Aspects of Cross-Border Families in the Digital Era!**

This course has been developed within the Erasmus+ project [Time to Become Digital in Law - DiginLaw](#) co-funded by the Erasmus+ Programme of the European Union.

The digitalization of society and economy poses new challenges to the economic aspects of cross border families. For example, the use of programmes based on artificial intelligence and algorithm in everyday life, the acquisition of virtual currencies and investments in bitcoin by a spouse during the marriage, the succession in digital assets, and many other similar activities raise new qualification problems and the quest for new solutions in the field of private international law. Internet itself, a non-localised and ubiquitous space, and the digital life it provides, escape for the traditional coordinates and methods of private international law. Against this background, the course aims, on the one hand, to provide students with a sound knowledge of the current legal framework (EC Regulation 4/2009, EU Regulations 650/2012, 2016/1103 and 2016/1104, 2019/1111), and, on the other hand, to analyse and test the adequacy and effectiveness of the traditional solutions to those new challenges.

The course consists of 7 Modules:

- Presentation of Course
- Introductory Remarks on PIL Questions
- The Case-Study
- Jurisdiction and Applicable Law on Divorce and Parental Responsibility
- Jurisdiction and Applicable Law on Matrimonial Property Regime (and the problem of digital assets)
- Jurisdiction and Applicable Law on Maintenance
- The General Solution of the Case-Study

Learning outcomes

By the end of the course, students should be able to:

- ■ Describe the relevant sources of private international family law (Bloom's level: understand).
- ■ Determine the law applicable to economic aspects of cross-border families (Bloom's level: apply).
- ■ Illustrate the impact of digital technology on the management of economic aspects of cross-border families (Bloom's level: analyze)
- ■ Evaluate the adequacy of the current legal framework to the problems raised by the new digital tools (Bloom's level: evaluate).

+ Add an activity or resource

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7 Unità

1. Presentation of Course
2. Introductory Remarks on PIL Questions
3. The Case-Study
4. Jurisdiction and Applicable Law on Divorce and Parental Responsibility
5. Jurisdiction and Applicable Law on Matrimonial Property Regime (and the problem of digital assets)
6. Jurisdiction and Applicable Law on Maintenance
7. The General Solution of the Case-Study

Competenze/risultati di apprendimento

- *Descrivere le fonti del diritto internazionale privato della famiglia (Bloom's level: understand).*
- *Determinare il giudice competente e la legge applicabile agli aspetti economici delle famiglie cross-border (Bloom's level: apply).*
- *Illustrare l'impatto delle tecnologie digitali nella gestione degli aspetti economici delle famiglie cross-border (Bloom's level: analyze)*
- *Valutare l'adeguatezza dell'attuale quadro giuridico ai problemi sollevati dai nuovi strumenti digitali (Bloom's level: evaluate).*

Strumenti didattici

Per ogni unità didattica:

- Presentazione power point con commento audio.
- Materiali di lettura.
- Differenti quiz:
 - risposta multipla
 - Scelta tra opzioni
 - filling the blanket

Master case: trasversale alle lezioni

Master case

The W. are a family composed of four people: L. (husband/father, 1978) is a German citizen, E. (wife/mother, 1980) is an Italian and German citizen, and S. and A. (respectively 2012 and 2015, their elder son and younger daughter) are German and Italian citizens. They spend most of their time in Hamburg, where L. and E. work, and where S. and A. attend primary school, but they travel often to Italy, where E.'s family lives, in order to maintain close bonds between her, as well as S. and A., and her family of origin. Their assets are comprised of immovable property in Germany (the family home) and Italy (a holiday house, in Gallipoli, donated by E.'s parents in occasion of the couple's wedding), movable property located in Germany (L. and E. personal bank account), Italy (E's shares of her family business) and a virtual investment portfolio managed by a Swiss bank. Moreover, mainly for fun, they invested 500 Euro in 2012 in Bitcoin.

On 3rd July 2022, the all family travels to Italy in order to spend their summer holiday. As agreed, L. comes back to Hamburg on 26th July, one week before the planned return of his wife and children. On August 2nd, E. informs L. of her intention to remain in Italy with her children for another week. On August 9th, she informs L. of her intention to remain indefinitely in Italy with the children in Otranto.

After a mediation between L. and E. has failed, in October 2022 L. files an action before the Amtsgericht of Hamburg asking for sole custody of the children. E. appears before the court asking for joint custody and maintenance obligations for the children.

In March 2023, E. files an action before the Tribunal of Lecce asking for divorce, dissolution of the matrimonial property regime, joint custody of the children, and maintenance obligations. L. appears before the court claiming that the court lacks jurisdiction on parental responsibility and maintenance obligations toward the children; he defends on the merit on divorce matters.

Metodologia

Il corso è costruito attorno al master case:

- Le prime 2 unità didattiche sono di introduzione al corso e agli strumenti del diritto internazionale privato
- La terza unità didattica riporta solo il caso di studio
- Dalla quarta alla sesta unità didattica la fattispecie è «spacchettata» considerando.
 - Nella quarta, i profili di giurisdizione e legge applicabile al **divorzio e alla responsabilità genitoriale**, per quanto prodromici a:
 - Ai profili sulla **gestione del patrimonio familiare** (scioglimento del regime matrimoniale, anche in ragione della natura dei beni che cadono nel regime)
 - Ai profili relativi alle **obbligazioni alimentari**
 - Ciascuna unità didattica conduce all'apprendimento pratico delle norme e delle soluzioni incardinate nelle varie parti della fattispecie complessiva
 - I quiz delle unità propongono scenari alternativi a quello del caso di studio per valutare la corretta acquisizione delle conoscenze: il loro superamento è condizione per passare all'unità successiva
- La settima unità didattica riporta la soluzione del caso di specie

Valutazione

- In ingresso: test d'ingresso a risposta multipla - autovalutazione (non obbligatorio);
- In itinere: test (Scelta multipla, filling the blanket) dopo ogni unità prima di poter passare all'unità successiva (obbligatorio).
- In uscita: questionario di valutazione del corso (anche in funzione di monitoraggio della qualità)



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