

Incoming student mobility

Name of UNIOS University Unit: Faculty of Law

COURSES OFFERED IN FOREIGN LANGUAGE FOR ERASMUS+ INDIVIDUAL INCOMING STUDENTS

General information COURSES OFFERED IN FOREIGN LANGUAGE FACULTY OF LAW OSIJEK		
Lecturer	Nikol Žiha, PhD, Associate Professor	
Course	EUROPEAN LEGAL TRADITION	
Study programme	Erasmus	
ETCS and teaching	ECTS	6
	Hours weekly (L+P+S)	30+0+0

1. COURSE DESCRIPTION		
<i>1.1. Course objectives</i>		
<p>The aim of this course is to give students a historical, legal, cultural and comparative knowledge necessary for scientific and critical evaluation of the structure and function of European private law systems and the causes and consequences of their similarities and differences, unification and diversification. The course provides an introduction to the development, principles, institutions and rules of <i>ius commune</i>, as a legal system that was source of law in almost entire Europe in the medieval and early modern times formed through the reception of Roman Law as a positive law and its integration with the certain elements of canon law and customary laws, by the adjustment of these rules to the needs of life and legal practice. This course should enable students to acquire knowledge about the evolution of European private law science and the development of European legal systems, to distinguish basic legal system: <i>ius commune</i>, common law and mixed legal systems, get to know and understand the basic European Civil Codes, as well as critically analyse existing solutions in private law systems and basic principles of a common European legal culture.</p>		
<i>1.2. Prerequisites for enrolment</i>		
There are no special requirements for enrolling in the course.		
<i>1.3. Learning outcomes:</i>		
<ol style="list-style-type: none"> 1. define the conceptual determinants of legal culture 2. analyse the foundations of the European private law tradition 3. connect the institutes of Roman legal tradition with the historical and contemporary legal instruments 4. evaluate the influence of the Roman legal tradition as the basis of the European private law tradition 5. critically evaluate the structures and functions of contemporary European law 		
<i>1.4. Course description</i>		
<ol style="list-style-type: none"> 1. Foundations of the European private law tradition. 2. <i>Ius commune</i> and European civil codes. 3. European private law tradition and the Croatian legal system. 4. <i>Ius commune</i> and Common Law – private law aspects; Roman legal tradition and English private law; mixed legal systems; <i>ius commune</i> as a source of contemporary positive law in the English legal system and European mixed legal systems (Scotland, Malta, Channel Islands, etc.). 5. <i>Ius commune</i> and European private law: <i>ius commune</i> as the basis of contemporary European private law culture; the role of the European private law tradition in the creation of the European legal system; Roman legal principles and principles of common law (<i>ius commune</i>) in decisions of EU judicial bodies. 		
<i>1.5. Course organisation</i>	<input checked="" type="checkbox"/> Lectures <input type="checkbox"/> seminars and workshops	<input checked="" type="checkbox"/> individual tasks <input type="checkbox"/> multimedia and network

		<input type="checkbox"/> practical work	<input type="checkbox"/> laboratory																																												
		<input type="checkbox"/> long distance learning*	<input checked="" type="checkbox"/> mentoring																																												
		<input type="checkbox"/> field work	<input type="checkbox"/> other																																												
1.6. Comments																																															
1.7. Student's obligations																																															
Students are required to actively participate in a minimum of 70% of classes, write a critical essay and prepare an oral presentation and discussion on the research subject.																																															
1.8. Monitoring student's work																																															
Attendance	1	Active participation	1 Seminar																																												
Written exam		Oral exam	2 Essay 2 Research																																												
Project		Continuous assessment	Report Practical work																																												
Portfolio			Presentation																																												
1.9. Evaluation and assessment of student's work during the course and on the final exam																																															
<table border="1"> <thead> <tr> <th rowspan="2">STUDENT ACTIVITY *</th> <th rowspan="2">ECTS</th> <th rowspan="2">LEARNING OUTCOME **</th> <th rowspan="2">TEACHING METHOD</th> <th rowspan="2">EVALUATION METHOD</th> <th colspan="2">POINTS</th> </tr> <tr> <th>min</th> <th>max</th> </tr> </thead> <tbody> <tr> <td>Attendance</td> <td>1</td> <td>1-5</td> <td>Class attendance min. 70%</td> <td>Written records</td> <td>5</td> <td>10</td> </tr> <tr> <td>Active participation</td> <td>1</td> <td>1-5</td> <td>Participation in the discussion</td> <td>Assessing the quality of the discussion</td> <td>5</td> <td>10</td> </tr> <tr> <td>Oral exam</td> <td>2</td> <td>1-5</td> <td>Oral examination</td> <td>Oral exam</td> <td>25</td> <td>40</td> </tr> <tr> <td>Essay</td> <td>2</td> <td>1-5</td> <td>Writing an essay of an agreed topic</td> <td>Assessment of the quality of written work</td> <td>25</td> <td>40</td> </tr> <tr> <td>Total</td> <td>6</td> <td></td> <td></td> <td></td> <td>60</td> <td>100</td> </tr> </tbody> </table>				STUDENT ACTIVITY *	ECTS	LEARNING OUTCOME **	TEACHING METHOD	EVALUATION METHOD	POINTS		min	max	Attendance	1	1-5	Class attendance min. 70%	Written records	5	10	Active participation	1	1-5	Participation in the discussion	Assessing the quality of the discussion	5	10	Oral exam	2	1-5	Oral examination	Oral exam	25	40	Essay	2	1-5	Writing an essay of an agreed topic	Assessment of the quality of written work	25	40	Total	6				60	100
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1.10. Mandatory reading (in the moment of study programme draft application)																																															
1. Stein, P. Roman Law in European History, Cambridge University Press, 1999																																															
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<ol style="list-style-type: none"> Smits J., The Making of European Private Law. Towards a <i>ius Commune Europaeum</i> as a Mixed Legal System, Antwerpen/Oxford/New York 2002 (selected chapters). Van Caenegem, R. C., <i>European Law in the Past and the Future: Unity and Diversity Over Two Millennia</i>, Cambridge University Press, 2002 Knütel, R., <i>ius commune und römisches Recht vor Gerichten der Europäischen Union</i>, Juristische Schulung, 1996 Zimmermann R., <i>Roman Law, Contemporary Law, European Law. The Civilian Tradition Today</i>, Oxford, 2001 Koschaker P., <i>Europa und das römische Recht</i>, München/Berlin, 1966 Wieacker F., <i>Privatrechtsgeschichte der Neuzeit</i>, Göttingen, 1996 Evans-Jones, R., <i>Roman Law in Britain</i>, in: Manthe, Krampe (eds.), <i>Quaestiones Iuris. Festschrift für J. G. Wolf</i>, Berlin, 2000 Zimmermann, R., <i>Roman Law and the Harmonisation of Private Law in Europe</i>, in: Hartkamp, Hesselink et al. (eds.), <i>Towards a European Civil Code</i>, 2004 Knütel, R., <i>Rechtseinheit in Europa und römisches Recht</i>, <i>Zeitschrift für Europäisches Privatrecht</i> (1994), 244 sqq Labruna, L., <i>ius europaeum commune. Matrici romanistiche del diritto attuale</i>, Napoli, 1999 Hamza, G., <i>Die Entwicklung des Privatrechts auf römischrechtlicher Grundlage</i>, Budapest, 2003 Zimmermann, R., <i>The Law of Obligations, Roman Foundations of the Civilian Tradition</i>, University Press, Oxford, 1996. (selected chapters) 																																															

1.12. Method of monitoring the quality which enables acquisition of knowledge, skills and competences

In the phase of the curriculum preparation, the quality is monitored through the comparison with similar programs conducted at other faculties. In the implementation phase, the quality is controlled with the monitoring the attendance, the constant communication with students (both in person and via e-mail) and with the anonymous survey, which will be conducted at the end of the course to examine what learning outcomes have been achieved and to what extent (collected results are taken into account for possible changes in the curriculum and in teaching methods). After the end of the course, the quality is controlled with the university survey.