

## Course syllabus: Comparative civil law



Higher education degree - bachelor  
Field of knowledge - 29 International relations  
Specialty - 293 International law  
Educational and professional program – «International law»

**Year of study: 2, semester: 3,4**  
**Number of credits ECTS: 6 Language of study: English**

### Course leader:

PhD, Associate Professor, Associate Professor of the Department of International Law and  
Migration Policy  
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### Description of the discipline

«Comparative civil law» is an academic discipline that contributes to the training of specialists in the field of international law. Students acquire theoretical knowledge and practical skills in applying civil law acts to specific situations, the ability to carry out legal analysis of civil law norms and independently analyse judicial practice. Students will acquire knowledge of the peculiarities of the concept and types of obligations, the procedure for concluding and performing various contractual structures, understand the system of obligations, and the peculiarities of inheritance and family legal relations in the civil law of Ukraine and foreign countries.

### Course structure

Hours (lect. / prakt.cl.)	Topic	Results of the study	Tasks
2/2	Topic 1. The concept of comparative civil law	Understand the concept of comparative civil law. Civil law as a branch of private law. The practical necessity of studying the civil law of Ukraine and foreign countries. Private law and civil law. Reasons for the emergence of civil law. Basic principles and trends in the development of civil law. The concept of the civil legal system (family). The main components of the civil legal system. The main civil legal systems of the modern world. The place of civil law of Ukraine among modern civil law systems. Trends in the development of modern civil legal systems.	Questions, essay
2/2	Topic 2. The concept and types of sources of civil law: a comparative analysis	To know the concept of sources of civil law of foreign countries. Laws. Administrative acts. Judicial precedent. Judicial practice. Customs and customs. Correlation of different sources of law in the countries of continental Europe and in the countries of the Anglo-American legal system.	Questions, tests, case, essay

		Unification of norms of civil law of foreign countries: concepts, types, methods.	
2/2	Topic 3. Sources of civil law of continental Europe. Comparative legal aspects.	Know the types of sources of EU law, rules of their application. General characteristics of individual sources that are of particular importance for the regulation of civil relations. General characteristics of academic projects created as part of the preparation of the European Civil Code. Possible ways of using them.	Questions, tests, case, essay
2/2	Topic 4. Sources of legal regulation of property and personal non-property relations in England and the United States	Understand general characteristics of the sources of English law regulating civil relations. The role of parliamentary acts and delegated legislation in regulating civil relations. The concept of precedent in English law. Peculiarities of the legal system of the USA as a federal state. A system of US and state law sources. Unification and harmonization of the law of the US states. The concept of a unified law. United States Uniform Commercial Code.	Questions, essay
2/2	Topic 5. Comparative legal characteristics of the civil status of persons in foreign countries	Know the sources of regulation of the legal status of legal entities under the law of individual states. The concept and legal capacity of legal entities under the law of individual states. Types of legal entities under the law of individual states.	Questions, tests, case, essay
4/4	Topic 6. Individuals in civil law: a comparative analysis	Understand the concept of a natural person in the civil law of foreign countries. Sources of the civil legal status of individuals in foreign legal systems. The concept of legal capacity in the doctrine of civil law and the legislation of foreign countries. Basic principles of civil legal capacity of an individual in the law of foreign countries. Deprivation of legal capacity. Legal capacity of an unborn child. Termination of legal capacity of an individual. The concept and content of legal capacity in different civil legal systems.	Questions, tests, case, essay
4/4	Topic 7. Legal entities in civil law: a comparative analysis	To know the concepts and signs of a legal entity in various civil legal systems. Theories of the legal entity in the doctrine of civil law of foreign countries. The theory of the fiction of a legal entity. The theory of the reality of a legal entity. Types of legal entities in different civil legal systems of the world. Ways of formation of legal entities in foreign civil law systems.	Questions, essay

2/2	Topic 8. The concept of representation in civil law of foreign countries: a comparative analysis	Know the concept of representation in the civil law of foreign countries. Direct and legal representation in the countries of continental Europe. (France, Germany). Commercial representation and mediation in the continental civil law system. Representation of trade company employees (procurator's office, trade authority, traveling salesman). Independent trade representatives (trade agents) in foreign legal systems. Representation in the Anglo-American system of law (agent, consignment agent, delcredere agent, broker, agent with exclusive rights, commission export house, auctioneer).	Questions, tests, case, essay
2/2	Topic 9. Statute of limitations in various civil law systems	Know the concept of statute of limitations and the meaning of its application. General characteristics of the sources of legal regulation of the statute of limitations. Attribution of statute of limitations to substantive and procedural law in different countries. The main conditions for the application of the statute of limitations under the laws of Ukraine, France, Germany, Great Britain and other foreign countries. General statute of limitations. Special statutes of limitation.	Questions, tests, case, essay
4/2	Topic 10. Property law in various civil law systems	Know the concepts and types of property rights in foreign civil legal systems. Absolute nature of property rights. The right of succession and the right of priority in rem. Objects of property rights in the civil law of foreign countries. Classification of objects of property law. The concept and content of property rights in foreign legal systems. Rights to other people's things: concepts and types. Private easements in foreign national legal systems. Trust property (trust) in the civil law of England and the USA. Legal structures of the trust. Rights and obligations of trust property participants.	Questions, tests, case, essay
2/2	Topic 11. Fiduciary property in the civil law of England and the United States	Know the formation of the institution of trust property. Contents of fiduciary property. Ways of creation of trust property. Object of trust property. Rights and obligations of the trust owner. Specifics of the institution of trust property. Rules of relations between the trust owner and the founders of the trust. International legal regulation of relations related to entrusted property.	Questions, tests, case, essay
4/4	Topic 12. Possession in various civil law systems	institution of ownership in German law. The purpose of providing legal protection to ownership. Conditions for granting protection to actual ownership. Legal and technical means of protection of ownership. Categories of ownership. Actual possession. Legal	

		ownership. The right to possession. Opposing possession. Legal methods of protection of ownership.	
4/1	Topic 13. General provisions of the law of obligation	<p>Know the concepts and types of obligations in different legal systems. Grounds for obligations. Obligations in contract and quasi-contract, delict and quasi-delict in French civil law. Obligations from law, agreement, tort, unjust enrichment and managing other people's affairs without a mandate in German law. Obligations from torts, contracts and quasi-contracts in the Anglo-American civil law system. Classification of obligations in different legal systems.</p> <p>Conditions and principles of fulfillment of obligations in foreign legal systems. Consequences of default. Civil liability for failure to fulfill or improper fulfillment of obligations. Damages in the civil law of foreign countries. Compensatory and moratorium, concrete and abstract damages. Debtor's fault in causing damage. Grounds for releasing the debtor from liability. Impossibility of fulfilling the obligation by the debtor. Accident and force majeure in different civil legal systems. The theory of "futility" (loss of meaning) of the contract in the Anglo-American system of law.</p> <p>Plurality of persons in obligations. Participatory, compatible and solidary obligations in the Romano-Germanic legal system. Joint or separate creditors, joint, compatible or separate debtors in Anglo-American civil law. Assignment of claim and transfer of debt. Termination of obligations.</p>	Questions, tests, case, essay
4/1	Topic 14. Grounds for the occurrence and classification of obligations under the law of different states	<p>Know the reasons for the occurrence and classification of obligations in Romano-Germanic law. Grounds for the occurrence and classification of obligations in US law. Pre-contractual obligation under German law. Tort obligations of owners and occupiers of premises under US law. Promissory Estoppel Obligations under US Law. Unjust Enrichment Liability under US Law.</p>	Questions, tests, case, essay
4/2	Topic 15. Civil and legal sanctions for violation of obligations under the law of various states	<p>Know the general characteristics of civil sanctions under the law of the Federal Republic of Germany. General characteristics of civil sanctions under French law. General characteristics of civil sanctions under US law.</p>	Questions, tests, case, essay
4/2	Topic 16. General provisions on contracts in civil law	<p>Know the the concept of contracts in the civil law of foreign countries. Classification of contracts. Unilateral and synalagmatic (bilateral), paid and unpaid, consensual and real, exchange and risk contracts in the countries of continental Europe. Classification of contracts in the Anglo-American system of law. Content</p>	Questions, tests, case, essay

		<p>of the contract. Essential, usual and incidental terms of the contract in the civil law of the countries of the Romano-Germanic system. Substantial, simple and such as are assumed to be the terms of the contract in the Anglo-American system of law. The meaning of the contract. Signing a contract. Offer and acceptance in the civil law of foreign countries.</p> <p>Terms of contract validity in foreign civil law systems. Requirements to the subjects of the contract. Legal significance of the content of the contract. Will and expression of will in the contract. The form of the contract and its meaning. The legal basis of the contract (cause) in the countries of continental Europe. Consideration in a contract in the Anglo-American system of law.</p>	
4/2	<p>Topic 17. Ensuring obligations in the civil law of foreign countries</p>	<p>Know the the concept of ways to ensure obligations in the doctrine of civil law of foreign countries. Types of ways to secure obligations. Non-payment in the law of the countries of continental Europe. Prejudiced damages and penalty in Anglo-American civil law. Surety in the civil law of foreign countries.</p> <p>The concept of pledge and its types in different legal systems. Pledge of immovable property. Concepts, types of mortgage and sources of its legal regulation in countries with different civil legal systems: continental (France, Germany, etc.); Anglo-American (England, USA). Reasons for mortgages under the laws of foreign countries.</p>	<p>Questions, tests, case, essay</p>
4/2	<p>Topic 18. Liability for causing damage.</p>	<p>Know the concepts of non-contractual and tort obligations in different civil law systems. Peculiarities and meaning of obligations to cause damage in foreign civil law. Sources of legal regulation of tort liability. Grounds for liability for damage. The formula of the general tort in the countries of the continental civil law system. Mixed tort system. The system of singular delicts in Anglo-American law.</p> <p>The concept of damage in the civil law of foreign countries. "Nominal damages" in tort obligations. Property and non-pecuniary damage in indemnification obligations. Causation in tort obligations and its meaning. Indirect damage, remote damage and damage arising in the absence of adequate causation. Fault in tort liability. Liability without fault. Liability for risk (danger) in the civil law of foreign countries. Separation of tort and contractual liability. Competition of claims (competition of liability) in the civil law of Germany, England, the USA. Peculiarities of liability for damage under the law of certain countries (France, Germany, England, USA).</p>	<p>Questions, tests, case, essay</p>

		The concept and methods of compensation for moral damage in foreign civil legal systems.	
4/2	Topic 19. Copyright and industrial property rights in foreign civil legal systems	<p>Know the concept of intellectual property. Concept and sources of copyright in foreign legal systems. Objects of copyright. Content of copyright in various civil legal systems. The difference of copyright in continental and Anglo-American legal systems. The concept of industrial property. Objects of industrial property rights. The concept of inventions. Conditions of patentability of inventions in different legal systems. Powers of the patent holder. Concept and legal protection of "know-how". Concept and legal protection of industrial designs. Patent-legal method of industrial design protection. Copyright method of protection of industrial designs</p> <p>The concept of trademarks and service marks in the civil law of foreign countries. Content of the trademark and authority of its owner. Acquisition of the right to a trademark under the law of foreign countries. Legal protection of designation of product origin.</p> <p>Concept, content and types of license contracts. The concept and content of the know-how transfer contract.</p>	Questions, tests, case, essay
2/2	Topic 20. Inheritance law.	<p>Know the concepts and sources of inheritance law of foreign countries: continental legal system (France, Germany); of the Anglo-American system of law (England and the USA). The concept of heritage. Inheritance by will. The concept and form of a will in the law of foreign countries. Types of will. Testamentary orders. Freedom of will in different civil legal systems. Revocation and amendment of a will. Execution of the will.</p> <p>Inheritance by law in the civil law of foreign countries. Subjects of inheritance by law. Privileged heirs by law in the inheritance law of foreign countries. Shares of legal heirs in inherited property.</p> <p>Transfer of inherited property to heirs in the countries of the continental legal system. Institution of personal representative under the will and administrator of inherited property in the law of the Anglo-American system. Liability for debts of the testator.</p>	Questions, tests, case, essay

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#### **Information resources:**

1. Official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>.
2. Official website of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. Unified web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judiciary of Ukraine. URL: <http://court.gov.ua/>
5. Unified State Register of Court Decisions URL: <https://reyestr.court.gov.ua/>
6. Official web portal of the United Nations Commission on International Trade Law (UNCITRAL). URL: <https://uncitral.un.org/en>
7. Official website of the Hague Conference on Private International Law. URL: <https://www.hcch.net/ukrainian>

#### **Evaluation policy**

- **Deadline and retake policy:** Modules are retaken with the permission of the dean's office if there are good reasons (for example, sick leave).
- **Academic Integrity Policy:** cheating during tests and exams is prohibited (including using mobile devices).
- **Visiting policy:** Attending classes is a mandatory component of the assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

#### **Evaluation**

The final score for the course is calculated as follows:

#### **For credit**

Module 1		Module 2		Module 3	Module 4
20%	20%	20%	20%	5%	15%
Ongoing evaluation	Modular control 1	Ongoing evaluation	Modular control 2	Training	Independent work
<p>The grade is determined as the arithmetic mean of the grades obtained during practical classes (classes 1 to 4). Each student must be assessed at least once every two classes and receive at least two grades. Missed practical classes must be worked out during consultation hours, otherwise they are considered a grade of '0' and are taken into account when determining the arithmetic mean. For applicants studying on an individual schedule, the current assessment is carried out during consultations and by completing tasks in the Moodle system. Current assessment is conducted through oral questioning, preparation of scientific reports, problem solving, testing through the Moodle system in practical classes.</p>	<p>The module control is planned after four practical classes and covers topics 1 to 4, and involves completing 20 test tasks and two problems.</p>	<p>The grade is determined as the arithmetic mean of the grades obtained during practical classes (classes 5 to 15). Each student must be assessed at least once every two classes and receive at least seven grades. Missed practical classes must be worked out during consultation hours, otherwise they are considered a grade of '0' and are taken into account when determining the arithmetic mean. For applicants studying on an individual schedule, the current assessment is carried out during consultations and by completing tasks in the Moodle system. Current assessment is conducted through oral questioning, preparation of scientific reports, problem solving, testing through the Moodle system in practical classes.</p>	<p>The module control is planned after 15 practical classes and covers topics 5 to 12, and involves completing 20 test tasks and two problems.</p>	<p>The grade is calculated as the arithmetic mean of the grades received for completing the training tasks.</p>	<p>The grade is determined as the arithmetic mean of the grades obtained for completing various tasks related to the preparation of a research paper (essay, research article, abstract), an abstract to a research article, and participation in scientific conferences. The module 'Independent work' can be credited upon confirmation of the results of the relevant certificate of participation in the School of Polish and European Law, the School of European Union Law, the School of European Contract Law.</p>



## For exam

Module 1		Module 2	Module 3	Module 4
20%	20%	5%	15%	40%
Ongoing evaluation	Modular control 2	Training	Independent work	Exam
<p>The grade is determined as the arithmetic mean of the grades obtained during practical classes (classes 16 to 22). Each student must be assessed at least once every two classes and receive at least three grades. Missed practical classes must be made up during consultation hours, otherwise they are considered a grade of '0' and are taken into account when determining the arithmetic mean. For applicants studying on an individual schedule, the current assessment is carried out during consultations and by completing tasks in the Moodle system. Current assessment is carried out through oral questioning, preparation of scientific reports, problem solving, testing through the Moodle system in practical classes</p>	<p>Module control is planned after 7 practical classes and covers topics 13 to 20, and involves completing 20 test tasks and two tasks</p>	<p>The grade is determined as the arithmetic mean of the grades received for completing the training tasks.</p>	<p>The grade is determined as the arithmetic mean of the grades obtained for completing various tasks related to the preparation of a research paper (essay, research article, abstract), an abstract to a research article, and participation in scientific conferences. The module 'Independent work' can be credited upon confirmation of the results of the relevant certificate of participation in the School of Polish and European Law, the School of European Union Law, the School of European Contract Law.</p>	<p>The exam covers all the topics of the course (20 topics) and involves 40 test tasks, 2 problems and 2 theoretical questions.</p>

**Student evaluation scale**

<b>According to the scale of the University</b>	<b>On a national scale</b>	<b>According to the ECTS scale</b>
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		F (unsatisfactory with mandatory repeat course )