



## SYLLABUS OF THE SUBJECT "PROPERTY LAW"

| Basic data of the subject |   |
|---------------------------|---|
| Academic unit:            | Law Faculty   |
| Subject title:            | Law of Obligations  |
| Program:                  | Law   |
| Level:                    | Bachelor  |
| Case Status:              | Obligatory  |
| Year of studies:          | II  |
| Number of hours per week: | 3   |
| Credit value – ECTS:      | 7   |
| Time / location:          | Time / location (lecture date and hall), as well as other details will be determined in cooperation with the Faculty.   |
| Subject teacher:          | Prof. Asoc. Dr. Muharrem Faiku  |
| Contact details:          | e-mail: <a href="mailto:muharem.faiku@uni-prizren.com">muharem.faiku@uni-prizren.com</a>  |
| Course description:       | <p>The Law of Obligations course develops candidates' knowledge in the field of Obligations and raises questions about why promises are implemented as contracts, what promises are implemented, and how they are implemented in day-to-day business relationships. The course emphasizes the close and critical analysis of lokal law obligations as it affects the day-to-day contracting business.</p> <p>The course examines the main legal issues affecting applicable agreements. These issues include questions about when a contract becomes binding, what persons acquire rights under a contract, the conditions under which performance guarantees are or are not required, what constitutes a breach of contract, and the remedies available in the event of breach of contract. There will be discussions about potential problems in contracts, and the choice of contract techniques to avoid litigation risks in unsafe legal settings, such as the use of liquidated damages and bail clause. Throughout the course of the course, attention will be paid to the general problems of interpreting the language of the contract, the role of contracts in a market society, the conflict between the commercial need for security and the requirements of individual justice.</p> |
| Purpose of the course:    | The purpose of this module is to students of the year four of the Faculty of Law to provide knowledge on it compulsory law.   |



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|   | <p>This course for students will provide very important knowledge about the object of obligations, about the different types of obligations.</p> <p>A special emphasis in this case will have contracts as a source of obligation, which will explain the conditions, types, interpretation and legal effects of contracts and the main means of securing them.</p> <p>Also, the causing of the damage, the unjust enrichment, the expansion of foreign affairs without order, the change of the subjects in the obligation relations as well as the ways of the termination of the obligation relation will be treated.</p>  |                        |                     |
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| <p><b>Rezultatet e të nxënit:</b></p>   | <p>Upon completion of this course the student will be able to:</p> <ul style="list-style-type: none"> <li>- Understand and clarify the concepts and content of the Law of Obligations, as a positive and applicable law.</li> <li>- To know how to interpret and apply the provisions law in the field of contract law;</li> <li>- Understand the impact of legal expressions and terminology used in drafting contracts;</li> <li>- To draft and interpret contracts, ie contractual provisions;</li> <li>- To know how to interpret and apply legal provisions from other fields and institutes of the law of obligations, such as causing and compensating damage, unfounded enrichment, expansion of foreign affairs without order and unilateral expression of will;</li> <li>- Use the most adequate methods in order to build an adequate system of the law of obligations;</li> </ul> |                        |                     |
| <p><b>Student workload (should correspond to the student's learning outcomes)</b></p> |   |                        |                     |
| <p><b>Aktivitet</b></p>   | <p><b>Hour</b></p>  | <p><b>Day/week</b></p> | <p><b>Total</b></p> |
| <p>Lectures</p>   | <p>3</p>  | <p>15</p>              | <p>40</p>           |
| <p>Theoretical/laboratory exercises</p>   | <p>2</p>  | <p>15</p>              | <p>30</p>           |
| <p>Practical work</p>   | <p>1</p>  | <p>15</p>              | <p>15</p>           |
| <p>Contacts with the teacher/consultations</p>  | <p>10 min</p>   | <p>15</p>              | <p>1.5</p>          |
| <p>Field exercises</p>  | <p>4</p>  | <p>4</p>               | <p>16</p>           |
| <p>Colloquiums, seminars</p>  | <p>1</p>  | <p>1</p>               | <p>1</p>            |
| <p>Homework</p>   | <p>2</p>  | <p>13</p>              | <p>26</p>           |



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| Student's independent study time (in the library or at home) | 2   | 15 | 30                           |
| Final exam preparation                                       | 2   | 15 | 30                           |
| Time spent on assessment (tests, quizzes, final exam)        | 4   | 1  | 4                            |
| Projects, presentations, etc                                 | 10  | 1  | 10                           |
| <b>Total</b>   |   |    | <b>200 hour<br/>(7 ECTS)</b> |
| <b>Teaching methodology:</b>                                 | <p>The law of obligations will be taught through lectures, seminars, case studies, exercises, debates without excluding other possible forms. Lectures represent the method of introducing the basic rules of introduction and the content of the course, the law of obligations. The seminars will be an interactive learning process for students, based on the independent study of the subject by the student under the supervision of the subject teacher. The review of cases during teaching will be part of learning, through which students will have the opportunity to study analytically, problems in the field of compulsory law, including the analysis of various contracts. The review and resolution of cases will be based on positive law in Kosovo, not excluding comparisons with other positive rights. Exercises are part of the law of compulsory law, through which students will learn more about the practical implementation of contracts and other types of sources of obligations. The lesson will often be illustrated by presenting different types of contracts and the student can be charged with drafting them.</p> |    |                              |
| <b>Evaluation methodology:</b>                               | <p>The intermediate assessment required by the assistant is evaluated at 20% (the student must reach 10% of the passing of the intermediate assessment to the assistant, as it is a condition to enter the final exam to the Professor of the subject).</p> <ul style="list-style-type: none"> <li>• Other tasks or engagements in lectures and exercises: 10%;</li> <li>• Regular attendance: 10%;</li> <li>• Final exam: 60% (compulsory for all students);</li> </ul> <p>Total 100%</p>  |    |                              |
| <b>Literature</b>  |   |    |                              |
| <b>Primary literature:</b>                                   | Books:  |    |                              |



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|                            | <p>1. Law of Obligations, Prof.dr. Nerxhivane Dauti, Prishtina 2013;</p> <p>2. Commentary, Book I and II, Law on Obligations, Prishtina, 2013. 2013;</p> <p>3. The right of obligations, Prof. Dr. Alejdin</p>                     |
| <b>Literatura shitesë:</b> | <p>4. Andrija Gams, Introduction to Civil Law, Prishtina, 2001.</p> <p>5. Gerard Legier, Civil Law Obligations, Albanian Translation and Publication: Tirana, 2009.</p> <p>6. Prof. Dr. Mariana Tutulani- Semini, Tirana 2016;</p> |

| Designed lesson plan: |  |          |
|-----------------------|--|----------|
| Week                  | Lectures   | Exercise |
| First week:           | <ul style="list-style-type: none"> <li>- The lecture to be held First week: -</li> <li>- The notion, subject, system and importance of the law of obligations.</li> <li>- Relationships of compulsory law with other branches of law. Sources of law of obligations. The notion, characteristics and classification of liabilities.</li> <li>- Properties of final obligations.</li> <li>- Classification of liabilities.</li> </ul> |          |
| Second week:          | <ul style="list-style-type: none"> <li>- Effects of passive solidarity.</li> <li>Second week: -Principles of the law of obligations.</li> <li>General conditions for concluding the contract.</li> <li>Special conditions for concluding the contract.</li> <li>- Contract signing</li> <li>- Negotiations.</li> </ul>   |          |
| Third week:           | <ul style="list-style-type: none"> <li>- Offer.</li> <li>- Classification of obligation contracts.</li> <li>Interpretation of contracts.</li> <li>Prohibited contracts.</li> </ul>   |          |
| Fourth week:          | <ul style="list-style-type: none"> <li>- Contracts with usufruct.</li> <li>- Personal security tools for the execution of contracts.</li> <li>- Bail.</li> <li>- Pendimi.</li> </ul>   |          |

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|                      | <ul style="list-style-type: none"> <li>-Criminal condition.</li> <li>-Real means of securing the execution of the contract.</li> <li>-Kapari.</li> <li>-Bail.</li> </ul>  |  |
| <i>Fifth week:</i>   | <ul style="list-style-type: none"> <li>- Advance payment</li> <li>-Effects of contracts between contracting parties.</li> <li>-Effects of contracts for the benefit of third parties.</li> <li>-Conditions, legal effects, legal nature of the contract for the benefit of the third person.</li> <li>Special effects of reward contracts.</li> <li>-Objection for non-fulfillment of the contract.</li> <li>-Objection for unsafe non-performance of the contract.</li> <li>-Ummeasurable damage.</li> <li>-Liability for material deficiencies of the item.</li> <li>-Liability for legal deficiencies of the item.</li> <li>-Guarantee for good functioning of items.</li> <li>-The impact of changed circumstances on the execution of the contract.</li> </ul> |  |
| <i>Sixth week:</i>   | <ul style="list-style-type: none"> <li>- Termination of contracts.</li> <li>Termination of contracts by agreement of the parties.</li> <li>Termination of the contract when its subject disappears.</li> <li>Termination of the contract upon the death of the contracting party.</li> <li>Cancellation of the contract.</li> <li>Termination of the contract due to non-execution.</li> </ul>  |  |
| <i>Seventh week:</i> | <ul style="list-style-type: none"> <li>- Causing damage as a source of liabilities.</li> <li>-Conditions of liability for the damage caused.</li> <li>-Delict ability.</li> <li>-Causal connection.</li> <li>Illegal action.</li> <li>-Faji.</li> </ul>   |  |

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|                       | <p>Exclusion of liability for damage caused.</p> <ul style="list-style-type: none"> <li>-Major power.</li> <li>-Rasti.</li> <li>-Base of tortious civil liability.</li> <li>-Subjective responsibility.</li> <li>-Objective responsibility.</li> </ul>   |  |
| <i>Eighth week:</i>   | <ul style="list-style-type: none"> <li>- Unjust enrichment.</li> <li>-The notion of baseless enrichment.</li> <li>Necessary conditions for unjust enrichment.</li> <li>Cases of unfounded enrichment.</li> <li>-Effects of unfounded enrichment.</li> <li>-Legal nature of the lawsuit of unjust enrichment.</li> <li>- Prescription of the request in unjust enrichment.</li> <li>Expanding foreign jobs without custom.</li> <li>-The notion of expanding foreign affairs without custom.</li> <li>-Terms of expansion of your works without custom.</li> <li>-Legal effects of expanding foreign affairs without order.</li> <li>-Legal nature and types of expansion of foreign works without custom.</li> </ul> |  |
| <i>Week nine:</i>     | <ul style="list-style-type: none"> <li>- One-sided expression of will as a source of obligation.</li> <li>- Public promise of reward.</li> <li>- Securities.</li> <li>- Identity cards.</li> <li>- Signs of identification.</li> </ul>   |  |
| <i>Tenth week:</i>    | <p>Effects of obligations</p> <ul style="list-style-type: none"> <li>- Debtor's delay</li> <li>- Creditor delay</li> <li>- The right to stop</li> <li>- Objection of legal actions of the debtor (lawsuit pauliana)</li> </ul>   |  |
| <i>Eleventh week:</i> | <ul style="list-style-type: none"> <li>- Substitution of subjects in the relationship of obligation.</li> <li>-Cedimi.</li> <li>-Change of the debtor.</li> <li>-Sending.</li> </ul>   |  |
| <i>Week twelve:</i>   | <ul style="list-style-type: none"> <li>- Termination of obligation relations according to the will of the subject of obligations.</li> </ul>   |  |



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|   | <p>Extinction of the obligation with fulfillment.</p> <p>Termination of the obligation with compensation.</p> <p>-Extinguishing the obligation with debt forgiveness.</p> <p>Extinction of the obligation by renewal.</p> <p>Expiration of the debt obligation with expiration.</p> |  |
| <i>Thirteenth week:</i>   | <p>Ways of extinguishing the obligation against the will of the subject</p> <p>-Death of the subject</p> <p>Extinction of the obligation by the order of law</p> <p>Termination of liabilities by denunciation.</p> <p>Impossibility of fulfillment.</p> <p>- Prescription.</p>     |  |
| <i>Week Fourteen:</i>   | <p>- Analysis of some of the main mandatory contracts, such as sales contracts, gifts, loans, leases, etc.</p>  |  |
| <i>Fifteenth week:</i>  | Recapitulation  |  |
| <b>Academic policies and code of conduct</b>  |   |  |
| <p>Students are required to adhere to the criteria set out in the course abuse and exam preparation based on the basic literature. Students' active participation / debate in lectures and exercises will be appreciated.</p> <p>Students are required to adhere to academic policies and etiquette, such as:</p> <p>I Regular attendance at lectures and exercises;<br/>         Respecting the schedule in lectures and exercises;<br/>         Do not leave the hall during lectures and exercises;<br/>         Maintaining academic integrity;<br/>         Maintaining discipline during the learning process;<br/>         Do not use mobile phones during lectures and exercises (except in urgent cases);<br/>         Adherence to the rules during tests and exams (do not copy, do not talk to colleagues, etc.).</p> <p><b>NOTE:</b> Eventual changes may be made by the teacher depending on the circumstances regarding the schedule of lectures, scheduling consultations, etc.</p> |   |  |