



COURSE SYLLABUS “PRIVATE INTERNATIONAL LAW”

Basic data of the subject	
Academic unit:	Faculty of Law
Subject title:	PRIVATE INTERNATIONAL LAW
Program:	Gjeneral Law
Level:	Bachelor
Subject Status:	Obligatory
Year of studies:	III- VI'th semester
Number of hours per week:	3+2
Credit value – ECTS:	6 ECTS
Time / location:	
Teacher:	Prof.Ass.Dr. Shefki Shtërbani
Contact details:	shefki.shterbani@uni-prizren.com
Course description:	<p>The course aims to provide students with theoretical and practical knowledge of Private International Law (PIL) or traditionally known as Conflict of Laws. In the era where the interaction of physical and legal persons in private and commercial relations increasingly have an international dimension, PIL is becoming a very important and necessary field. These juridical-private relations with a foreign element, with a high growing intensity, require a legal framework to solve the complexity and legal-private difficulties with a foreign element, when the foreign subject, foreign object, the foreign judicial processes, or the legal interests of the foreign state.</p> <p>Initially, the focus of this course will be the treatment of the foreign juridical-private element; PIL resources; qualification; preliminary issues; avoidance from competent norms. Also, students will get to know the institutions and the characteristics and basic concepts of this subject, which help in the competence of the bodies, finding the competent law, recognizing and executing foreign decisions.</p> <p>The main focus of this course will be on the theoretical and practical examination of special issues related to finding the competent law, starting from status relations with a foreign element as a decisive fact (point of conduct) to natural and legal persons; obligatory relations with a foreign element; non-contractual relations with a foreign element, delicts and quasi-delicts. Also, this subject will also include the procedure of finding the competent court for legal-private relations with a foreign element, international arbitration and the recognition and execution of foreign decisions.</p> <p>In conclusion, as in every country within the legal systems in the world, legal-private relations can be regulated in different ways also regarding the position of foreigners, specifically the students will also be familiar with the position of foreigners (natural and legal persons) in the Republic of Kosovo.</p>

<p>Purpose of the course:</p>	<p>This subject has the primary purpose of providing knowledge in theoretical and practical understanding by studying in depth, at a more advanced level, the ways of regulating private-legal relations with foreign elements, the material (substantial) norms and those collisions by means of which legal-private relations with a foreign element are regulated, taking into account national and international legislation, for the resolution of disputes.</p> <p>Then, students will get knowledge with national and international judicial and arbitration practice, because through their decisions, students will apply after complete of this course, these principles in a professional and competent manner in domestic and international dispute resolution processes</p>		
<p>Learning outcomes:</p>	<p><i>After successful completion of the course, the student will be able to:</i></p> <ul style="list-style-type: none"> - understand the main institutes of PIN; - define and apply the legal rules applicable when there is a situation of conflict of laws and the conflict of jurisdictions. - actively demonstrate knowledge in the field of PIN both from the perspective of the EU and from the perspective of the Republic of Kosovo. -analyse the impact of private international law from a comparative and international perspective, and in the context of social and cultural diversity. - critically analyse the right and the most appropriate competence for different fields within the DNP. -apply the rules of private international law to complex problems and issues, criticize the operation of private international rules from a theoretical perspective. 		
<p>Student workload (should correspond to the student's learning outcomes)</p>			
<p>activity</p>	<p>hour</p>	<p>Day/week</p>	<p>in total</p>
<p>Lectures</p>	<p>3</p>	<p>1/15</p>	<p>45</p>

Theoretical/laboratory exercises	2	1/15	30
Practical work			
Contacts with the teacher/consultations	1	1/5	5
Field exercises	5	1	5
Colloquiums, seminars	2	2	4
Homework	1	6	6
Student's independent study time (in the library or at home)	2	15	30
Final exam preparation	5	3	15
Time spent on assessment (tests, quizzes, final exam)	2	2	4
Projects, presentations, etc.	2	3	6
TOTAL			150 hours 6 ECTS
Teaching methodology:	<p>Throughout the semester, different methods, techniques and activities will be used in the development of this subject, developing critical thinking and problem-solving skills for students to achieve the learning goals of the subject.</p> <p>The subject of DNP will be held in lectures and exercises, where students will be involved through presentations, group work, development of simulation cases and case study from judicial practice. Students will also be encouraged in research and writing of seminar papers</p>		
Evaluation methodology:	<ul style="list-style-type: none"> -Active participation in lectures and exercises: 10% - Midterm exam: 10% - Seminars and presentations: 10% - Final exam: 70% 		

Literature	
Primary/basic literature:	-Asllan Bilalli, Hajredin Kuçi, & Arbër Ademi, “E Drejta Ndërkombëtare Private (Pjesa e Përgjithshme), Prishtinë, 2021.
Additional literature:	<p>-“Ligj për të Drejtën Ndërkombëtare Private”, Ligji Nr.08/L-028, Gazeta Zyrtare e Republikës së Kosovës / Nr. 30 / 5 Shtator 2022, Prishtinë.</p> <p>-Daniel Gutmann, “E Drejta Ndërkombëtare Private”, Tiranë, 2009.</p> <p>- Asllan Bilalli & Hajredin Kuçi, “E Drejta ndërkombëtare Private: Pjesa e Posaçme”, Tetovë 2022.</p> <p>- Hajredin Kuçi & Asllan Bilalli, “Kolizioni i Ligjeve: konflikti ndërkombëtar dhe interlokal i ligjeve”,</p> <p>-Bekim Kadriu, E Drejta Ndërkombëtare Private, Tetovë, 2015.</p> <p>-Brussels Ibis Regulation, Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.</p> <p>-Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958.</p> <p>- Brussels Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.</p> <p>-Rome I, Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations.</p> <p>-Rome II, Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations.</p> <p>- Edited by Jürgen Basedow, Encyclopedia of Private International Law, Edward Elgar Publishing limited, Publication Date: 2017.</p> <p>-Geert Van Claster, European Private International Law, Oxford University Press, 2016.</p> <p>-Adrian Briggs, The Conflict of Laws, Third Edition, 2013. C.M.V. Clarkson & Jonathan Hill, The Conflict of Laws, Fourth Edition, Oxford University, 2011.</p> <p>-Stefania Bariatti, “Cases and Materials on EU Private International Law”, Bloomsbury Academic 2011.</p> <p>-Gilles Cuniberti, <i>Conflict of Laws: A Comparative Approach – Text and Cases</i>, Edward Elgar Publishing limited, second edition, 2022.</p> <p>Christa Jessel-Holst at. al. “Komentar i Ligjit “Për të Drejtën Ndërkombëtare Private” Nr. 10 428, DT. 02.06.2011, Tiranë 2018.</p> <p>-Ardian Kalia, “E drejta ndërkombëtare private”. Tiranë, 2014.</p> <p>-“Compendium of European Union Legislation on Judicial Cooperation in Civil and Commercial Matters”, 2018 Edition, European Union, 2019.</p>

Designed lesson plan:		
WEEK	Lecture	Exercise
<i>First week:</i>	Introduction to Private International Law - Course content; - Teaching methodology; - Assessment methods.	Introduction <i>Presentation on the methodology exercises;</i> <i>Assessment methods in exercises.</i>
<i>Second week:</i>	Historical background of PIL	<i>Historical background of PIL</i>
<i>Third week:</i>	PIL resources PIL as a branch of law	<i>Sources according to the legislation for PIL - examples</i> <i>Discussions and examples from the appearance of the foreign juridical-private element and the ways of its appearance.</i>
<i>Fourth week:</i>	Main institutes and specifics of PIL Legal relations with a foreign legal-private element and the ways of its manifestation	<i>Presentation and work in groups dealing with concrete examples of ways of presenting the foreign element.</i>
<i>Fifth week:</i>	Competent law: general part	<i>Case study</i> <i>Presentation of students.</i> <i>"Brainstorming".</i>
<i>Sixth week:</i>	Subjects of law in PIL Status relations with foreign elements for legal persons: the position of foreign legal persons	<i>Presentation by students on status relations for legal persons.</i> <i>Review of the legislation of the RKS.</i>

<i>Seventh week:</i>	MIDTERM EXAM	
<i>Eighth week:</i>	Status relations with a foreign element for natural persons	<p><i>Case studies related to status relations for natural persons.</i></p> <p><i>Presentation of the research work for students for specific and concrete relationships in natural persons.</i></p>
<i>Ninth week:</i>	Contractual relations with a foreign element	<p><i>Case studies on obligatory relations with a foreign element.</i></p> <p><i>Work in groups with students.</i></p>
<i>Tenth week:</i>	Non-Contractual relations with a foreign element	<p><i>Presentation and presentation of examples from non-contractual relationships.</i></p>
<i>Eleventh week:</i>	International jurisdiction of courts and procedure	<p><i>Case studies.</i></p> <p><i>Working in groups in solving simulation cases for finding the competence of the court.</i></p>
<i>Twelve week:</i>	International jurisdiction of international commercial arbitration	<p><i>Case studies from international arbitrations.</i></p>
<i>Thirteenth week:</i>	Recognition and enforcement (procedure) of foreign judgements	<p><i>Presentation and research of the legislation related to the procedure of recognition and enforcement of foreign decisions.</i></p>

		<i>Examples and court cases of practical cases of recognition and enforcement of foreign court decisions.</i>
<i>Fourteenth week:</i>	Legal position of foreigners: in particular in the Republic of Kosovo	<i>Research and presentation by students presenting the legal position of foreigners in the RKS. Comparison with other countries.</i>
<i>Fifteenth week:</i>	Summary and preparation for the final exam.	<i>Summary and preparation for the final exam</i>
Academic policies and code of conduct		
<ul style="list-style-type: none"> - Students must have regular attendance in lectures and exercises, where their presence will be evidenced. - Students are strongly encouraged to ask questions, comments and participate actively in discussions in lectures and exercises; - Copying the work of others, using unapproved materials during exams, is considered fraud and will not be tolerated; - Laptop use is allowed only when approved by the professor; - The use of mobile phones is prohibited. 		