UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Private Law - M-Z

2526-1-E1402A003-MZ

Learning objectives

A) Knowledge and understanding
Knowledge and understanding of the Italian system of private law, with particular regard to the main legal elements related to personal rights, obligations, rights in rem.

B) Applied knowledge and understanding
Apply the theoretical concepts learned to real cases that may arise in everyday life. In particular, identify the essence of a legal problem and apply the acquired general principles to the resolution of case scenarios.

C) Autonomy of judgement
Acquire autonomy of judgement with regard to the identification of the legal problem, the search for the applicable legal rule, the research of sources, and the evaluation of possible legal solutions.

D) Communication skills
Being able to communicate legal problems and the main regulatory elements involved in law issues.

E) Learning skills
To be able to find the appropriate sources and to interpret any legal rule autonomously.
Understand the role and impact of case law in the Italian civil law system.

Contents

Contents

1. Language, instruments and subjects in Italian private law.
2. Obligations.
3. Contract law.

4. Types of contracts.
5. Torts.
6. Rights in rem.

Detailed program

1. Language, instruments and subjects of Italian private law.
   Law and legal provisions; interpretation; legal relationships; natural persons; legal persons.

2. Obligations.
   Sources of obligations; performance; monetary obligations; non-performance; compensation for damages; notice to perform; extinguishing obligations; unjustified enrichment; etc.

3. Contract law.
   Contracts; precontractual liability; essential elements; agreement; misrepresentation; consideration; object of agreement; legal form of contract; terms of contract; agency; effectiveness of the contract; termination of contracts; breach of contract; good faith; interpretation.

4. Types of contracts.
   Sale; mandate; loan; insurance; transaction; leasing; rent to buy; etc.

5. Torts.
   Main elements of civil liability; particular hypotheses of civil liability; compensation for damages; material and non-material damages.

6. Rights in rem.
   Rights in rem in general; property; usufruct; use; habitation; easements; etc.

Prerequisites

None

Teaching methods

Course taught in Italian language, with various teaching modes.

Of the 36 lectures, of two hours each:

29 lectures will be conducted in-person;
7 lectures will be conducted remotely, asynchronously (with video recording uploaded to the e-learning platform).
As for the teaching mode, of the total 36 lectures:

34 lectures will be conducted with a first part in “erogative” mode, and a second part in “interactive” mode, with discussion of practical cases;
2 lectures will be dedicated to written exercises, containing multiple-choice and open-ended questions one will take

place at the beginning of December and the other in January, after the Christmas break. These will guarantee those who have passed them the possibility of taking the oral examination on the remaining part of the program, with the average of the marks received as a starting point.
It will also be possible to take only one of the two written tests: in this case, and only for those who have passed the written test, the oral exam will cover the part of the program not covered by the individual test taken, with the grade received as the starting point.
It is, of course, also possible not to take the written tests: in that case, the oral exam will cover the entire program.

Regarding student workers, 4 online meetings will be conducted, at my personal page on the webex platform (https://unimib.webex.com/meet/martina.donofrio), on the dates and times to be announced later.

Assessment methods

Oral examination: colloquium on the topics discussed within the examination text.

In particular, the evaluation will take into account the theoretical skills acquired, the accuracy of the answers, the ability to reason about legal principles, as well as the argumentative effectiveness.

written exercises: scheduled one for early December and one for middle January containing multiple-choice and open-ended questions. These will guarantee those who have passed them the possibility of taking the oral examination on the remaining part of the program, with the average of the marks received as a starting point.
It will also be possible to take only one of the two written tests: in this case, and only for those who have passed the written test, the oral exam will cover the part of the program not covered by the individual test taken, with the grade received as the starting point.
It is, of course, also possible not to take the written tests: in that case, the oral exam will cover the entire program.
The objective of both exercises is to test comprehension and exposition skills of the main institutes of private law.

Textbooks and Reading Materials

G. Iorio, Corso di diritto privato, Giappichelli, Torino, 6th edition, 2024.

The textbook should be studied only in the following sections:

Parte prima (excluding the Chapters 2, 3, 8 and 9);
Parte seconda;
Parte terza (excluding the Chapter 21);
Parte quarta (excluding the Chapter 39);
Parte quinta (only the following chapters should be studied: Chapter 40; Chapter 41; Chapter 43, paragraphs 282 to 283.4; Chapter 44, paragraphs 286 to 286.4; Chapter 45, paragraphs 295 to 295.1; Chapter 46, paragraphs 297 to 297.7; Chapter 47, paragraphs 299 to 299.5; Chapter 48, paragraphs 302 to 302.4; Chapter 51, paragraphs 313, 313.1 and 320);
Parte settima;
Parte ottava;
Parte nona (only the following chapters should be studied: Chapter 61, Chapter 62, paragraphs 375 to 377; Chapter 63, paragraphs 380 to 385; Chapter 64, Chapter 67).

Sustainable Development Goals

GENDER EQUALITY | REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES