



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Privato

2627-2-E1602N008

Learning objectives

The course aims to provide students with knowledge of the main institutions of Private Law, through the study of the textbook, the Civil Code, and the principal statutes in the field.

The course is designed to foster the acquisition of general notions concerning legal norms, legal situations, and natural and legal persons, thereby enabling students to understand the structure, functions, and applications of obligations, contracts, and civil liability. In this way, it seeks to stimulate autonomous reasoning with regard to matters of interest for citizens, scholars, workers, and future professionals in the chosen field of study. The theoretical analysis is complemented by the study of practical cases, enabling students to identify the legal rule applicable to concrete situations.

At the end of the course, students should have acquired:

- Knowledge and understanding of the fundamental principles of Italian private law, with particular regard to the main regulatory elements relating to personal rights, obligations, and property rights.
- The ability to apply the theoretical concepts learned to concrete situations that may arise in everyday life. In particular, students should be able to identify the essence of a legal problem and apply the general principles acquired in order to resolve practical cases. The course encourages the development of an autonomous method for studying legal institutions, also in view of further legal or multidisciplinary studies. Students will learn to consult statutory sources, case law, and legal scholarship. Progressive capacity for continuous updating is encouraged.
- Independent judgment in interpreting legal norms and identifying the most appropriate legal solutions.
- Communication skills in presenting and discussing legal topics, both in written and oral form. The acquisition of theoretical and practical competences is accompanied by learning methods for the clear and coherent exposition of legal concepts. Following the scheme “notion, function, meaning, articulation, regulation”, students will be able to describe the institutions under examination using a flexible structure suitable for communication with both legal professionals and non-specialists.
- The capacity for autonomous learning, including through consulting statutory, doctrinal, and case-law sources. The course promotes a critical analysis of institutional and more contemporary legal issues: students are invited to engage with differing interpretations of applicable legal norms, with situations of apparent antinomy, and with cases not specifically addressed by current legislation. To this end, shared

reflection and the formulation of a legal opinion through examples and practical cases are encouraged.

Contents

The course focuses on identifying the fundamental features of the system of private law and on acquiring the principal notions concerning the institutions relating to the law of persons, the law of obligations, the law of contracts, and civil liability.

Detailed program

The course is devoted to the acquisition of general notions: Law and the legal norm; The legal relationship and active and passive legal situations; Natural persons; Legal persons.

The course will then address the study of obligatory relationships: Preliminary notions on Obligations; Performance; Monetary obligations; Non-performance of obligations and compensation for damage.

The course will examine the principal aspects of the contract: Definitional and classificatory profiles of the contract; Agreement; Cause; Object; Form; Nullity; Voidability and defects of consent; Termination; Sale.

The course will conclude with an examination of non-contractual liability arising from tort, considering: The structure of the tortious act; Compensation for damages; Pecuniary damage; Non-pecuniary damage.

Prerequisites

The Private Law course does not require any particular prerequisites. It is, however, necessary that, from the outset, the student demonstrate the capacity for reasoning, reflection, and systematic coordination among the various private-law institutions under study.

Teaching methods

The course is structured in in-person lectures (expository teaching). During the lectures, guidance on study methods, as well as bibliographical and case-law references, will be provided.

Assessment methods

Assessment of learning consists of an oral examination. Students will be examined on the programme indicated in the Syllabus and on the sections of the textbook specified therein. The oral examination aims to assess students' understanding of the institutions covered in the programme and their ability to reason autonomously.

Textbooks and Reading Materials

The reference textbook is G. Iorio, Corso di diritto privato, 6th ed., Giappichelli, Turin, 2024. Further materials uploaded by the lecturer on the e-learning platform supplement the textbook.
The student must study the following sections of the abovementioned textbook:

A. Nozioni generali (Part I and II)

Il diritto e la norma giuridica (cap. 1)

Il rapporto giuridico e le situazioni giuridiche attive e passive (cap. 5)

Le persone fisiche (cap. 10)

Le persone giuridiche (cap. 11)

B. Le obbligazioni (Part III)

Nozioni preliminari (cap. 12)

L'adempimento (cap. 14)

Le obbligazioni pecuniarie (cap. 15)

L'inadempimento delle obbligazioni e il risarcimento del danno (cap. 16)

C. Il contratto (Part IV and V)

Profili definitori e classificatori del contratto (Cap. 22)

L'accordo delle parti (cap. 24, eccetto §§ 171-177, mentre sono compresi i §§ 167-170 e §§ 178-179)

I vizi della volontà (cap. 25)

La causa (cap. 26, di cui solo §§ 184-188)

L'oggetto (cap. 27)

La forma (cap. 28, di cui solo §§ 198-201)

Il contratto nullo (cap. 33)

Il contratto annullabile (cap. 34, da studiare insieme al cap. 25)

La risoluzione del contratto (cap. 35)

Il contratto di Compravendita (cap. 41)

D. Il fatto illecito (cfr. Part VIII)

La struttura del fatto illecito (cap. 55)

Il risarcimento dei danni. Il danno patrimoniale (cap. 58)

Il danno non patrimoniale (cap. 59)

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS
