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**LLB JURIDIK**

**Syllabus**

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| **Subject** | **Civil Law II** | | | | |
| Type | | Semester | ECTS | Code |
| OBLIGATIVE (O) | | 4 | 5 | Law-B-029 |
| **Course Lecturer** | **Prof. Ass. Dr. Sevdai MORINA** | | | | |
| **Aims and Objectives** | The subject "Civil Law 2" consists of one of the most characteristic subjects of the legal profession, which is considered as a specific treatment of one of the objects of legal-civil relations, namely objects and property rights over them. This course will address and analyze the fundamental issues of property law starting from the meaning of ownership, ways of acquiring ownership, legal remedies for the protection of ownership, transfer of ownership rights, cases of limitation of ownership rights and extinguishment of this right.  In accordance with the structure of the special law, which regulates property rights, other real rights such as servitudes, real encumbrances, mortgages, pledges, and construction rights will also be examined.  The purpose of the course is not only to provide theoretical knowledge related to the legal provisions, which regulate property rights and other real rights, but also practical treatment regarding the protection of property rights, the application of the rules of the alienation of property rights and other real rights.  Students will have the opportunity to deal with practical cases after the theoretical topics and to identify the most frequently encountered problems in judicial practice or cases handled in court. | | | | |
| **Learning outcomes** | At the end of this course, it is intended that students have formed solid knowledge on:   * Demonstrate an understanding of basic concepts and fundamental principles of property rights; * Explain and review the legislation related to property rights according to the applicable standards of the hierarchy of legal norms; * Summarize judicial decision related to the field of property law. * Apply knowledge acquired according to legislation in the Republic of Kosovo * To gather, analyse, and interpret legal questions related to ownership acquisition, property rights protection, property rights transfer, and real rights on foreign objects | | | | |
| **Course Content** | **Course Plan** | | | | **Week** |
| The notion, principles, sources of property law | | | | 1 |
| The notion of objects and their division in real property law | | | | 2 |
| The meaning, importance and types of possession in real property law | | | | 3 |
| Property right | | | | 4 |
| Ways of acquiring ownership | | | | 5 |
| Protection of property | | | | 6 |
| Review exam | | | | 7 |
| Property rights in foreign objects – servitudes | | | | 8 |
| Security of real rights – pledge | | | | 9 |
| Mortgages | | | | 10 |
| Real lien and right of construction | | | | 11 |
| Land records | | | | 12 |
| Exercises related to the transfer and protection of real rights | | | | 13 |
| Case study exam  Final analytical exam | | | | 14  15 |
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| **Teaching/Learning Methods** | **Teaching/Learning Activity** | | | | **Pesha (%)** |
| 1. Lectures | | | | 40% |
| 1. Seminar papers | | | | 20% |
| 1. Exercises/case studies | | | | 20% |
| 1. Explanation and analysis of the doctrine/Essay 2. Writing legal documents and legal debate | | | | 10%  10% |
| **Assessment Methods** | **Assessment Methods** | | **Number** | **Week** | **Weight (%)** |
| 1. Attendance in lectures and activation | | 12 | 1-12 | **10%** |
| 1. Seminar paper | |  | 9-12 | **10%** |
| 1. Exercises/case studies | |  | 1-12 | **10%** |
| 1. Explanation and analysis of the doctrine/Essay 2. Writing legal documents/legal debate 3. First and second test 4. 7. Final exam | |  | 7  8  7-13 | **10%**  **10%**  **50%**  **40%** |
| 7. Final exam | |  | 15 | **0-100%** |
|  | |  |  |  |
| **Course resources** | **Resources** | | | | **Numri** |
| 1. Auditor | | | | 1 |
| 1. Moodle | | | | 1 |
| 1. Projector | | | | 1 |
|  | | | |  |
| **ECTS Workload** | **Lloji i aktivitetit** | | | **Weekly hrs** | **Total workload total** |
| 1. Lectures | | | 3 | 36 |
| 1. Exercises | | | 1 | 12 |
| 1. Presentations by students | | |  | 14 |
| 1. Practical case studies | | |  | 13 |
| 1. Independent study 2. Final examination | | | 3 | 36  2 |
| 1. Legal writ/judicial decision | | | 1 | 12 |
|  | | |  |  |
| **Literature/References** | * Abdulla Aliu, “E drejta sendore”, UP, Prishtinë, 2014 * Ardrit Gashi, “Mbrojtja e pronësisë”, Studim sipas të drejtës në Kosovë dhe Konventës Evropiane për të Drejtat e Njeriut, ALBJURIS, Tiranë, 2021 * Përmbledhje nga praktika e Gjykatës Supreme në konstestet pronësore në Republikën e Kosovës, USAID, Blendi, Prishtinë, 2019 * *Sevdai Morina*, (June 2016), *OBTAINING THE RIGHT TO OWERSHIP THROUGH OWNERLESS WAY*,SKAP e – Conference ISBN 92-849-0892-0 *Vol: June2016, Slovakia Academic Publishing, 2016.* * *Sevdai Morina*Trashëgimia e Pronës e mbështetur në Traditë, Global Challenge, REVISTË SHKENCORE PERIODIKE, Botim i Akademisë Diplomatike Shqiptare,Numri 8, Shkurt 2014, ISSN, 2227-8540, ISSN 2312-5748. * Haxhi Gashi, “Fitimi dhe humbja e pronësisë sipas ligjit për pronësinë dhe të drejta tjera sendore: Influenca e Kodit Civil Gjerman-BGB në Ligjin e Kosovës”, publikuar në Konferencën ndërkombëtare për legjislacionin pronësor dhe reformën e tij në Kosovë dhe regjion, Prishtinë 28-29 qershor 2010, Botuar në Revistën E drejta, nr. 1, 2013. * Ejup Statovci, “Marrëdhëniet pronësoro-juridike në sendet e paluajtshme në KSA të Kosovës”. Prishtinë, 1977, Ribotim 2009 * Ejup Statovci, “Pronësia, origjina dhe zhvillimi (studim komparativ)”. Prishtinë, 1983, Ribotim 2009 * Elizabeth Cook (eds.), “Modern Studies in Property Law”, Vol. 4, Oxford, 2007 * Haxhi Gashi, “Mbrojtja e pronësisë private në rastet e shpronësimit: analizë e legjislacionit pozitiv në Kosovë në raport me standardet ndërkombëtare – praktikën e Gjykatës Evropiane për të Drejtat e Njeriut”, Revista, E Drejta nr. 4, Prishtinë, 2009 – * Francesco Galgano, “E drejta private (pronësia)”, Luarasi, Tiranë, 2003 * Ligji nr. 08/L-013 për të drejtat pronësore të shtetasve të huaj në Republikën e Kosovës, Gazeta Zyrtare e Republikës së Kosovës/ Nr. 6/9 Shkurt 2022. * Ligji nr.03/L-154, Ligji për pronësinë dhe të drejtat tjera sendore, Gazeta Zyrtare e Republikës së Kosovës, Prishtinë: Viti i IV / Nr. 57/ 04 Gusht 2009 * Ligji nr 2002/5 mbi themelimin e regjistrit të të drejtave në pronën e paluajtshme, i ndryshuar me Ligjin nr. 2003/13., me ndryshime në vitin 2011 * Ligji nr. 2003/25, për kadastrin, i ndryshuar me Ligjin nr. 02/L-96 dhe ndryshimet në vitin 2011. | | | | |
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