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| **Subject** | **Family Law** | | | |
| **Type** | **Semester** | **ECTS** | **Code** |
| Mandatory (M) | 4 | 4 | Law-B-032 |
| **The lecturer of the subject**    **Subject assistant** | Assist. Professor Jorida Xhafaj | | | |
| **Aims and Objectives** | The objectives of this course is the theoritical and systematic treatment of family relations, This course aims also a comprehensive treatment of topics on Kosovo family law, that are considered most important by looking at them from the point of view of judicial practice, in particular the court  practice.  The following are some of the course's objectives:   * understanding and explaining principles of family law; * comprehending material and procedurial provisions related to the sources of family law relations * comprehending marriage, the effects, property regime of spouses, divorce and its effects; * explaining upcoming changes of the expected legal reform of the civil code in Kosovo; * understanding forms of child’s care for children without parental care; * resolving easy family relations conflicts; * applying knowledge to discuss on court cases related to above objectives. | | | |
| **Learning Outcomes** | After completing this course, students should be able to:   * Understand the sources of family law in Kosovo, as well as the material sources of family relationships; * Explain and review the basic institutions of family law such as marriage, factual marriage, engagement, adoption, parentage, parental responsibility, and the child’s welfare; * Demonstrate an understanding of the conditions for marriage and its effects, child custody and adoption, social complex of family and family contexts; * Apply the acquired skills in solving family disputes. | | | |
| **Course Content** | **Course Plan** | | | **Week** |
| Contemporary development on family law | | | 1 |
| Family and it development | | | 2 |
| Family relations and its sources | | | 3 |
| Engagement and effects in case of engagement solution | | | 4 |
| Marriage - the scope of the terms and conditions considered as legal obstacles, under the conditions of social and economic change in the country. Legal consequences of marriage. | | | 5 |
| Marital property regimes. A comparative look between the regime provided for by the previous legislation and that provided by the current family law | | | 6 |
| Regime of the spouses community | | | 7 |
| Review | | | 8 |
| Marriage Invalidity - A distinctive criterion between absolute and relative marriage invalidity | | | 9 |
| The difference between joint ownership in part and co-ownership between the spouses | | | 10 |
| Marriage Solution - The legal nature and the concept of contemporary law on marriage settlement | | | 11 |
| The sources of the relationship of motherhood and paternity. Methods to define paternity | | | 12 |
| The legality of birth.Natural fertilization and artificial fertilization. Biotechnology and assisted medical reproduction techniques, contemporary tendency of creating a child's motherhood affiliation | | | 13 |
| Contemporary concept of parental responsibility. Rights and obligations of parents and children; | | | 14 |
| Case study exam | | | 15 |
| **Teaching/Learning Methods** | **Teaching/Learning Activity** | | | **Weight (%)** |
| 1. Lectures | | | 40% |
| 1. Seminars | | | 20% |
| 1. Case studies exercises | | | 20% |
| 1. Writing legal writs | | |  |
| 1. Role play | | |  |
| 1. Legal debate | | | 10% |
| 1. Study visits | | |  |
| 1. Group session for discussion of basic questions | | | 10% |
| 1. Study visits | | |  |
| **Assessment Methods** | **Assessment Activity** | **Number** | **Week** | **Weight (%)** |
| 1. Participation | 1 | 1-13 | 5% |
| 1. Seminar | 1 | 2- 13 | 10% |
| 1. Review | 1 | 7 | 30% |
| 1. Legal Debate | 3 | 5,9,12 | 5% |
| 1. Case studies exercises | 1 | 7 | 5% |
| 1. Colloquium II |  | 15 | 40 % |
| **Course resources and means of materialization** | **Resources** | | | **Number** |
| 1. Class (e.g) | | | 1 |
| 1. Projector | | | 1 |
| 1. Moodle | | | 1 |
| **ECTS Workload** | **Activity** | | **Weekly hrs** | **Total workload** |
| 1. Lectures | | 2 | 26 |
| 1. Seminars | | 1 | 13 |
| 1. Practical work | |  |  |
| 1. Self-study and readings | | 2 | 27 |
| 1. Case study preparation | | 1 | 10 |
| 1. Legal debate preparation | | 3 | 10 |
| 1. Preparation for testing | | 2 | 10 |
| 1. Exams | | 2 | 4 |
| **Literature/References** | * **Basic literature:** * Gashi, Aliu “Family Law", Pristine 2022 * **Recommended Additional literature:** * Hamdi Podvorica, "The Inheritance Law", Pristine 2010. * Omari Sonila, "Family law", Morava 2010. * Mando Arta; Mece Vjollca; Zaka Tefta, "Family law", Kristalina-KH, 2006. * Oruci. G., "Family Law", Lectures Authorized by the University of Pristine, 1994. * Bonilini. G., "Manual of Family Law", UET, 2002. * Zaka. T., Marital regimes, "Albanian jurisprudence and some comparative systems".Juliana Latifi, "Right to inheritance in Kosovo", Pristine 2010. * Xhafaj, J (2017) “The legal regime of women property rights in Kosovo”, International Journal of Scientiﬁc & Engineering Research (IJSER) (ISSN 2229-5518), Publication for Volume 8, Issue 11, November 2017; * Xhafaj, J, Haziri F., “Domestic Violence in Kosovo 2010-2019”, in” Justicia” International Journal of Legal Sciences, Vol. 9/No.15-16 2021 (accepted 2020) * Xhafaj, J (2021) “Defending child marriages in Kosovo or children from underage marriages”, presented in the 10th UBT International Conference on Law, IC-LAW, October 2021,Pristina * Xhafaj, J (2020) “Marriage contracts in the Kosovo's new Civil Code, the beginning of a new approach or new drawbacks”, presented in the 9th UBT International Conference on Law, IC-LAW, October 2020,Pristina. * Xhafaj, J (2015), The Rights of Intersex Persons to Establish a Family Law. Practice of the ECHR. Iliria International Review, Kolegji ILIRIA and Felix-Verlag. Avalaible at: <https://www.researchgate.net/publication/307820710_The_Rights_of_Intersex_Persons_to_Establish_a_Family_under_Albanian_Law_Practice_of_the_ECHR> | | | |
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