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**BSC JURIDIK**

 **Syllabus**

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| --- | --- |
| **Subject** | **Notary Law** |
| **Type** | **Semester** | **ECTS** | **Code** |
| ELECTIVE (E) | 8 | 5 | Law-B-067-E |
| **The lecturer of the****subject** | Dr.sc. Enisa Haliti Mustafa |
| **Course Assistant** |  |
| **Course Tutor** |  |
| **Aims and Objectives** | **The main objectives of the student benefit are:****Knowledge and Skills.****Knowledge: Notarial Right** includes the entirety of the legal provisions, by means of which the function and special duties of the notary are regulated, this subject makes the initial presentation of the general concepts on civil law notary.The subject focuses on the treatment of aspects of notarial practice in Kosovo, first dealing with the general and ethical part, and then the special part that includes the inspection of notary offices and disciplinary law.In addition, students will study and practice the drafting and authentication procedure of notarial acts, with special emphasis on the drafting and authentication of notarial acts and actions which refer to rights over real estate, commercial law and business organization, and then also notarial actions from marital and inheritance law.Students will also learn and practice all aspects of the compilation of notarial acts and notarial practice.**Skills:** Learning this subject in the vacancy will enable students in the narrow and critical understanding of the exercise of the notarial function according to the Law in force in Kosovo, and how it affects day by day in meeting the needs of citizens and in business. These issues also include questions about which legal affairs, namely contracts should be subject to the act of notarization, the conditions under it which notarization is executed, what happens in case of deficiencies in the notarial deed, as well as the legal remedies available in case of deficiencies in the notarial deed.There will be discussions about possible problems related to the notary profession, the notary function, the mandatory intervention of the notary, the mandatory elements of the notarial act, as well as the choice of appropriate techniques for drafting notarial acts.Throughout the duration of the course, attention will be paid to the problems of general interpretation of the language of notarial acts, the role of notarial acts in a market society, conflict between the commercial need for security and the requirements of individual justice. |
| **Learning Outcomes** | **After completing this course, students should be able to:*** To understand and summarize the general aspects of the civil law notarial system.
* Explain and review the legal doctrine in the general principles of the notary function, the ethics of the notary, the rules for the exercise of the notary function and the inspection of notary offices, as well as the disciplinary procedures to which the notary may be subjected in case of violation.
* Demonstrate understanding and be able to interpret legal norms from the field of notarial law, according to the Law in force in Kosovo.
* Communicate in writing and orally in an appropriate and analytical manner notarial actions and acts, which are applied in notarial practice, such as those referring to real estate rights (property rights, servitudes, right of pledge - mortgage, construction law, etc.), family and inheritance issues, business issues, procedures and other non-contentious issues.
* Execute research on notary law;
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| **Course Content** | **Course Plan** | **Week** |
| History of the Notary* Civil law notary in the World and Europe
 | I  |
|  |
| The two notary systems* Latin notary system
* Common law system

Principles of Notarial activity | II  III |
| Subjects of Notarial activity | IV |
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| Notarial activity and the form of the Notarial Act | V |
| Review  | VI |
| Completing and correcting the notarial deed during compilationInvalidity of the Notarial ActRights and responsibilities of the NotaryDisciplinary liability and penaltiesTerritorial organization and designation of Notary officesNotarization of official documentsCase study Conceptual research |  VIIVIIIIXXXIXIIXIIIXIVXV |
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| **Teaching/LearningMethods** | **Teaching/Learning Activity** | **Weight (%)** |
| 1. Lectures
 | 40% |
| 1. Research
 | 20% |
| 1. Guest speakers, study visits, and other
2. Problem-based learning
 | 20 %20% |
| **Assessment Methods** | **Assessment Activity** | **Number** | **Week** | **Weight (%)** |
| 1. Participation / Interactivity
 | 15 | 1-15 | 10% |
| 1. Review
2. Case study
3. Conceptual research
 | 11 | 71415 | 30%30%30% |
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| **Course resources** | **Resources** | **Number** |
| 1. Klase (e.g)
 | 1 |
| 1. Moodle
 | 1 |
| 1. Projector
 | 1 |
|  |  |
| **ECTS Workload** | **Activity** | **Weekly hrs** | **Total workload** |
| 1. Lectures
 | 2 | 24 |
| 1. Exercises
 | 1 | 13 |
| 1. Independent Learning
 | 2 | 30 |
| 1. Review preparation
 | 2 | 14 |
| 1. Case study preparation
 | 1 | 14 |
| 1. Conceptual research
 | 2 | 30 |
| **Literature/References** | Law on Notary, Law No. 03/L-010;Administrative Instruction No. 7/2010 for the notary exam;Administrative Instruction No. 6/2010 for the disciplinary procedure for notaries;Administrative Instruction No. 5/2010, on the conditions for depositing valuables,documents and other things to the notary;Administrative Instruction No. 4/2010, on keeping notarial books, registers andother lists;Administrative Instruction No. 8/2010, on the seals and identification marks of the office of notary;Administrative Instruction No. 09/2011, for the competition procedure and selection of notary offices;Administrative Instruction No. 08/2011, for the number and location of notary offices as and the necessary premises and equipment of the notaryAlishani Alajdin, The Law of Obligations, General Part, Second Edition, Pristina (2002).Podvorica Hamdi, Podvorica Fatlum, Haliti Enisa, Notarial Law, First Edition, Pristina (2018).Meliha Povlakić, Christoph Schalast, Vesna Schalast : Komentar Zakona o notarima u Bosni i Hercegovini, gaz, Sarajevo, (20090.Petraq Çuri: Civil procedural law & notary, "Day 2000", Tirana (2000)Miraš Radović Enes Bikić Sefedin Suljević :Noteriat u Crnoj Gori, gtz, Podgorica, (2010)Mimoza Sadushaj & Elona Saliaj: Notary, Pegi, Tirana, (2009). |
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