



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2020/2021		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	CIVIL LAW II		
TYPE OF EDUCATIONAL ACTIVITY	A		
AMBIT	20003-Privatistico		
CODE	02414		
SCIENTIFIC SECTOR(S)	IUS/01		
HEAD PROFESSOR(S)	PLAIA ARMANDO	Professore Ordinario	Univ. di PALERMO
	NIVARRA LUCA	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	8		
INDIVIDUAL STUDY (Hrs)	136		
COURSE ACTIVITY (Hrs)	64		
PROPAEDEUTICAL SUBJECTS	02416 - CIVIL LAW I		
MUTUALIZATION			
YEAR	5		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p><b>NIVARRA LUCA</b></p> <p>Monday 14:15 15:30 Per tutto il periodo di durata delle lezioni, l'orario di ricevimento sarà il seguente: lunedì, martedì e mercoledì dalle 14:15 alle 15:30. Una volta esaurito il ciclo di lezioni, l'orario tornerà ad essere il seguente: lunedì, martedì e mercoledì dalle 10:00 alle 12:00</p> <p>Tuesday 14:15 15:30 Per tutto il periodo di durata delle lezioni, l'orario di ricevimento sarà il seguente: lunedì, martedì e mercoledì dalle 14:15 alle 15:30. Una volta esaurito il ciclo di lezioni, l'orario tornerà ad essere il seguente: lunedì, martedì e mercoledì dalle 10:00 alle 12:00</p> <p>Wednesday 14:15 15:30 Per tutto il periodo di durata delle lezioni, l'orario di ricevimento sarà il seguente: lunedì, martedì e mercoledì dalle 14:15 alle 15:30. Una volta esaurito il ciclo di lezioni, l'orario tornerà ad essere il seguente: lunedì, martedì e mercoledì dalle 10:00 alle 12:00</p> <p><b>PLAIA ARMANDO</b></p> <p>Thursday 12:00 13:00 piazza bologni 8, I piano</p>		

**DOCENTE:** Prof. ARMANDO PLAIA- *Lettere O-Z*

<b>PREREQUISITES</b>	Adequate knowledge of general notions concerning remedies in civil law
<b>LEARNING OUTCOMES</b>	<p>Acquisition of an adequate knowledge of the rules and the basic principles of Civil Remedies</p> <p>Capacity to formulate the most suitable solutions to the occurring facts of a case at stage</p> <p>Critical awareness of the growing complexity of Civil Remedies</p>
<b>ASSESSMENT METHODS</b>	<p>Oral Final exam - Grades on a scale between 18 and 30 cum laude</p> <p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions.</p> <p>The interview consists of a minimum of 3 questions</p> <p>The evaluation will take place in conformity to the following evaluation grid</p> <p>- 30/30 cum laude: excellent knowledge of the topics and language's property, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives</p> <p>- 26/29: good knowledge of the topics and property of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed</p> <p>- 24/25: Basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>-21/23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>- 18/20: minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda</p>
<b>EDUCATIONAL OBJECTIVES</b>	The course aims to provide students with a level of knowledge and a methodological mastery appropriate to the formation of a Lawyer that operates both in an academic contexts both in a professional context.
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	ROPPO (a cura di), Trattato del contratto, volume V, Rimedi, tomo 2, Giuffrè, 2006 (ad eccezione delle pagine 1-69, 88-114, 131-144, 213-268, 369-411, 464-749)

## SYLLABUS

Hrs	Frontal teaching
72	<p>La risoluzione per inadempimento - Definitività dell'inadempimento - Importanza dell'inadempimento - Disciplina generale e discipline speciali della risoluzione - Risoluzione e vendita di cosa altrui (1478 e 1479 c.c.) - Risoluzione ed evizione (1483 c.c.) - La redibitoria nei contratti di vendita (1490 c.c.), locazione (1578 c.c.), appalto (1668 c.c.), contratto d'opera (2226 c.c.) - Risoluzione e caparra confirmatoria - Risoluzione e eccezione di inadempimento - La responsabilità contrattuale - Inadempimento, impossibilità della prestazione, imputabilità (1176 c.c., 1218 c.c.) - Obblighi di protezione, obbligazione senza prestazione, contatto sociale - Risarcimento sostitutivo e mantenimento del contratto - La responsabilità contrattuale del vettore (1681 c.c.) - La responsabilità del prestatore d'opera (2236 c.c.) - Il danno - Id quod interest ed Aestimatio rei - Concezione patrimoniale e reale - Concezione patrimoniale e danno nelle obbligazioni pecuniarie (1224 c.c.) - Concezione patrimoniale e danno da ritardata restituzione (1591 c.c.) - Concezione reale e costi di ripristino - Nesso di causalità nella responsabilità contrattuale - Causalità materiale e giuridica - Rischio della causa ignota - Concorso di colpa - Prevedibilità del danno - Danno precontrattuale, danno precontrattuale e contratto valido - Danno da risoluzione - La responsabilità precontrattuale - La buona fede - Teoria dei vizi incompleti - Il danno precontrattuale - L'onere della prova - Onere della prova nelle azioni contrattuali - Onere della prova nelle azioni della garanzia per i vizi</p>

**DOCENTE:** Prof. LUCA NIVARRA- *Lettere A-E, - Lettere F-N*

<b>PREREQUISITES</b>	adequate knowledge of general notions concerning the history of ideas , the main periodization of modern and contemporary history as well as the major economic and legal concepts
<b>LEARNING OUTCOMES</b>	<p>Acquisition of an adequate knowledge of the rules and the basic principles of civil law.</p> <p>Understanding of the reciprocal relationships between the different parts of civil Law in force as well as of the profound links making up its various institutions system.</p> <p>Capacity to formulate the most suitable solutions to the occurring facts of a case at stage</p> <p>Making judgments Critical awareness of the growing complexity of civil law system, of the interaction between constitutional provisions, codified norms and rules.</p> <p>Capacity to classify single factual events within the proper relevant legal categories and to identify the links between many different institutions</p> <p>Ability to Communicate Communicating knowledge in a comprehensive and convincing manner also acquired through short written papers</p> <p>Capacity Learning The student must demonstrate his/her command of the system of civil law by making reference to the developments in case law. He/she has also to demonstrate to have command of the interpretive tools enabling to reconnect more institutions to the same case.</p> <p>The student has also to show he/she has acquired the level of knowledge of the civil law system to address other civilistic statutory matrix teachings of the degree course</p>
<b>ASSESSMENT METHODS</b>	<p>Oral final exam - Grades on a scale between 18 and 30 cum laude</p> <p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialized language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions.</p> <p>The interview consists of a minimum of four questions</p> <p>The evaluation will take place 'in conformity' to the following evaluation grid</p> <p>-Excellent 30 -30 cul laude: excellent knowledge of the topics, excellent property 'language, excellent capacity of analysis ; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives -</p> <p>Very good 26-29: very good knowledge of the topics, very good properties 'of language, very good capacity' analytical; the student is 'able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>- Good 24-25: Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analyzed</p> <p>-Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analyzed -</p> <p>Sufficient Sufficient 18-20: The Sufficient Suitability Level will be reached when the student shows the knowledge and understanding of the topics at least in the general guidelines and has minimum application competencies in order to solve concrete cases; They must also have exhibits and arguments that will allow the transmission of their knowledge to the examiner. Below this threshold, the examination will be insufficient.</p> <p>- Insufficient outcome: the student does not have an acceptable knowledge of the contents of the various topics on the agenda</p>
<b>EDUCATIONAL OBJECTIVES</b>	The course provides students with the fundamentals of the Italian civil law system, with special focus on the historical evolution and connections with other legal disciplines, the influence of constitutional rules, theoretical contributions, case law.
<b>TEACHING METHODS</b>	Lectures
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>L.NIVARRA, Lineamenti di diritto delle obbligazioni, Giappichelli, 2012</p> <p>L.NIVARRA, La tutela giurisdizionale dei diritti. Prolegomeni, Giappichelli, 2018</p>

## SYLLABUS

Hrs	Frontal teaching
48	The basic conceptions of the law of obligations (first part of course); the relationship between the subjective law and process (second part of course)