

Faculty of Law



DROI1051 Elements of Private Law

[30h] 3 credits

This course is taught in the 1st semester

Teacher(s): Isabelle Durant
Language: French
Level: First cycle

Aims

The course Elements of Private Law, which is specific to the Minor in Law Program, takes place in line with the course Foundations of Law (Fondements du droit) and aims mainly to give students the necessary notions of statute law of obligations allowing them to follow to good purpose optional courses that summon up the same matters of private law.

The course aims also to develop the sense of accuracy and rigour which is indispensable to students for following to good purpose other courses of the Minor in Law Program.

The course is mainly conceived as being a statute law course. Nevertheless, it has also to be the occasion to increase students' awareness of the relativity of law by underlining the principal transformations of the law of obligations since 1804 (decline of the "non requirement as a form" principle, increasing breaches of the "freedom of contract" principle and of the principle according to which agreements take the place of the law, worry about weak parties' welfare, #). For this reason, the teacher will pay particular students' attention to the harmonization efforts that are generally growing internationally (UNIDROIT Principles, PECL, #).

Main themes

The course is focused on the general theory of contractual obligations. After having defined the notion of contract and the classification of contracts, the course follows the various stages of the life of a contract:

- its formation (dynamic and static approaches of the formation of the contract);
- the effects of the contract;
- the non performance of the contract and the remedies in case of breaches of contract (judiciary and non judiciary remedies);
- the privity of contract and the validity of the contract against third parties;
- the discharge of the contract.

A second party of the course that gives an overall view of things is devoted to non contractual sources of obligations. The provisions of the Civil Code concerning tort law are emphasized.

In a third and last part, also quite short, few elements of the general theory of the obligation are studied briefly: the assignment of the obligation, the payment, the limitation#

By examining all these issues, as far as possible, the teacher takes particular care for approaching and placing them in function of the economic and social development of the contemporary society.

Content and teaching methods

The course, the content of which is described above, consists of ex cathedra lectures. There is no accompanying practical works nor review sessions.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

During the academic year 2005-2006, the handout Law of Obligations (vol. 1 and 2) taught by Prof. Dr. P. Wéry is used as learning material. This handout is sold by the Service-Cours organised by the Cercle de droit. Oral examination, with a short written preparation, consisting in understanding and practical questions.

Other credits in programs

FSA12BA	Deuxième année de bachelier en sciences de l'ingénieur, orientation ingénieur civil	(3 credits)
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