

Faculty of Law



INT2259 Private international law

[30h+15h exercises]

This three-yearly course is taught in 2007-2008, 2010-2011,...

Language: French

Level: Second cycle

Aims

The objective of this course is to train students in the techniques used in the legal treatment of private relations with an international scope. Emphasis is placed on the type of reasoning necessary to solve the cases as well as on the general presentation of techniques used in Belgian law and comparative law.

Main themes

Content

The course uses the traditional subdivision that distinguishes between conflict of nationality, condition of aliens, conflict of jurisdiction and conflict of laws, while emphasising the latter two. Teaching is two-dimensional. One presents the fundamental theoretical elements that must be understood to master positive law. The second deals with applicable rules by sector.

The analysis of the theory of private international law (general part) deals with identification of the rule of conflict of law and with application of foreign law, as well as with international competence and recognition of a foreign judgement (international judiciary law). The analysis of applicable rules of private law by sector (special part) deals with the law pertaining to the individual and family law, as well as patrimonial family law.

Method

This is a lecture-type course, presenting a synthesis of determining concepts. Emphasis is placed on understanding these concepts. The lectures stress examination of specific cases from two angles. On the one hand, analysis of case-law that illustrates theoretical concepts. On the other hand, use of the case method allows the students to go from theoretical understanding of the concepts to a mastery of legal techniques.

The examination is consistent with the course method. In view of the broadness of the subject matter, namely the amount of material used and its degree of difficulty, the exam seeks to test the students' understanding of concepts, while attaching importance to their knowledge of fundamental rules. Students are allowed to use the documents of their choice in preparing for the examination.