

INSTITUTES OF PRIVATE RIGHT

CFU 6 – Classe 28

Giacomo PORCELLI

g.porcelli@unifg.it

The private right: the right. The juridical norm. Private right and public right. Straight objective and subjective rights. Facts, actions and juridical shops.

The sources of the right and the interpretation of the law: the system of the sources of the right. The effectiveness of the law in the time. The interpretation of the law. The private international right.

The people. Juridical condition of the person: the juridical ability, the name, the center. The ability to act: condition of the smaller ones, of the interdicts, of the disabled ones. The people physics and the juridical person. Classification of the juridical people: public and private corporate body. Associations and foundations. The rights of the personality.

The good and the ownership. The good. The rights on the things: the ownership and the other real rights. The things object of rights: the classification of the good. The land ownership. The legal distances. Walls, ditches, hedges, trees of border. The immissions. The private waters. The actions to defense of the ownership.

The possession. Concetto of possession. The holder's rights in the restitution to the owner. The actions possessory. The actions of nunciazione.

The ways of purchase of the ownership. I purchase to native title and derivative title. The occupation and the invention. The accession, the union, the mixture and the specification. The possession of good faith of the mobile good. The usucaption.

The real rights on other people's things. Real Concetto by law on other people's thing. The right of surface. The usufruct, the use, the residence. The emphyteusis. The praedial servitudes. The coercive servitudes.

The communion. The communion in general. The condominium in the buildings.

The obligation. Real right and right of obligation. The obligatory relationship. Obligations with plurality of subjects or objects. Sources of the obligations.

The fulfillment and the breach. The fulfillment of the obligations. The monetary obligations. The breach of the obligation. Blackberry of the debtor and blackberry of the creditor. Extinction of the obligation for different causes from the fulfillment.

The contract. The contract and the contractual autonomy. The requisite of the contract: to) the accord of the parts; b) the cause; c) the object; d) the form. The preliminary contract. The contracts with the consumer.

Validity and invalidity of the contract: the causes of nothingness of the contract. The illegitimate contract. The causes of annulment: to) the incapability to bargain over; b) the motive error and the error ostativo; c) the malice; d) the moral violence. The consequences of the nothingness and of annulment of the contract.

Effectiveness and ineffectiveness of the contract. Invalidity and ineffectiveness of the contract. The term and the condition of the contract. The simulation of the contract. The fiduciary contract and the indirect contract.

The representation. The contract in other people's name. Representation and embassy. Sent with and without representation.

The effects of the contract. The effects of the contract among the parts. Contracts with obligatory effects and with real effects. Consensual contracts and contracts real. The effects of the contract in comparison to the third.

Resolution and rescission of the contract. The resolution of the contract. Resolution for breach. Resolution for impossibility arrived unexpectedly of the performance. Resolution for excessive arrived unexpectedly onerous event. The rescission of the contract. The presupposition.

Criteria of behavior of the contractors and interpretation of the contract. The good contractual faith. The interpretation of the contract.

Single contracts: the sale. The obligatory sale. The location. The location of urban immovable properties. The order. Contracts of loan: commodate and mutual. Other contracts (signs).

The illegitimate facts. The responsibility from illegitimate fact. The indirect responsibility. The objective responsibility. The reimbursement of the damage. The damage from defective products.

Other actions or made source of obligations. Other actions: the unilateral promises; the management of other people's business; the payment of the undue one; the enrichment without cause.

Responsibility of the debtor and guarantee of the creditor: the property responsibility. The real guarantees: the pawn and the mortgage. The personal guarantees: the guarantee. The contest of the creditors and the causes of priority. The means of maintenance of the property guarantee. Other means of preventive guardianship of the credit.

Circulation and other stories of the credit and the contract. The transfer of the credit. The delegation. The transfer of the contract.

Prescription and decadence.

The family: family in narrow sense and family in ample sense. The marriage (generality). The personal separation of the consorts. The breakup of the marriage. The property relationships in the family.

The successions because of death. The donations. The successions in general. Opening of the succession, notification and purchase of the inheritance. The necessary succession. The testamentary succession. The legitimate succession. The donation.

The guardianship of the rights. The civil jurisdiction. The tests. The publicity of the juridical facts. The real estate transcript. The movable transcript.

Recommended texts:

You recommends the use of a whatever university manual. To title merely illustrative (the order is alphabetical only) the following texts are pointed out, to purchase in the last available edition:

G. ALPA, *Istituzioni di diritto privato*, Utet, Torino; M. BESSONE, *Lineamenti di diritto privato*, Giappichelli, Torino; F. GALGANO, *Istituzioni di diritto privato*, Cedam, Padova; F. GAZZONI, *Manuale di diritto privato*, Esi, Napoli; P. PERLINGIERI, *Istituzioni di diritto civile*, Esi, Napoli; P. RESCIGNO, *Manuale di diritto privato italiano*, Jovene, Napoli; ROPPO, *Istituzioni di diritto privato*, Monduzzi, Bologna; A. TORRENTE e P. SCHLESINGER, *Manuale di diritto privato*, Giuffrè, Milano; A. TRABUCCHI, *Istituzioni di diritto civile*, Cedam, Padova; P. TRIMARCHI, *Istituzioni di diritto privato*, Giuffrè, Milano.