

Introduction to Civil Law. Property Law**Law-238.1****6 credits****Fall 2018****Credits – 6****Schedule:** Mondays - 9.25 / 10.50
Wednesdays - 9.25 / 10.50**Instructor:** Dinara Asanbaeva**E-mail:** asanbaeva_d@auca.kg**I. General Description and Objectives of the Course**

This is an introductory compulsory course meant for sophomore students of the Law division. An objective of the course is to provide students with the basic knowledge of the Civil Law concepts, principles, theoretical underpinnings and legislation. The course also aims to teach skills that are necessary to apply Civil Law norms correctly and to find solutions for various legal problems and situations.

II. LAW DIVISION AND COURSE LEARNING OUTCOMES**Law Division Learning Outcomes**

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Upon successful completion of the course students will be able to:	Law Division Learning Outcomes
To define the notion, principles, regulation methods, place in the legal system and main concepts of the Civil Law (first part);	1, 2
To identify and classify civil relations, their source, content, objects and subjects	1, 2
To identify and classify main concepts of property law, property relations, and their significance; to distinguish methods of property rights' protection from other means of legal protection;	1, 2
To apply learnt concepts and rules of Civil Law to solve various legal situations/problems related to covered topics	1, 2
To analyze legal texts, statutes, cases and contrast them to other texts	1, 2
To produce legal analysis in written form through drafting various legal documents (power of attorney, charters and contracts, inheritance certificates)	3, 4

III. Course Readings

Students are required to regularly refer to the e-course page of the course: www.e-course.auca.kg as certain reading materials and all assignments will be uploaded there. Moreover, all course assignments should be uploaded by students only to the e-course. E-mail submissions are allowed ONLY if the e-course page does not work due to technical problems.

All students are expected to either borrow from the AUCA Library or purchase the Civil Code of the Kyrgyz Republic (part 1). It is highly recommended to bring the hard copy of the Civil Code to each class. An English version of the Civil Code will be available on the e-course, however, the Latest Russian edition of the Civil Code remains the main point of reference for this course.

The Code as well as other normative legal acts can be accessed by students via either Toktom or Paragraph databases, both are available on campus. If students face difficulties using these databases, they are recommended to turn to the instructor or to the Library staff.

In addition to the primary legal sources, students are expected to use textbooks and commentaries to the Civil Code. The following list provides a number of textbooks and commentaries that students can use for the course purposes.

Primary Sources

1. Civil Code of the Kyrgyz Republic Part 1 (8 May 1996);

2. Civil Code of the Kyrgyz Republic Part 1 (5 January 1998);
3. Law on Partnerships and Companies (16 Nov 1996);
4. Law on Joint Stock Companies (27 March 2003);
5. Law on Noncommercial Organizations (15 October 1999).

Secondary Sources

1. The Commentary to certain articles of the Civil Code of KR, Bishkek, 2015.
2. The Commentary to the Civil Code of the Kyrgyz Republic, vol. 1,2 (Bishkek 2005).
3. Sukhanov E.A., Russian Civil Law in 2 volumes. Volume 1. General Part. Property Law. Succession Law. IP rights. Personal rights, (2011).
4. Civil Law. 2 volumes. B.M. Gongalo, ed. (2017).
5. Belov V.A., Civil Law, vol. 1, 2 (2017).
6. Commentary to the Civil Code of the Russian Federation (ed. Stepanov, 2009).
7. Civil Law (ed. Sukhanov, 2008 or latest edition).
8. Civil Law (eds. Sergeev, Tolstoy, 2005).

IV. Teaching Methods

The class will meet twice a week. This course does not use traditional method of lecture and seminar division. There is going to be hybrid of lecture/seminar every class or it can be called as interactive lecture method. This method implies students to read new materials beforehand and be ready to discuss the given materials in class. Such method helps and equips the student a self-learning skill, which he/she will need in their further studies.

The main teaching methods used include the Socratic Method, which is widely used in law schools and is a way of engaging large groups of students into discussion of course topics through asking them questions and guiding them right to the core issues. This method equip students with analytical and critical thinking since the student is not given the answer to question but the student should find an answer himself by answering instructor's question.

V. Grading Criteria

Component	%
Attendance	5
Active Participation	15
Assignments/Quizzes	40
Midterm Exam	20
Final Exam	20
Total	100

Attendance is required! Students are expected to BE ON TIME for classes. If the instructor marked the student absent in case that the student is late for the class, he is considered to be absent for the entire class.

If a student misses 4 class meetings he/she will automatically get 0 for class participation. Missing more than 8 classes can incur failure of the entire course upon discretion of the instructor.

Active Participation. Students are expected to take an active participation in class discussions. Points for the active participation are only given in case a student demonstrates readiness for the class (in terms of reading assignments) and contributes constructively to class discussions.

Assignments. Students are required to complete various kinds of assignments within the course. All assignments will be posted on the www.e-course.auca.kg; completed assignments should be uploaded to the relevant folder on the e-course.

Exams. Midterm and final exams will be conducted in both closed book and open book formats. Further explanations will be provided closer to the exam date. **Exam retakes are allowed only in exceptional cases!**

Grading Scale

A 94-100%	B- 77-79%	D+ 60-63%
A- 90-93%	C+ 74-76%	D 54-59%
B+ 86-89%	C 68-73%	D- 50-53%
B 80-85%	C- 64-67%	F less than 50%

VI. Course Policies & Student Conduct

Student Conduct

All students are expected to follow the AUCA Code of Student Rights, Responsibilities and Conduct. Any kind of disruptive behavior of a student gives an instructor the right to expel him/her from the class and an entire course.

Originality, Academic Honesty & Plagiarism

Students are expected to get acquainted with the primary sources of International Law as well as with the secondary sources as textbooks and periodical articles, which

facilitate deeper comprehension and assessment of the law. While essays and examination answers will draw on and be informed by this material, students are expected to **think for themselves** and to express themselves in their **own** words, providing a certain portion of originality.

All course assignments should be original and must not be plagiarized. Plagiarism is the appropriation of another person’s thoughts or words without attribution. Plagiarism is an offence against the AUCA Code of Student Rights, Responsibilities and Conduct.¹ All types of cheating (plagiarism etc.) are strictly prohibited. If student fails to observe this requirement, instructor may give from an “F” for the work up to an “F” for the whole course depending on the type of assignment and other circumstances.

Cell Phones and other Electronic Devices

- Should be off or on silent during classes;
- Can be used ONLY for the course purposes;
- Can be prohibited by the instructor for particular sessions.
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Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students’ duty to stay informed of any adjustments made.

VII. Course Content

	Topics
5.09	<p>An introductory session. Explanation of the course requirements, the syllabus, and discussion of the assignments.</p> <p>Introduction to the Civil Law of the Kyrgyz Republic</p> <ul style="list-style-type: none"> • Division between the public and private law; • Meaning and significance of the civil law; • Sources.
10.09	<p>Civil law relations (гражданское правоотношение)</p> <ul style="list-style-type: none"> • Definition, meaning, types and content; • Objects of civil law relations.
12.09	
17.09	

¹ Part III, Section A.3 of the Code states that “[a] student must not adopt or reproduce ideas, words, or statements of another person without appropriate acknowledgment. A student must give credit to the originality of others and acknowledge indebtedness whenever he or she does any of the following: 3.1.Quotes another person's actual words, either oral or written; 3.2.Paraphrases another person's words, either oral or written; 3.3.Uses another person's idea, opinion, or theory; or 3.4. Borrows facts, statistics, or other illustrative material from work of the other student, unless the information is common knowledge.”



19.09	<ul style="list-style-type: none"> • How Civil Law relation emerge, change and get terminated? • Meaning of the juridical fact (юридический факт), types and their differences.
24.09 & 26.09	<p>Individuals</p> <ul style="list-style-type: none"> • Legal status of individuals; • Meaning of legal capacity; • Minors under 14, minors from 14 to 18, adults; • Incapability and partial capability..
1.10 & 3.10	<p>Individuals</p> <ul style="list-style-type: none"> • Declaration of absence • Declaration of death • Guardianship, trusteeship and patronage.
8.10 & 10.10	<p>Legal Entities</p> <ul style="list-style-type: none"> • The concept of a LE, theories; • Legal capacity of LEs and its types; • Corporate structure <p>Establishment & Dissolution of LEs Legal Entities</p> <ul style="list-style-type: none"> • Types of LEs • Commercial (for profit) Les • Non-profit entities • Public (state) entities
15.10	Midterm exam!!!
17.10	<p>Terms. Statute of Limitations. Representation. Power of Attorney</p> <ul style="list-style-type: none"> • Terms in Civil Law • Calculation of terms • Statute of Limitations in Civil Law • Representation, kinds • Power of Attorney
22.10 24.10 29.10 31.10	<p>Property Law</p> <ul style="list-style-type: none"> • Property Law: main concepts and terminology • Right of ownership and other substantive rights • Emergence and acquisition of property rights • Transfer and termination of property rights • Common property • Public property • Property rights in relation to immovable things • Land Law aspects • Housing Law aspects • Limited property rights – substantive rights • Protection of property rights under the Civil Law

5.11 & 7.11	Fall Break. No classes.
12.11 & 14.11	Transactions (сделки) <ul style="list-style-type: none"> • Defining transactions, difference from contracts and obligations • Validity of transactions • Types of transactions • Invalidity of transactions • Void and voidable transactions
19.11	Exercise of Civil Rights under Civil Law <ul style="list-style-type: none"> • How civil rights are exercised? • Main principles and limitations • Abuse of rights
21.11	Protection of Civil Rights <ul style="list-style-type: none"> • Meaning of civil rights protection in Civil Law • Forms and order of protection • Methods of protection
26.11 & 28.11	Protection of Non-Property Rights and Other Intangibles <ul style="list-style-type: none"> • Honor, Dignity and Business Reputation • Right to personal image • Privacy • Inviolability of Residence • Moral Harm
3.12 5.12 10.12	Law of Succession <ol style="list-style-type: none"> 1. General issues 2. Testamentary succession 3. Interstate succession 4. Acquisition of succession
12.12	Review
	Final Exam!!! (date TBA by the Registrar Office)

N.B! This syllabus can anytime be changed by the professor, please follow updates on the e-course (www.e-course.auca.kg)!