

SYLLABUS

Civil law (Obligations)

Law 306, 00658

Professor:

Alenkina Natalia Borisovna

Semester: Spring 2018.

Schedule: Lecture - Wednesday 8-00;

Seminar – Friday 8-00,

Individual meetings by appointment: Wednesdays 9:15 - 12:30 preliminary agreeing beforehand

Contact numbers: tel. 0772 572595, e-mail: alenkina_n@mail.ru

Number of credit-hours:

3 credits in a week - audit hours. (Lectures, seminars, etc.)

6 credits in a week for individual work of the students (work on theoretical/reading materials and making practical assignments).

Requisites:

Civil Law. Legal Entities (206)

Civil Law. Contracts. Контракты (202)

I. Course Objective and General description:

The objective of this course is to provide students with theoretical knowledge on civil law obligations and its categories and institutions of the civil law. Students completing this course will have understanding of the principle areas of law applied to obligations, which regulate the order of concluding, amending and breaching types of the contracts and obligations out of the contract.

General description:

This course is focused on learning types of the contract obligations, obligations for public competition, a public promise awards, games and bets, obligations as a result of causing harm and unjust enrichment

II. PROGRAM AND COURSE LEARNING OUTCOMES

PROGRAM 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 Program Learning Outcomes
--------------------------------------------------------------------	-------------------------------

to have understanding of all about the following topics: transactions, obligations, general provisions on contracts, certain types of contracts that constitute the subject of civil law;	1
to have knowledge on the all institutions of the general and special parts of civil law which concerns to transactions, contracts and obligations, the basic concepts that are formulated by scientists for the most controversial issues in the field of civil law;	1, 7
to be able to work with normative legal acts of the Kyrgyz Republic which regulate the considered relations; professionally and competently apply the normative material in solving specific problems that arise in the process of studying the discipline of "Civil Law"; professionally, competently and correctly apply theoretical material in solving practical problems; have understanding in questions of law enforcement activity;	2,5,7
to acquire the skills on analyzing normative materials; on argumentation of his own vision and method to solve a particular problem; on the compilation of basic legal documents on civil cases.	2,3

III. TEACHING METHODS

Class sessions are a mixture of lectures which outline the main theoretical provisions of the course and seminars, which aim to consolidate and deepen the gained knowledge, as well as the practical exercises help to acquire the practical skills and skills in drafting and analyzing contracts, preparing supporting documents, analyzing court decisions and legislation in the related field.

Theoretical seminars can be held in the form of presentations, in the form of "round tables", debates in groups, surveys, discussion of the reports. The purpose of students' preparation of the reports and speeches during the seminars is to develop the students' skills of independent work on literatures and legislative sources in order they can make their own theoretical and practical conclusions on the basis of their analysis and generalization, justifying them accordingly. The main task of practical classes is to teach students to understand the concept of the law and apply the rules of law to the certain real situations. Practical classes can be conducted in the form of business games, interactive trainings. During the seminars, students will be given tasks to prepare civil law documents, to conduct comparative analysis of certain articles of the normative legal acts, to draw up schemes for the given topic, etc. The fulfillment of the tasks in correct way will be taken into account while the assessment of the student activity in the class.

IV. COURSE REQUIREMENTS AND POLICY

(1) The class will meet 2 a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.

(2) During the semester, two midterm and a final examinations are conducted. Midterm examinations are conducted in the form of a written assignment (after 6 weeks of the course) and in the form of multiple choice (after 12 weeks of the course). The final exam will be a concluding test of 35 questions that covers the entire course materials. The criteria for a positive evaluation are knowledge of the terminology, possession of the materials, the ability to use normative legal acts, as well as the reasoning, coherence and logic of the presentation of the answer.

(3) Students should follow the following requirement to study the course successfully and take the exams:

- personal contribution and active participation in class,
- study reading materials received in lecture classes,
- independent work of a student with recommended literature and
- making assignments for independent work received in classroom sessions on time and with high-quality.

(4) Each student is required to be enrolled in the e-course system (www.e-course.auca.kg). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.

(5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.

(6) Успешное участие студентов в конференциях, круглых столах, олимпиадах и других научных и научно-практических мероприятиях по гражданскому праву, подтвержденное соответствующими документами (сертификат, грамота и др.), поощряется бонусами в размере до 5 баллов.

Successful participation of the students in the conferences, round tables, olympiads and other scientific and scientific-practical events in the field of civil law, confirmed by relevant documents (certificate, diploma, etc.), is encouraged and will be given bonuses up to 5 points.

(7) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of cheating (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.

(8) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

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.

V. GRADING

Midterm exam (written assignment)	25
Midterm exam (multiple choice)	25
Final Exam	35
Individual work and active participation	15

Grading Scale of the Law Program

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 ниже 50

VI. COURSE MATERIALS

1. Required Reading Materials

1. Сергеев А.П., Толстой Ю.К., Гражданское право, части 1-2, М.: Проспект, 1997-1998 гг.
2. Российское гражданское право: Учебник: В 2-х томах. Том II. Обязательственное право / Отв. ред. Е.А. Суханов. — М.: Статут, 2011.
https://www.consultant.ru/edu/student/download_books/author/sukhanov_ea/
3. Белов В.А. Гражданское право. Том IV. Особенная часть (книга 1 и 2), М.: Юрайт, 2017
4. Конвенция ООН о договорах международной купли-продажи товаров от 11 апреля 1980 г.
5. Конвенция УНИДРУА от 28 мая 1988 года о международном финансовом лизинге
6. Гражданский кодекс Кыргызской Республики, часть 1 от 8 мая 1996 года N 15 и часть 2 от 5 января 1998 года N 1
7. Закон КР от 10 декабря 1997 года N 90 «О защите прав потребителей»
8. Закон КР от 23 июля 2002 года N 123 "Об аккредитивах"
9. Закон КР от 23 июля 2002 года N 121 "О финансовой аренде (лизинге)"
10. Закон КР от 22 декабря 1998 года N 153 "О Государственной регистрации прав на недвижимое имущество и сделок с ним"
11. Закон КР от 19 июля 2017 года N 128 "Об электронной подписи"
12. Закон КР от 11 августа 2008 года N 201 "Об игорной деятельности в Кыргызской Республике"

2. Recommended Reading Materials

1. Гражданское право: Учебник. В 2 т. / Под ред. Б.М. Гонгало. Т. 1. 2-е изд. перераб. и доп.- М.: Статут, 2017.
https://www.consultant.ru/edu/student/download_books/book/gongalo_bm_grazhdanskoe_pravo_tom1/
2. Флейшиц Е.А. Избранные труды по гражданскому праву. В 2 т. Т. 1. — М.: Статут, 2015.
https://www.consultant.ru/edu/student/download_books/book/fleishits_ea_izbrannnye_trudy_po_grazhdanskomu_pravu_tom1/
3. Шевченко А.С., Шевченко Г.Н. Деликтные обязательства в российском гражданском праве: Учебное пособие. — М.: Статут, 2013.
https://www.consultant.ru/edu/student/download_books/book/shevchenko_as_shevchenko_gn_deliktnye_objazatelstva_v_rossijskom_grazhdanskom_prave/
4. Туралиева З.О. Обязательственное право. Особенная часть, учебное пособие Б., 2012 г.
5. Брагинский М.И., Витрянский В.В. Договорное право, М., 1998-2003 г., ч.2,3,4,5
13. Белов В.А. Занимательная цивилистика, в 3 кн.: учебное пособие для вузов. - М.: Издательство Юрайт, 2017
6. Постановление пленума Верховного суда КР от 29 ноября 2002 года N 6 "О некоторых вопросах судебной практики при разрешении споров по договорам займа"
7. Постановление пленума Верховного суда КР от 4 ноября 2004 года N 11 "О некоторых вопросах судебной практики применения законодательства о возмещении морального вреда"
8. Правила Международной торговой палаты для толкования торговых терминов "Инкотермс 2000"

VII. COURSE OUTLINE

Topic 1. Obligations in transferring the property to into the ownership (other substantive right).

Obligations from the contract of sale

Concept and meaning of the sale contract. The main elements of the contractual obligation in sale contract. Subject of the sale contract. Rights and obligations of the parties in the sale contract.

Execution of the sale contract. Transfer of the property in the goods. Seller's responsibility for eviction. The buyer's rights and the seller's responsibility for selling the goods of inadequate quality; for breach of conditions on the quantity, completeness and range of goods.

Retail sale contract. Rights and obligations of the parties of the retail sale contract. Peculiarities of the protection of the rights of citizen-consumers under retail sale contract. Types of the retail sale contract.

Contract of sale of Enterprise.

International (foreign trade) sale contract. The UN Convention on Contracts for the International Sale of Goods.

Supply of contract. Delivery as a kind of sale contract. Subjects of the supply contract. Structure of contractual relations for deliveries. Form of supply agreement. Conclusion and execution of the supply contract. Quantity and assortment of goods. Quality and completeness of the goods. Place and date of execution. Acceptance of the goods by the buyer. Alteration and Cancellation of the supply contract.

Contract of Power Supply. Power supply and its civil-law regulations. Content of the power supply contract. Conclusion and execution of the power supply contract. Responsibility of the parties to the power supply contract. Agreement on the supply of products (goods) via connected grid.

Литература:

1. *Гражданский кодекс Ч.2, гл.23*
2. *Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.3-107*
3. *Брагинский М.И., Витрянский В.В. Договорное право, т.2. – стр.3-113, 134-184, 222-238*
4. *Вилкова Н. Актуальные вопросы применения Правил толкования международных торговых терминов Инкотермс, Хозяйство и право, №10, 2015*
5. *Церковников М.А. О деликтной ответственности за двойную продажу, Вестник экономического правосудия, 2017, №9*
6. *Слыщенко В.А. Обязанность передать право собственности на товар в связи с некоторыми проблемами современной российской купли-продажи, Вестник экономического правосудия, 2017, №2*

Independent work:

1. Analyzing the case about iPhone users' claim to the company Apple on slowdown of the old versions of iPhones.

(https://hi-tech.mail.ru/news/zamedlenie_iphone_v_rossii/?frommail=1&fromnews=1)

Issues for discussion:

- Is there a breach of the seller's duty? if so, which ones?
- What are the requirements and consequences?
- Which type of the contracts does the contract refer to?
- Is Vienna Convention applicable?

2. Problem Solving: *Praktikum po Grazhdanskomu pravu, Part 2, Moscow: Bek Publishing, 1993, Tasks p. 27-46*

Checking independent:

1-2. Discussion during the seminar of the legal concept of each mentioned fact in the tasks, the deciding the task according to the validity of the parties' claims and objections, in case of a court decision – according to the validity of the solution of the task.

The answers to the questions of the tasks should be confirmed by references to specific normative legal acts.

Topic 2. Obligations for barter agreements, donations and annuities

Barter agreement.

Donation contract. The content and form of the donation contract. Promise to donate. Restrictions and prohibition of donation. Cancel donations. Endowments.

Annuity contracts and permanent alimony only. Types of the annuity contract. Annuity Encumbrance of Immovable Property . Protection of interests of the annuitant. Permanent annuity contract. Redemption of permanent annuity. Life annuity. Life annuity with annuitant.

Литература:

1. Гражданский кодекс Ч.2, ст.ст.505-541
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.107-141
3. Брагинский М.И., Витрянский В.В. Договорное право, т.2. – стр. стр.238-380, 618-654
4. Добашина Ю.Проблемы защиты преимущественного права акционеров ЗАО на приобретение акций, отчуждаемых третьим лицам по договору мены, Хозяйство и право, 2008, №11, стр.77
5. Анохин В., Незнамова Е. Договор мены: вопросы теории и практики рассмотрения споров Хозяйство и право, 2002 г, №10
6. Анохин В., Незнамова Е. Договор мены: вопросы теории и практики рассмотрения споров, Хозяйство и право, 2002 г. №11
7. Микрюков В., Микрюкова Г. Проблемы договора мены. Хозяйство и право, №10, 2013
8. Матвеева М. Участие ребенка в договоре дарения. Хозяйство и право, №5, 2016
9. Соломин С, Соломина Н. К вопросу о достоверности конструкции договора дарения через призму его предмета. Хозяйство и право, №6, 2017, стр. 110
10. Никитин А. О гражданско-правовой оценке отношений по отчуждению подарочных сертификатов, Хозяйство и право, №4, 2015

Independent work:

1. Preparation of a legal opinion on the donation agreement (e-course platform)
2. Discussion of controversial issues of the regulation of the donation agreement:
 - a. Distribution of religious items: Endowments or sale
 - b. Qualification of the dowry of the bride: a gift, barter?
 - c. Qualification of the gift certificate: advance payment, security, donation, etc.?

1. Assignment on the topic "Fulfillment of the Obligation for transferring the property into the ownership (other substantive property)"
Neighbor's grandmother expressed her will to transfer her apartment to you.

#1 Option

Which of the following legal registrations of apartment is mostly suitable for your best interest?

1. Donation
2. Will/Testament
3. Lifetime annuity

#2 Option

As a lawyer of the grandmother what legal advice would you give to her? Which of the following legal registrations of apartment is mostly suitable for grandmother's best interest?

1. Donation
2. Will/Testament
3. Lifetime annuity

4. Comparative legal analysis of changes in the legal regulation of barter under the Russian Federation laws (e-course platform)

Checking independent work:

- 1, 3. The legal opinion is assessed by the teacher.
- 2, 4. Discussion of controversial issues of the regulation of the donation agreement and a comparative legal analysis of changes in the regulation of barter under the Civil Code is carried out on the e-course platform forum

Topic 3. Obligations for transferring the property for use. Obligations for lease, leasing contract and contract on graduation use.

Lease agreement, its main elements. Subject of the lease agreement. Contents of the lease agreement. Responsibility of the lessor for the shortcomings of the leased property. Obligations of the parties to maintain and repair leased property. Rent. Execution and termination of the lease agreement. Possibility of buying out leased property.

Contract of hire. Household goods.

A contract for renting transport vehicle. A contract for renting a transport vehicle without a crew.

Lease of buildings and structures. Rights to the land plot when renting a building.

Contract of lease enterprises.

The contract of financial leasing. Types of leasing.

The contract on gratuitous use of property (loan).

Литература:

1. Гражданский кодекс Ч.2, ст.ст.542-622
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.141-207, 294-307
3. Брагинский М.И., Витрянский В.В. Договорное право, т.2. – стр. стр.380-617, 746-790
4. Бевзенко Р. С. «Новеллы в правовых позициях ВАС РФ по спорам, вытекающим из договоров аренды», 12 марта 2013 г. (<http://my.webinar.ru/record/102868/>)
5. Егоров А.В. Лизинг: аренда или финансирование? (http://www.lawyercom.ru/files/webinar/15052013/egorov_lizing.pdf)
6. Перов О., Смирнова А. Защита прав лизингополучателя при непередаче предмета лизинга, Хозяйство и право, №8, 2015
7. Телюкина М. Правовая регламентация и некоторые особенности отношений финансовой аренды, Хозяйство и право, №12, 2014
8. Материалы научного круглого стола Юридического института «М-Логос» по теме «Аренда и ограниченные вещные права по проекту ГК РФ», 16 января 2014 г. / http://m-logos.ru/publications/nauchnyi_kruglyi_stol_m-logos_arenda_i_ogranichennyye_veshnyye_prava_po_proektu_gk_rf_16_yanvarya_2014_g/
9. Материалы научного круглого стола Юридического института "М-Логос" по теме "Расширение сферы регулирования арендных отношений: аренда будущей вещи, части вещи и незарегистрированная аренда", 6 ноября 2012 г. / http://m-logos.ru/publications/nauchnyi_kruglyi_stol_rasshirenie_sfery_regulirovaniyaarendnyh_otnosheniyarendabudushej_veshi_chasti_veshi_i_nezaregistrirovannayaarenda6_noyabrya_2012/
10. Круглый стол РШЧП «Лизинговая операция: как распутать клубок противоречий?», 2 февраля 2012 г. / http://m-logos.ru/publications/kruglyi_stol_rshchp_lizingovaya_operaciya_kak_rasputat_klubok_protivorechy_2_fevr_2012_g/

Independent work:

1. Students independent study of recommended literatures and samples of the legal conclusion of the contract, prepared by the teacher
2. Business game to resolve a dispute over capital repair and improvement the leased property.
3. Comparative analysis of the legal regulation of the hire contract of property under the Civil Code and the hire contract of property in residential building on the JK

Checking independent work:

1. Checking the preparation and students learning the topic using the "Legal dictation" method with subsequent cross-evaluation of works.
2. Work on assessing the legal risks of a hire contract and preparing a claim for violation of the terms of hire. The text of the claim is assessed by the teacher.
3. Discussion the key distinctive features of hiring a residential building analyzing of the validity of the legislative decision for each of them.

Topic 5. Obligations for the production of works. Obligations from the contract

The concept of a contract. Difference between work contract and labor contracts. Parties to the contract. Elements and content of the contract. Execution of the contract. Organization of work and the risk of the contractor. The rights of the customer during the execution of the work. Acceptance of the result of work. Payment of the result of work. Estimate. Responsibility of the contractor for improper quality of work. Change and termination of the contract.

The contract of household work. Protection of consumer rights in the sphere of consumer services. Execution of the contract of household work. Responsibility of the contractor for the shortcomings of the work performed and for the delay in its performance. Guarantee and loan service.

Construction contract. Concept and legal forms of capital construction. The concept and content of the construction contract. Parties to the construction contract. Structure of contractual relations. Conclusion and execution of the construction contract. Civil-law significance of technical documentation for capital construction. Control of the customer for the performance of work. Contract of the customer with an engineering organization. Execution of the construction contract. Delivery and acceptance of the result of works performed under the contract. Property liability for violation of the terms of the construction contract.

Contract for the performance of design and survey works, its elements and content. Conclusion and execution of the contract. Examination and acceptance of technical documentation.

Литература:

1. Гражданский кодекс Ч.2, ст.ст.623-693
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.308-372
3. Брагинский М.И., Витрянский В.В. Договорное право, т.3. – стр. стр.7-201

4. Пехметов Д. Использование норм о неосновательном обогащении для защиты законных интересов подрядчика в отношениях строительного подряда, *Хозяйство и право*, №12, 2016
5. Никитин А. Риск случайной гибели результата выполненной подрядчиком работы, *Хозяйство и право*, №7, 2017

1. Analysis of the norms of legislation for the similarity and difference between the labor contract and the contract
2. Problem Solving Praktikum po Grazhdanskomu pravu, Part 2, Moscow: Bek Publishing, 1993, Tasks №1,2,4 pages.86-88.

Checking independent work:

1. Presentation of the results of the study and practical recommendations on the advantages and disadvantages of formulating labor contracts and work contracts with employees
 2. Discussion during the seminar of the legal significance of each fact mentioned in the tasks, the decision of the question of the validity of the claims and objections of the parties, in the case of a court decision - about the validity of the solution stated in the task.
- The answers to the questions of the tasks should be confirmed by references to specific normative legal acts.

Topic 6. Obligations to provide services

Obligations under the contract on provision of services for compensation

Concept and types of contractual obligations to provide services.

The concept of a contract for paid provision of services for compensation, its relationship with a work contract. The subject and content of the contract for provision of services for compensation. Conclusion and execution of a contract for provision of services for compensation. Types of contract for paid provision of services for compensation.

Литература:

1. Гражданский кодекс Ч.2 – Ст.694-700
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.541-551
3. Брагинский М.И., Витрянский В.В. Договорное право, т.. – стр.201-238
4. Договор и путевка в отношениях по оказанию туристских услуг (Я.В. Вольвач, "Адвокат", N 6, июнь 2005 г.)
5. О возможности передачи оказанных услуг: к постановке проблемы (анализ арбитражной практики) (Ю.А. Тарасенко, "Правосудие в Поволжье", N 3, май-июнь 2005 г.)
6. Нельзя подменять трудовой договор гражданско-правовым (В. Полозов, Е. Ионова, "Российская юстиция", N 7, июль 2002 г.)
7. Перспективы развития правового института возмездного оказания услуг (Е.Г. Шаблова, "Журнал российского права", N 1, январь 2002 г.)
8. "Услуги как объект гражданских прав" (Степанов Д., "Российская юстиция", 2000, N 2)
9. "Договор возмездного оказания услуг" (Кабалкин А. "Российская юстиция", 1998, N 3, 4)

Independent work.

Comparative analysis of the normative legal acts of the Civil Code of the Kyrgyz Republic, the Russian Federation and the Republic of Kazakhstan on the contract for provision of Services for Compensation.

Checking independent work:

Checking the preparation and students' learning of the topic using the "Legal dictation" method followed by cross-evaluation of works.

Topic 7. Transport and forwarding obligations

Transport obligations, their concept and types. Legislation on transportation.

The system of contract of forwarding. Agreements on the organization of cargo transportation.

The contract of carriage of goods, its main elements. Parties to the contract of carriage of goods. Legal status of the consignee. The order of the conclusion and the form of the contract of transportation of cargo.

Passenger and baggage transportation agreements. Civil-law protection of citizens-consumers of transport services.

Towage contract.

Features of the transportation contract of cargo on various types of transport. Agreement on the carriage of goods by rail. Contract for the carriage of goods by air. The contract of air charter. Contract of carriage of goods by sea. Contract of charter. Contract of carriage of goods by inland waterways. Contract of road transport of goods. The contract for the centralized transport of goods by road. Contract of carriage of goods in a direct mixed message.

Liability for violation of transport obligations. Grounds and limits Liability of carrier liability. of the carrier for the delay in the delivery of goods. General and private accident. Liability of the shipper and the consignee. Claims and claims in transport obligations.

Concept and types of expeditionary services. Forwarding obligations. Forwarding contracts of transport expedition, their difference from adjacent civil law contracts. Subject of the contract of transport expedition. Contents and execution of the contract of transport expedition. Responsibility for violation of the contract of transport expedition, its grounds and limits

Liability of the shipper and the consignee. Claims and suits in transport obligations.

Литература:

1. Гражданский кодекс Ч.2 – Ст.701-723
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.372-416
3. ЗАКОН КР от 4 августа 2008 года N 188 "Об обязательном страховании гражданской ответственности перевозчика опасных грузов"
4. ЗАКОН КР от 4 августа 2008 года N 189 "Об обязательном страховании гражданской ответственности перевозчика перед пассажирами"
5. УСТАВ железной дороги Кыргызской Республики (утвержден постановлением Правительства КР от 2 июня 2000 года N 315)
6. КОДЕКС КР от 15 апреля 1994 года N 1483-XII "Воздушный кодекс Кыргызской Республики"
7. Договор воздушной перевозки пассажиров и багажа (В.В. Молчанов, "Законодательство", N 7, июль 2006 г.)
8. Споры по договору перевозки (М.С. Фалькович, "эж-ЮРИСТ", N 25, июнь 2006 г.)
9. Договор воздушной перевозки грузов (В.В. Молчанов, "Российская юстиция", N 5, май 2006 г.)
10. Обязательство перевозки грузов железнодорожным транспортом (Т.Е. Абова, "эж-ЮРИСТ", N 41, октябрь 2003 г.)
11. Удержание груза при перевозке (Г.Б. Леонова, "Законодательство", N 9, сентябрь 2002 г.)
12. Некоторые правовые проблемы организации грузоперевозок на железнодорожном транспорте (В.В. Шмелев, "Журнал российского права", N 12, декабрь 2001 г.)
13. Некоторые правовые проблемы организации грузоперевозок на железнодорожном транспорте (В.В. Шмелев, "Журнал российского права", N 12, декабрь 2001 г.)

Independent work

On the basis of the analysis of legislation for forwarding, create a table of discrepancies in the legal regulation of the same type of issues on different modes of transport:

- Liability for late delivery of goods
- What are the legal consequences if the goods were not delivered to the recipient after the maximum allowable period?
- How can the question be decided concerning to the return by the carrier of the carriage fee?
- Liability for loss of cargo delivered for carriage with declared value
- Liability for the use of the cargo by the carrier for his own needs

Checking the independent work:

Checking the students' own assessment of the task in the seminars of interactive activities, the most correct solution the issue, in their opinion, assessment of the students' speech and their opinions expressing.

Topic 8. Obligations for Contract of Bailment

The concept and subject of the contract of bailment. Parties' obligations to the contract of bailment. Bailment with Respect to Fungible Property. Bailee obligations. Professional and household storage.

Contract of Bailment in a warehouse. Warehouse documents and the rights of their holders. Storage of things with the right to use them.

Separate types of storage. Features of storage in pawnshops, in bank safes, in storage chambers of transport organizations, in wardrobes and in hotels. Storage in order of sequestration. The duty to store by law.

Литература:

1. Гражданский кодекс Ч.2 – Ст.879-920
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.604-628
3. Брагинский М.И., Витрянский В.В. Договорное право, т.3. – стр.651-782
4. Суслов Р. Складские свидетельства в английском и российском праве, Хозяйство и право, №8, 2016

Topic 9. The obligation in providing legal services

Concept and types of legal services. Civil registration of mediation.

Contract of agency. Contents and execution of the contract of agency. Fiduciary nature of agency relationships. Termination of the contract of agency.

Contract of Commission Agency. The difference between the contract agency and the contract of commission agency. The content of the contract of commission agency. Execution and termination of the contract of commission agency. Responsibility of the contract of commission agency. Separate types of contract of commission agency. Subcommission.

Agency contract. The difference between the agency contract and the contracts of agency and contract of commission agency. Content of agency contract. Execution and termination of agency contract. Contract of Subagency.

Литература:

1. Гражданский кодекс Ч.2 – Ст.802-811, 822-849
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.551-583
3. Брагинский М.И., Витрянский В.В. Договорное право, т.3. – стр.238-345, 392-483
4. О юридической природе договора на оказание правовых услуг (М.З. Пак, "Адвокат", N 1, январь 2006 г.)
5. •Общая характеристика договоров оказания юридических услуг (поручение, комиссия, агентирование) (Ю.В.Романец, "Законодательство", N 4, апрель 2001 г.)
6. Договор возмездного оказания правовых услуг (Н.В. Козлова, "Законодательство", N 3, 4, март, апрель 2002 г.)
7. Понятия представительства и посредничества в гражданском праве: сравнительно-правовой аспект (И.Н. Галушина, "Журнал российского права", N 2, февраль 2006 г.)
8. Договор комиссии. Комитент и третье лицо, заключившее сделку с комиссионером (М. Г. Розенберг, "эж-ЮРИСТ", N 13, апрель 2004 г.)
9. Правовая природа ручательства (del credere) по договору комиссии (Д.Е. Богданов, "Журнал российского права", N 4, апрель 2004 г.)
10. Договоры о представительстве (Л.В. Санникова, "Журнал российского права", N 4, апрель 2004 г.)
11. Договор агентирования: правовые проблемы (С. Пешков, "эж-ЮРИСТ", N 38, август 2003 г.)
12. Посреднические договоры в новых российских экономических условиях (М.Н. Сафонов, "Журнал российского права", N 9, сентябрь 2003 г.)
13. "Соотношение договора поручения и доверенности" (С.Крылов, "Российская юстиция", 1999, N 9)

Independent work.

Comparative analysis with the help of the designation of distinctive features of contracts of agency, contract of commission agency and agency contract.

Checking independent work:

Checking the independent work by presentation method.

Topic 10. Obligations under loan agreement, credit and financing agreements against assignment of money claim

Loan agreement. Loan agreement subject. Form, content and execution of the loan agreement. Interest under the loan agreement. The consequences of the violation Borrower's Obligation to Return the Loan amount.

Separate types of loan obligations. Concept of bill. Legislation on bill. Simple and translated bill. Types of bills of exchange. The bill aval. The concept of a bond. Bond loan. Target loan. Novation debt in the loan commitment.

The loan agreement, its concept and the relationship with the loan agreement. Parties to the loan agreement. Contents and execution of the loan agreement. Separate types of loan agreement.

Agreement of Financing Against Assignment of Money Claim. The concept and types of factoring. The difference of factoring from a loan agreement and from a cession. Assignment of a monetary claim as a way of ensuring the performance of a loan obligation. The content and subject of the Agreement of Financing Against Assignment of Money Claim. Execution of the contract. Assignment of a monetary claim.

Литература:

1. Гражданский кодекс Ч.2 – Ст.724-748
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.416-440
3. Брагинский М.И., Витрянский В.В. Договорное право, т.5-1. – стр.-8-291
4. Ефимова Л. Понятие и правовая природа договора об открытии кредитной линии, Хозяйство и право, 2016 . №11
5. Гребенюк В. Взыскание процентов на дату фактического возврата кредитов, Хозяйство и право, №6, 2015
6. Румянцев С. Недобросовестные условия в банковских договорах с потребителями, Хозяйство и право, №1, 2014
7. Михеева И. Валюта платежа по кредитному договору в свете судебной практики, Хозяйство и право, №7, 2017

8. Михеева И. Правовая природа комиссии за досрочный возврат кредита в свете судебной практики, *Хозяйство и право*, №5, 2017
9. Научный круглый стол Юридического института «М-Логос» по теме «Банковские комиссии: к вопросу о пределах свободы кредитного договора», 21 февраля 2013 г. / http://m-logos.ru/publications/nauchnyi_kruglyi_stol_uridicheskogo_instituta_m-logos_po_teme_bankovskie_komissii_k_voprosu_o_predelah_svobody_kreditnogo_dogovora21_fevralya_2013_g/
10. Закон КР от 24 июля 2013 года N 163 "Об ограничении ростовщической деятельности в Кыргызской Республике"
11. Закон КР от 16 декабря 2016 года N 206 "О Национальном банке Кыргызской Республики, банках и банковской деятельности"
12. постановление Пленума Верховного суда КР от 29 ноября 2002 года N 6 "О некоторых вопросах судебной практики при разрешении споров по договорам займа"

Independent work

Independent study of the legal position of the court on the protection of participants' rights in contractual relations of the Resolution of the Plenum of the Supreme Court of the Kyrgyz Republic of November 29, 2002 No. 6 "On some issues of judicial practice in resolving disputes under loan agreements."

Checking independent work:

Role-playing game "Protection of the participants' rights in contractual relations". Assessment of group work.

Topic 11. Obligations under contract of bank account and bank deposits. Estimated liability.

Contract of Bank Account. The correlation of the contract of bank account and bank deposits. Conclusion and execution of a contract of bank account. Execution of the contract of the bank account. Write-off of funds from the bank account. Restraining accounts and suspension of account operations. Legal consequences of a breach of a contract bank account.

Separate types of contract of bank account. Legal regime of individual bank accounts (settlement, current, budget, correspondent, etc.).

The contract of bank deposit. Parties to the contract. Subject of the contract of bank deposit. Types of contract of bank deposit and their registration (savings account book, savings certificate, etc.). Deposits in favor of third parties. Execution of the contract of bank deposit. Legal consequences of a breach of a contract of bank deposit.

Obligation to bank account privacy. Civil-law protection of the rights of depositors and other clients of the bank. Obligation on cash and non-cash settlements. Concept and legal regulation of cash and non-cash settlements. Cash settlements as a form of performance of monetary obligations. Concept and content of non-cash settlements. legal Cash settlement relationship. Basic forms of non-cash payments.

Settlements by payment orders. The concept, content and execution of a payment order. Settlements under the letter of credit. Types of letter of credits. Execution of the letter of credit and the bank's liability for violation of the terms and conditions of the letter of credit. Calculations for collection. Forms of settlements for collection. Execution of collection orders and responsibility for its non-fulfillment. Calculations by checks. Check as a security. The order of payment of a check and the transfer of rights on it. Refusal to pay a check and responsibility for its non-payment.

Литература:

1. Гражданский кодекс Ч.2 – Ст.749-801
2. Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.440-448
3. Брагинский М.И., Витрянский В.В. Договорное право, т.5-2 – стр.1-256
4. Ефимова Л. Особенности регулирования банковских счетов по праву Франции (сравнительно-правовой аспект), *Хозяйство и право*, №8, 2014
5. УНИФИЦИРОВАННЫЕ ПРАВИЛА и обычаи МТП для документарных аккредитивов
6. Закон КР от 16 декабря 2016 года N 206 "О Национальном банке Кыргызской Республики, банках и банковской деятельности"
7. Закон КР от 23 июля 2002 года N 123 "Об аккредитивах"
8. Унифицированных правил и обычаев для документарных аккредитивов", подготовленных Международной торговой палатой (Uniform Customs And Practice For Documentary credits, UCP, ICC publication No. 500).

Independent work

Self-study of literature to the topic

2. Problem Solving

Praktikum po Grazhdanskomu pravu, Part 2, Moscow: Bek Publishing, 1993

Checking independent work

Discussion the legal significance of each fact mentioned in the tasks during the seminar, the decision of the question with the validity of the claims and objections of the parties, in case of a court decision - the validity of the solution stated in the task.

The answers to the questions of the tasks should be confirmed by references to specific legal norms.

Topic 11. Obligations from unilateral transactions and from actions in someone else's interests

The concept and types of obligations under unilateral transactions. Obligations under the public promise of reward. Obligations under a public competition. Change of conditions and cancellation of the public competition.

The concept and features of aleatory (risk) transactions. Obligations under the games and betting. Obligations under the conduct of lotteries, totalizators and other games by public entities or by their resolution.

The concept and types of actions Without Agency in Other Person's Interest. Conditions for the obligations under the Actions Without Agency in Other Person's Interest in someone else's interest. Legal consequences of the commission of actions to prevent the danger (rescue) of a person or someone else's property. Conclusion of a transaction in someone else's interest without commission. Unjust enrichment due to Actions Without Agency in Other Person's Interest.

Литература:

1. *Гражданский кодекс Ч.2 – Ст.812-821*
2. *Гражданское право: Учебник (ч.2) /под ред. А.П.Сергеева, Ю.К.Толстого/ - стр.670-715*
3. *Брагинский М.И., Витрянский В.В. Договорное право, т.5-2 – стр.256-313*
4. *ЗАКОН КР от 11 августа 2008 года N 201 "Об игорной деятельности в Кыргызской Республике"*
5. *ПОЛОЖЕНИЕ о проведении лотерей в Кыргызской Республике (утверждено постановлением Правительства КР от 15 сентября 2005 года N 437)*
6. *Договор о проведении конкурса и юридический статус специализированной организации (С.В. Савина, "Право и экономика", N 3, март 2006 г.)*
7. *Правовая природа извещения о проведении конкурса (С.В. Савина, "Правосудие в Поволжье", N 3, май-июнь 2005 г.)*
8. *Правовое регулирование и проведение публичного конкурса (Д.В. Кузнецов, "Право и экономика", N 10, октябрь 2003 г.)*
9. *Недействительность публичных торгов (В. Зубарев, "эж-ЮРИСТ", N 12, март 2004 г.)*
10. *"Организация и порядок проведения торгов" (Завидов Б., Разенков В., "Российская юстиция", 1996, N 10)*
11. *"Игра и пари как институты гражданского права" (Белов В.А., "Законодательство", 1999, N 9)*
12. *Игры и пари (Эрделевский А., "Российская юстиция", 1999, N 8)*
13. *"Пределы правового регулирования азартных игр" (Дерюга Н., "Российская юстиция", 1998, N 6)*

Topic 13. Obligations arising in the result of infliction of harm

The concept and legal nature of obligations arising from the infliction of harm (tort obligations). The relationship between the concepts of "tort obligation" and "tort liability".

Grounds and conditions for the occurrence of tort obligations. The principle of the general tort. Obligation arising in connection with the prevention of harm.

Subjects and the object of the obligation arising as a result of causing harm. The debtor and the creditor in the tort obligation. Joint harming of several persons and their responsibility. A recourse requirement for compensation for harm. Object of an obligation arising as a result of causing harm.

The maintenance of the obligation arising as a result of causing harm. Obligation of the offender to compensate for harm. The principle of full reparation. Account of the guilt of the victim and the property position of the person who caused the harm.

The concept of moral harm; cases and amount of its compensation.

Certain types of liabilities arising from the harm. Responsibility for harm caused to a citizen or legal entity by illegal actions of public authorities or their officials in the performance of their duties. Responsibility for harm caused by the source of the increased danger. Liability for Harm Inflicted by Minors and Individual Found Dispositively Incapable.

Peculiarities of the compensation for injured harm in case of damage of the health and causing death to a citizen.

Compensation for damage caused to the consumer due to deficiencies in goods, works or services.

Литература:

1. *Гражданский кодекс Ч.2 – Ст.993-1028*
2. *Источник повышенной опасности: понятие, признаки, виды (Р.Р. Шуйский, С.И. Шуйская, "Вестник Федерального Арбитражного суда Западно-Сибирского округа", N 3, март-апрель 2004 г.)*

3. *Безвиновная ответственность предпринимателя за причинение внедоговорного вреда: сравнительное исследование* (Е.Г. Афанасьева, Книга "Предпринимательское право в рыночной экономике")
4. *Источник повышенной опасности: проблемы понятийного аппарата* (С.Н. Абрамов, А.Ф. Попов, "Законодательство", N 1, 2, январь 2004 г.)
5. *Российское и зарубежное деликтное право: основные различия* (Е.Г. Афанасьева, "Законодательство", N 6, июнь 2003 г.)
6. *Всегда ли возникает обязанность возмещения причиненного вреда?* (В. Емельянов, "Российская юстиция", N 1, январь 2001 г.)
7. *"Возмещение вреда, причиненного жизни и здоровью ребенка"* (Беспалов Ю., "Российская юстиция", 1998, N 10)
8. *"Моральный вред: соотношение с другими видами вреда"* (Эрделевский А., "Российская юстиция", 1998, N 6)
9. *"Споры о возмещении вреда здоровью"* (Глянцев В., "Российская юстиция", 1997, N 11)

Independent work

1) Definition of the main features that make it possible to distinguish obligations arising from the infliction of harm, as non-contractual liability from the contractual, with the use of normative legal acts

2) Analysis of the Determination of the Judicial Collegium on Economic Disputes of the Armed Forces of the Russian Federation of June 9, 2016 No. 305-ES16-1712

Discussion of the commentary on the definition in the article Belov VA The case of losses from African swine fever. Bulletin of Economic Justice of the Russian Federation, No. 8, 2016.

Checking independent work.

Checking the task by "cross" method. Discussing the contentious issues.

Topic 14. Obligations arising from unjust enrichment

The concept of an obligation arising as a result of Unjust Enrichment a (a conditional obligation). Terms of occurrence of obligations under the unjust enrichment. Forms and types of unjustified acquisition or saving of property. Getting the buyer is improper. Savings of property due to encroachment on other people's rights. The content of the obligation from unjust enrichment. Unjust enrichment, not subject to return.

Subsidiary application of obligations under the unjust enrichment. The ratio of the conditioning claim with contractual, vindictive and tort claims.

Литература:

1. *Гражданский кодекс Ч.2 – Ст.1029-1036*

2. Эрделевский А. О некоторых вопросах неосновательного обогащения, подлежащего возврату, *Хозяйство и право*, №11, 2016

3. *Научный круглый стол Юридического института «М-Логос» по теме «Ключевые проблемы обязательств из неосновательного обогащения», 03 апреля 2013 г. / http://m-logos.ru/publications/nauchnyi_kruglyi_stol_uridicheskogo_instituta_m-logos_po_teme_kluchevye_problemy_obyazatelstv_iz_neosnovatel'nogo_obogasheniya_03_aprelya_2013_g/*

Independent work.

1. Independent study of literature to the topic

2. Problem Solving

Praktikum po Grazhdanskomu pravu, Part 2, Moscow: Bek Publishing, 1993

Tasks 1-10 and tasks on the topic "Obligations arising from unjust enrichment"

Checking independent work

Discussion the legal significance of each fact mentioned in the tasks during the seminar, the decision of the question with the validity of the claims and objections of the parties, in case the case is decided by the court, the validity of the solution stated in the task.

The answers to the questions of the tasks should be confirmed by references to specific normative legal acts.