

Course Outline

Course number	RBA233				
Course title	Comparative Personal and Family Law				
Credit points	3 ECTS (2CP)				
Total hours	30				
Lecture hours	14				
Seminar and other hours	16				
Course level	Bachelor				
Prerequisites	RBA100 - Introduction to Bachelor Studies in Law, Business & Diplomacy with integration of English (Level I)				
Category	Mandatory	X	Restricted elective	Free elective	

COURSE TEACHERS

No.	Name	Academic degree	Academic position
1	Gabor Palasti	PhD	Visiting Professor

COURSE ABSTRACT

This course identifies the general concepts of personal relations under traditional private (civil) law: the law of persons (natural persons) and family law. The course adopts a comparative view of the main topics, including legal capacity, the capacity to act, personality and privacy rights, custody, adoption, guardianship, marriage, life partnership and other forms of family law relations, divorce, matrimonial property regimes, etc. The course consists of lectures and seminars. Lectures in a particular topic will be followed by one or more seminars, which aim at developing the students' problem solving skills. Seminars also incorporate the discussion of real and fictional cases.

COURSE OBJECTIVES

The aim of the course is to introduce the students to comparative personal (law of persons - natural persons) and family law. The primary aim is a comprehension of the legal framework and comparative differences between the different regimes included in the course, but in some particular topics a closer look will be taken at specific legislation. The course focuses on developing the problem solving skills of students and also on giving them a broader and deeper understanding of this area of the law.

GRADING CRITERIA

Criteria	Weighting
Exam	70-100%
Voluntary student presentations	0-10%
Voluntary in-class mini-quiz (oral)	0-20%

COURSE PLAN – MAIN SUBJECTS

No.	Subject	Planned hours
1	Course and subject matter introduction. Personal relations in private law. Natural and legal persons. Forms of capacity and related issues.	6
2	Personality rights and privacy	4
3	Recognized family law relationships: marriage and cohabitation. Constitution, rights and obligations, termination: personal aspects.	12
4	Other family law issues (children, adoption, etc.)	8

COURSE PLAN – SESSIONS

Session	Subject	Lecture/seminar
1	Introduction to comparative personal and family law. Our subjects in the general structure of private/civil law. Classification of relevant issues in the main legal systems. Connecting points to other branches of law. The law of persons: natural and legal persons. Legal capacity: commencement, termination. Main characteristics.	Lecture
2	Introduction to the concept of seminars. Student presentation titles discussed. Legal capacity continued.	Seminar
3	Capacity to act. Limited capacity issues. Guardianship, powers of attorney, etc.	Lecture
4	Student presentations and mini-quiz. Personality rights and privacy: conceptual basis.	Seminar
5	Personality rights and privacy: rights and obligations, remedies. Determining the <i>lex personae</i> .	Lecture
6	Student presentations and mini-quiz. Regulating family matters in law. The scope, subject matter, social purpose and sources of family law. The changing role of basic social concepts in the evolution of family relations: marriage, sex, child maintenance, property, etc. The methodology of comparative family law.	Seminar
7	Major recognized legal relationships in family law. The regulation and legal recognition of marriage in major jurisdictions. Substantive and formal conditions in historical and comparative aspects.	Lecture
8	Student presentations and mini-quiz. Termination of marriage. Divorce conditions in historical and comparative aspects. Affiliated issues: the discussion of divorce and personal issues.	Seminar
9	Property regimes of marriage in family law. The basic concepts of property and financial aspects of a marriage and divorce.	Lecture
10	Student presentations and mini-quiz. The recognition and evaluation of cohabitation outside of marriage 1. Basic problems.	Seminar
11	The recognition and evaluation of cohabitation outside of marriage 2. Major legal solutions.	Lecture

Session	Subject	Lecture/seminar
	The recognition of same-sex relationships.	
12	Student presentations and mini-quiz. The recognition and status of children in family law.	Seminar
13	The law on adoption in family law.	Lecture
14	Student presentations and mini-quiz. Determining the applicable law on family relations.	Seminar
15	Misc. other issues. Sample test discussion.	Seminar

COURSE LITERATURE

No.	Author, title, publisher
1	Peter De Cruz: Family Law, Sex and Society - a Comparative Study of Family Law, Routledge (only chapters specified in class)
2	Course slides and other handouts uploaded to the course intranet site

COURSE STRUCTURE AND REQUIREMENTS

The course is made up of lectures and seminars. Lectures provide for the basic framework of the course material. Even on lectures, the Socratic method is introduced: students are looked at as active participants and will be involved in the lecture itself. Course material slides are uploaded to the intranet course directory lecture by lecture. Students are expected to follow the uploaded materials by themselves. Seminars involve student work more actively, and include student presentations and oral mini-exams, both on a voluntary basis.

Class attendance: Attendance is compulsory and objective (no excuse for skipping class) on half of all class meetings. Students missing more than half of all class meetings will not be admitted to the course exam. The rule is objective (no grounds for excuses).

Voluntary in-class mini-quiz: students may volunteer to take an oral mini-quiz, which comprises of three questions from the material of the latest lecture in a Q&A format. A student may try a mini-exam twice during the course and earn a total of 20% extra exam-points at the maximum. No points are deducted for wrong answers.

Voluntary student presentations: students may volunteer to prepare a 5-8 minute long presentation from titles which are uploaded on the Intranet before the course commences and discussed and assigned in class during the first seminar. Rules of the presentation are to be found in the file that contains the list of the available titles. A student may volunteer to do one presentation during the course, and may earn up to 3 points (10% of the grade points) maximum.

Course completion: the course is completed if the student has attended all classes (see the exception above) and completed the exam.

Course exam: the exam is a 30-question multiple choice exam test, where students must mark the correct answer from 4 choices to every question. The exam is closed-book.

Grading: Grading will be made upon points that the students have earned. The exam consists of 30 points total, to which an extra 6 points (20%) from mini-quiz and another 3 points (10%) from student presentations may be added to volunteering students.

The conversion rate of points into marks will be announced in a separate file in the Intranet.