

Program: Doctoral Academic Studies		
Course title: THE ROLE OF SALES CONTRACT FROM THE ROMAN LAW IN DEVELOPMENT OF EUROPEAN PRIVATE LAW		
Teachers: Vladimir Vuletić, LL. D, Assistant Professor		
Course status: optional		
Number of ECTS: 10		
Requirements:		
Aims of the course: The candidate will be able to understand the way the Roman lawyers developed their law of contractual obligations, especially Roman sales contract. He will be able to interpret sources and to read relevant literature with critical distance. The candidate will be able also to compare the Roman law of contracts with the actual legislation and with development of European Private Law.		
Course result: By understanding the basic conditions of origin and the characteristics of Roman sales, the candidate should be able to independently research this institution in different periods of development of Roman law, as well as derived or similar institutions in modern legal systems in European Union.		
Course content: Under Roman law, the importance of the Roman Sale Contract is emphasized by his place in the construction of the basic principles of contract law - consensusism, bona fides, equivalence of party cuts and contractual liability. It had a very wide application throughout the Roman history from the earliest times to Justinian's law. The rich history has made this contract to be elaborated and regulated to the smallest detail. Hence, an intensified course on this Roman institute, referring to its elements that are relevant to current discussions about the possibility of a single European private law, could have a dual significance for the further development of our legal system. He would, above all, introduce candidates with the current state of science and positive legal solutions in the countries of the European Union and with possible further directions of change in that area. In addition, the course would try to offer answers to some of the burning issues related to consumer rights protection, which is regulated in the Republic of Serbia in the new Consumer Protection Act in 2010. The question would be separately analyzed whether it is necessary to change the positive solutions of the 1978 Law on Obligations, dedicated to these issues, bearing in mind the consistency and comprehensiveness of the legislator in this matter. The focus of the course, however, is to explore the extent to which Roman sales decisions have influenced the development of the modern civil codes of Europe. In the legal novelist, such a belief is present and seems to be the dominant direction of thinking, but there were Roman sales rules which in this respect are causing dilemmas (the principles of periculum est emptoris and caveat emptor, slow development and limited scope of actio empti). The solution of these and related legal questions is necessary in order to draw conclusions in the mentioned current directions.		
Literature: Ž. Perić, <i>O ugovoru o prodaji i kupovini</i> , Beograd, 1920. R. Zimmermann, <i>The Law of Obligations – Roman Foundations on Civilan Traditions</i> , Oxford University Press, 1995. J. Smits, <i>The Making of European Private Law: Toward a Ius Commune Europaeum as a Mixed Legal System</i> , Antwerp-Oxford, 2008. E. Berry, <i>European Union Law</i> , Oxford, 2007. M. Bussani, U. Mattei <i>Making European Law: “Common Core” Project</i> , Trento, 2000. U. Drobnig, <i>Private Law in the European Union</i> , The Hague, 1996. P. Koschaker, <i>Europa und das römische Recht</i> , München, 1996. K. Zweigert, H. Kötz, <i>Introduction to comparative law</i> , Oxford Clarendon Press, 1984. F. de Zulueta, <i>The Roman Law of Sale</i> , Oxford Clarendon Press, 1945. R. Zimmermann, <i>Roman Law, Contemporary Law, European Law; The Civilian Tradition Today</i> , Oxford, 2001.		
Number of lectures – active classes	Theoretical classes: 15	Practical classes :
Instruction method: lectures, consultations, seminar paper		
Grading system (maximum number of points 100)		

Pre-exam obligations	points	Final Exam	points
Activities during lectures	20		
Activities during practical classes			
Tests			60
Seminar classes	20		