

Program: Master Academic Studies –			
Course title: THE LAW OF CONTRACTS IN ROMAN LAW			
Teachers: Prof. dr Milena Polojac			
Course status: optional			
Number of ECTS: 10			
Requirements:			
<p>Aims of the course: The candidate will be able to understand the way the Roman lawyers developed their law of contractual obligations. 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.</p>			
<p>Course result: With the historical and dogmatical knowledge and with understanding the role of the sources, the candidate will be able to undertake his original research independently.</p>			
<p>Course content: In the first part of the course will be dealt with the Roman concept of an obligation as fundamental: its historical development, division of obligations, place of obligations within the system of private law. The discussion of contract starts with the special contracts before it focuses on general doctrines. The course follows fourfold scheme which dates back to Gaius. It is based on the manner in which the contract was concluded: verbis, litteris, re and consensu. The stipulation, the prototype of a contract, or any other particular Roman contract (mutuum, commodatum, depositum, pignus, emptio venditio, locatio conductio, mandatum and societas) will be studied more profoundly. This approach from the concrete to the more abstract and general would appear to accord best with the way the Roman lawyers developed their law of contractual obligations. The third part of the course includes most important problems that affect every type of contract – so called general part: concluding contracts, will and mistake, duress and fraud, parties, invalid contracts, conditions, and time clauses, breach of contract, etc.</p>			
<p>Literature: R. Zimmermann, <i>The Law of Obligations, Roman Foundations of the Civilian Tradition</i>, Oxford, 1996, 1241. A. Watson, <i>The Law of Obligations in the Later Roman Republic</i>, Oxford, 1965, 295. H. Hausmaninger, <i>Casebook zum römisches Vertragsrecht</i>, Wien, 1995. M. Kaser, <i>Das römisches Privatrecht, I</i>, (Vierter Abschnitt. Obligationenrecht, 474-667) München, 1971. G. MacCormack, <i>Custodia and Culpa</i>, <i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung (ZSS)</i>, 89, 1972, 149-219. A. Malenica, <i>Rimsko pravo</i>, Novi Sad, 2007. M. Milošević, <i>Rimsko pravo</i>, Beograd, 2008. O. Stanojević, <i>Rimsko pravo</i>, Beograd, 2002. D. Stojčević, <i>Rimsko obligaciono pravo</i>, knjiga II, sveska 2, Beograd, 1954., M. Polojac, <i>Praktikum za rimsko pravo</i>, Beograd, 2011. J. Danilović, <i>Kontrakt u rimskom klasičnom pravu</i>, <i>Anali Pravnog fakulteta u Beogradu</i>, 1-2/1974, 31-63. O. Stanojević, <i>Zajam i kamata – istorijska i uporednopravna studija</i>, Beograd, 1966. J. Danilović, <i>Beleške o ugovorima o prevozu robe brodom u rimskom pravu</i>, <i>Anali Pravnog fakulteta u Beogradu (Anali PF)</i>, Beograd, 3-4/1969, 359-382. J. Danilović, <i>Ugovor o građenju u rimskom klasičnom pravu</i>, <i>Anali PF</i>, 1-3/1991, 87-101. J. Danilović, <i>Custodia i ugovor o delu u rimskom klasičnom pravu</i>, <i>Zbornik Pravnog fakulteta u Novom Sadu</i>, 1969, 3, 339-363</p>			
Number of lectures – active classes	Theoretical classes: 15		Practical classes :
Instruction method: lectures, consultations			
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		