

Program: Master Academic Studies
Course title: LAW OF OBLIGATIONS – CONTRACTUAL LIABILITY FOR DAMAGE
Teachers: Prof. dr Dragor Hiber, prof. dr Marko Đurđević, prof. dr Marija Karanikić Mirić
Course status: mandatory – Civil law module, Property Law sub-module II
Number of ECTS: 20
Requirements: /
Aims of the course: Learning and understanding the effects of an obligation as a result of the fact that the obligation arose and liability for non-performance of the obligation; analysis of the rights of creditor to request performance and the legal consequences of the fact of non-performance in comparative and Serbian law; acquiring knowledge of the legal principles which apply in the matter of contractual liability and detecting the main directions of development of comparative legislation, law of the European Union and scientific thought, development of the capacity for detection and resolution of problems which arise in commercial and judicial practice in connection with performance and infringement of contractual obligations.
Course result: Students will, by successful completion of the course, acquire in depth knowledge about the rules which regulate relationships which arise in the case of non-performance of a contractual obligation by the debtor and, by looking at contractual liability from a different angle, develop the capacity to critically analyse and apply the norms of this part of the law of obligations.
<p>Course content:</p> <p>I General rules on liability of the debtor (202–205 Draft)</p> <p>II Comparison of contractual and extra-contractual liability</p> <p>III Notion of breach of contract</p> <p>IV Rights of the creditor:</p> <ol style="list-style-type: none"> 1. Right to indemnity – General rules (206 Draft) <ol style="list-style-type: none"> a. Compensation determined by the court (207–214 Draft, 262–269 ZOO) b. Contractual penalty (215–222 Draft, 270–276 ZOO) – compensation agreed by the parties c. Statutory interest – compensation determined by the legislator (223–225 Draft, 277–279 ZOO) 2. Performing debtor’s rights (226 Draft) and revocation of his acts (contestation of debtor’s legal acts – <i>Actio Pauliana</i>) (227–232 Draft, 280–285 ZOO) 3. Right of retention (<i>Ius retentionis</i>) (233–236 Draft, 286–289 ZOO) 4. Creditor’s rights in special cases: <ol style="list-style-type: none"> a. When the obligation consists in giving generic things (237 Draft, 290 ZOO) b. When the obligation consists in doing (238 Draft, 291 ZOO) c. When the obligation consists in abstaining from doing (239 Draft, 292 ZOO) d. Right to ask for compensation in lieu of the adjudged object (240 Draft, 293 ZOO) e. Judicial penalties (241 Draft, 294 ZOO) <p>Apart from the listed subject matter, a whole series of subjects is connected to and significant for contractual liability. Among them are notion of contract and general requirements for its conclusion, termination and rescission of contract – especially rescission due to non-performance and termination of the contract due to impossibility of performance, liability for physical and legal defects, performance of the contract and so on. Therefore, all that belongs to the instruments for understanding the conceptual surroundings in which the notion of contractual liability arises and is conceptualised.</p>
<p>Literature:</p> <p>Mandatory: Text books on the law of obligations (S. Perović, J. Radišić, J. Salma, B. Loza), especially those parts which deal with effects of obligations, Komentar ZOO: Blagojević/Krulj; S. Perović (articles 262–294); I. Jankovec, Ugovorna odgovornost</p> <p>Additional: M. Orlić, Zaključenje ugovora; Oliver Antić, Pravna priroda ugovornih obligacija, Pravni život 10/2006; Mladen Draškić, Anali PF, Granice odgovornosti dužnika za štetu pričinjenu povredom ugovornih obaveza, (Č), 3–4/85, str. 365–370; Mihailo Konstantinović, Anali PF, Osnov odgovornosti za prouzrokovanu štetu, (Č), 3–4/82, str. 507–518; Mihailo Konstantinović, Anali PF, Priroda ugovorne kazne. – Smanjenje od strane suda, (SP), 2/53, str. 209–215; 3–4/82, str. 520–526; Dimitar Pop-Georgiev, Anali PF, Ugovorna odgovornost prema Zakonu o obligacionim odnosima, (Č), 3–5/78, str. 451–464; Predrag Šulejić, Anali PF, Konkurencija deliktne i ugovorne odgovornosti (problem izbora odštetnog zahteva), (Č), 1–3/91, str. 344–351; Slobodan Perović, Osnov ugovorne i deliktne odgovornosti, Pravni život 3-4/2004; Aleksandar Jakšić, Kvalifikacija ugovorne i vanugovorne</p>

odgovornosti za štetu, Pravni život 10/1992; Ivica Jankovec, Anali PF, Značaj krivice kao pretpostavke za nastupanje ugovorne odgovornosti, (Č), 6/90, str. 685–701; Dragan Pavić, Sudska kontrola visine ugovorne kazne, Pravni život 10/2000.

Number of lectures – active classes	Theoretical classes:	Practical classes :	
Instruction method: lectures, consultations			
Grading system (maximum number of points 100)			
Pre-exam obligations	points	Final Exam	points
Activities during lectures	20	Oral exam	60
Activities during practical classes			
Tests			
Seminar classes	20		