

Course Name : E Drejta Ndërkombëtare Private							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 511	N/A	Fall	3.00	0.00	0.00	3.00	5.00
Lecturer		Ada Güven, PhD					
Assistant							
Course language		Albanian					
Course level		Program i Integruar					
Description		The subject "Private International Law" gives students knowledge about specific cases when legal-civil relations are characterized by the existence of a foreign element, which affects how the case will be handled by the courts. During this course, students will be able to identify and provide solutions to cases where there are conflicts between the laws of different countries based on the provisions of the Law on private international law as well as on other sources. Also, the basics of international arbitration and arbitration agreements will be addressed, through a practical approach, highlighting the advantages and disadvantages of arbitration and other related issues.					
Objectives		After completing this subject, students will be able to know Private International Law in general, issues related to the jurisdiction of the national court, applicable law, choice of law for various issues related to family, property, contractual obligations and outsourcing and arbitration					
Core Concepts		1. Conflict norms 2. Foreign element 3. Applicable law 4. Public order clause 5. International arbitration					
Course Outline							
Week	Topic						
1	General introduction to private international law/ Historical overview of private international law General knowledge on private international law explaining some of the most important concepts of the subject as well as analyzing its historical development and scope. Also, the relationship between private international law and other branches of law such as public international law, constitutional law and civil law, including family law, the law of obligations, commercial law, etc. is examined (Page 13 -40)						
2	Sources of private international law Explanation of sources of private international law including national and international sources. The topic deals with how international sources become part of the domestic legal system, taking into account the procedure provided for in the Constitution. (pp. 41-58)						
3	Private international legal relations This topic deals with the private international legal relationship by defining what are the subjects of this relationship and their rights and obligations. The lecture focuses especially on the state as a special subject of the legal relationship. Also, physical persons in the capacity of Albanian and foreign citizens and legal persons are analyzed, mentioning their legal position. (pp. 59-94)						
4	Conflict norms, construction and its features This topic provides an understanding of the conflict norm, its function and characteristics. Also, this lecture analyzes the constituent elements of the conflict norm which are the statement of facts and the criterion of connection. (pp. 95-118)						
5	Application and effects of conflict norms The topic focuses on the application of conflict norms, taking into account the connection criteria that exist in the legal relationship with foreign elements. Among the objectives of this week are the giving of meanings and reflection with examples of notions such as the public order clause, the principle of reciprocity and the ways of referring to foreign law. (Pages 119-136)						

6	Family law in private international law I (Marriage) This topic aims to identify the law applicable to family relationships that have foreign elements inside. So, it is determined which is the law applicable to the form of marriage, the conditions of marriage, the personal and property relations of the spouses, as well as the invalidity and dissolution of marriage. (Pg. 187-213)
7	Family law in private international law (Parental responsibility, adoption, guardianship) Determination of the law applicable to family relations with foreign elements related to parental responsibility, maintenance, adoption and guardianship. (Pages 214-222)
8	Midterm exam
9	Property in private international law This topic defines the law applicable to matters related to ownership such as ways of acquiring ownership, possession, ownership of things and rights over intangible assets. (Pages 149-166)
10	Inheritance in private international law This issue deals with the historical development of inheritance in private international law by examining the main problems related to legal and testamentary inheritance and determining the law to be applied in relation to them. (Pages 167-186)
11	Contractual and non-contractual obligations in private international law First, the topic presents a comparative historical panorama of the match of different legislations in the law of obligations and then identifies the law applicable to some of the most important contracts of civil circulation. (Pages 223-288)
12	Jurisdiction of Albanian courts in examining cases with foreign elements Based on the provisions of the law on private international law, this lecture aims to determine the jurisdiction of the Albanian courts in examining cases with foreign elements, focusing in particular on the meaning of international jurisdiction, exclusive jurisdiction and that determined by agreement. (Law on Private International Law, articles 71-81)
13	International arbitration As one of the most important institutes in legal relations with foreign elements, this lecture aims to provide students with knowledge on the historical development of international arbitration, mentioning the function and the great role it has in resolving conflicts that have a foreign element inside. . (Pages 327-366)
14	Recognition and implementation of foreign court decisions This topic deals with the procedure of how foreign judicial decisions are recognized by Albanian courts and how they are implemented. It also dwells on the legal doctrine that deals with certain types of recognition of foreign judicial decisions. (Pages 367-395)
15	Repetition
16	Final Exam
Prerequisites	
The student must attend the course at a minimum rate of 75%.	
Literature	
• Ardian Kalia, E drejta ndërkombëtare private (Tiranë: 2008) • Ligji nr.10 428, datë 2.6.2011 "Për të drejtën ndërkombëtare private"	
References	
• Daniel Gutmann, E drejta ndërkombëtare private (Tiranë: Papyrus 2015)	
Course Outcome	
1	After completing the course, in terms of the judicial process, the student will be able to assess the importance of the preliminary identification of the possible space for litigation and determine the appropriate court for the resolution of conflicts in family, contractual or non-contractual matters.
2	After completing the course, the student will be able to understand the nature of the choice of law process and determine the law applicable to contracts, as well as be able to evaluate the procedure for the recognition and implementation of foreign court decisions.
3	Regarding the part of the course that deals with arbitration, the student will be able to understand the advantages and disadvantages of arbitration as one of the forms of alternative solutions of civil judicial conflicts, draft arbitration agreements, choose institutional or ad hoc arbitration , to understand the role of domestic courts in arbitration proceedings and to understand the mechanism of recognition and enforcement of foreign arbitral awards.

Course Evaluation			
In-term Studies	Quantity	Percentage	
Midterms	1	40	
Quizzes	0	0	
Projects	0	0	
Term Projects	0	0	
Laboratory	0	0	
Class Participation	0	0	
Total in-term evaluation percent			40
Final exam percent			60
Total			100
ECTS Workload (Based on Student Workload)			
Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	3	48
Study hours outside the classroom (Preparation, Practice, etc.)	14	2	28
Duties	0	0	0
Midterms	1	20	20
Final Exam	1	25	25
Other	0	0	0
Total Work Load			121
Total Work Load / 25 (hours)			4.84
ECTS			5.00