

Course Name : Private International Law							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 422	B	Spring	3.00	0.00	1.00	3.50	6.00
Lecturer		Gentjan Skara, PhD					
Assistant		Fatri Islamaj, PhD					
Course language		Albanian					
Course level		Master					
Description		The course "Private International Law" gives students knowledge about specific cases when legal-civil relations are characterized by the existence of a foreign element, which affects the way the case will be handled by the courts. During this course, students will be able to identify and resolve cases where we have conflicts between the laws of different states based on the provisions of the Law on Private International Law as well as other sources. The basics of international arbitration and arbitration agreements will also be addressed, with a practical approach highlighting the advantages and disadvantages of arbitration and other related issues.					
Objectives		Upon completion of this course, students will be able to know Private International Law in general, issues related to the jurisdiction of the Albanian court, applicable law, choice of law on various issues related to family, ownership, contractual obligations and outsourcing and arbitration.					
Core Concepts		1. Conflict of norms 2. The 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 of private international law by explaining some of the most important concepts of the subject as well as analyzing its historical development and scope. Also, the relationship that private international law has with other branches of law such as public international law, constitutional law and civil law, including family law, law of obligations, commercial law, etc. is examined (Pages 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 resources become part of the domestic legal system given the procedure provided for in the Constitution. (Pages 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 stops especially at the state as a separate subject of the legal relationship. Also, natural persons are analyzed in the capacity of Albanian and foreign citizens and legal persons mentioning their legal position. (Pages 59-94)						
4	Conflict rates, construction and its features This topic gives the meaning of the conflict rate, its function and characteristics. Also, this lecture analyzes the constituent elements of the conflict rate which are the telling of the facts and the criterion of connection. (Pages 95-118)						
5	Application and effects of conflict rates The topic focuses on the application of conflict norms taking into account the criteria of connection that exist in the legal relationship with foreign elements. Among the objectives of this week are the giving of meanings and the reflection with examples of notions such as the clause of public order, 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 applicable law for family relationships that have foreign elements inside. Thus, it is determined which is the applicable law for the form of marriage, the conditions of marriage, the personal and property relations of the spouses as well as the invalidity and dissolution of the marriage. (Pages 187-213)
7	Family law in private international law (Parental responsibility, adoption, guardianship) Determining the applicable law on family relations with elements related to parental responsibility, alimony, adoption and guardianship. (Pages 214-222)
8	mid term exam
9	Ownership in private international law This topic defines the applicable law on property-related issues such as ways of gaining ownership, possession, ownership of property and rights over intangible assets. (pages 149-166)
10	Inheritance in private international law This issue addresses the historical development of inheritance in private international law by examining the main problems related to legal and testamentary inheritance and determining the law that will be applied in relation to them. (Pages 167-186)
11	Contractual and non-contractual obligations in private international law Initially, the topic presents a comparative historical overview of the match between different legislations in the law of obligations and then identifies the law applicable to some of the most important civil turnover contracts. (Pages 223-288)
12	Jurisdiction of Albanian courts in reviewing cases with foreign elements Based on the provisions of the law on private international law, this lecture aims to define the jurisdiction of the Albanian courts in reviewing cases with foreign elements, focusing especially 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 by mentioning the great function and role it has for resolving conflicts that have a foreign element inside. (Pages 327- 366)
14	Recognition and enforcement of foreign court decisions This topic deals with the procedure of how foreign court 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 court decisions. (Pages 367-395)
15	review
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)	
References	
• Daniel Gutmann, E drejta ndërkombëtare private (Tiranë: Papirus 2015) • Ligji nr.10 428, datë 2.6.2011 "Për të drejtën ndërkombëtare private" • Kodi Civil • Kodi i Familjes • Legjislacioni mbi birësimet	
Course Outcome	
1	Upon completion of the course, in terms of litigation, the student will be able to assess the importance of prior identification of possible space for litigation and determine the appropriate court for resolving disputes in family, contractual or non-contractual matters.
2	Upon completion of the course, the student will be able to understand the nature of the law selection process and determine the law applicable to contracts as well as be able to evaluate the procedure for recognizing and enforcing foreign court decisions.
3	Regarding the part of the course related to arbitration, the student will be able to understand the advantages and disadvantages of arbitration as one of the alternative forms of civil litigation, draft arbitration agreements, choose institutional or ad hoc arbitration , understand the role of domestic courts in arbitration proceedings and understand the mechanism for recognizing and enforcing 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	4	64
Study hours outside the classroom (Preparation, Practice, etc.)	14	4	56
Duties	0	0	0
Midterms	1	10	10
Final Exam	1	15	15
Other	0	0	0
Total Work Load			145
Total Work Load / 25 (hours)			5.80
ECTS			6.00