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та природокористування

**Ministry of Education and Science of Ukraine**  
National University of Water and Environmental  
Engineering

Institute of Law

Department of Constitutional Law and Law Branch Disciplines

**07-02-36**

**METHODOLOGICAL MANUAL**



for practice on the course of  
**«Civil Law»**  
for students of major 081 «Law»  
full-time and part-time form of education

Part I

Recommended by  
scientific-methodological  
commission  
of major 081 «Law»  
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## Introduction

Civil law - the leading branch of law and recognized as such in all legal systems of the world. In the conditions of radical reformation of socio-economic relations in our society, the role of civil law as the main regulator of commodity-money relations increases accordingly. That is why civil law is one of the main fundamental disciplines studied in higher education institutions of the legal status.

Students must clearly understand the generally accepted civilist postulates, master the civilization tools, be able to independently analyze their legislative design, master the basic skills of practical use of civil law instruments. Under these conditions, their acquired knowledge and practical skills do not become outdated when adopting new regulations.

The main tasks of practical classes are the assimilation of the theoretical provisions of civil law. In the process of discussion, students learn to formulate and express their thoughts and conclusions, apply theoretical provisions in accordance with the practical requirements of legislation in Ukraine. The basis for an effective review of the provisions of civil law in practical classes is the study of a lecture source and especially periodicals. The enactment of the provisions of the course involves not only the firm assimilation of definitions of certain categories, characteristics and features, but also understanding the different points of view of leading scholars.

In order to develop practical skills for students, the teacher invites them to solve tasks that are specific cases of court practice. The student should give a theoretical analysis of the situation and the decision of the court in the case.

The purpose of teaching the discipline "Civil Law" is to teach students to analyze Ukrainian legislation and apply the norms of civil law when solving situational tasks for their further application in professional activities.

**Learning outcomes** acquire grounded knowledge of Ukrainian law provisions in the civil law sphere, main doctrinal provisions of civil law, to learn and identify specificities of civil law relations, analyze legislation and court practice, apply knowledge to solve practical situations.



## 1. Discipline description and it's structure

### 1.1. Themes of practice

Themes	Totally hours
Theme 1: Civil law in the system of Ukrainian law	2
Theme 2: Sources of civil law	2
Theme 3: Civil legal relations	2
Theme 4: Natural persons as subjects of legal relations	2
Theme 5: Legal entity as subjects of legal relations	2
Theme 6: State and other public law entity as subjects of legal relations	2
Theme 7: Objects of civil rights	2
Theme 8: Transaction.	2
Theme 9: Representation	1
Theme 10: Periods. Limitation of action	1
Theme 11: Exercise and protection of civil rights and interests	2
<b>Total number of hours per semester</b>	<b>20</b>

### 1.3. Monitoring activities and diagnostic tools

The current control of students' knowledge of the discipline is carried out in the following forms:

- assessment of student's work at lectures;
- oral questioning in practical classes, assessment of solution of situational tasks and participation in discussion of problem issues;
- performance of current control works.

### 1.4. Assessment criteria and scale

The evaluation of the results of the current control is calculated from 0 to 60 points. The main methods of evaluation are:

- analysis of oral answers;
- performance of practical tasks.

Assessment of the tasks is carried out according to the following criteria (in % of the number of points allocated for tasks with rounded to integer):

0% - task not completed;

40% - the task is fulfilled in part, the conclusions are not argued and not concrete, the report is prepared carelessly;

60% - the task is completed in full, the conclusions contain separate deficiencies, the student's judgments are not sufficiently reasoned, the report is prepared with a slight deviation from the requirements;

80% - the task is completed in full and on time, but it contains some inessential shortcomings of non-system nature;

100% - the job is done correctly, on time and without remarks.

Number of points scored by the student	Score on a national scale
90-100 points	Excellent
82-89 points	Good
74-81 points	
64-73 points	Satisfactorily
60-63 points	
35-59 points	Unsatisfactory with the possibility of re-assembly
1-34 points	Unsatisfactory with poorly obligatory re-examination of the course

## 2. THEMATIC PLANES OF PRACTICAL CLASSES

### MODULE I

#### Content module I

#### Practical class № 1

#### Theme: Civil law in the system of Ukrainian law

1. Corellation of public and private law. Civil law as private law.
2. The subject of civil law regulation.
3. Property relations regulated by civil law.
4. Personal non-property relations regulated by civil law.
5. Civil law method of regulation of social relations.



### *Key terms and concepts*

Civil law, subject and method of civil law regulation, civil law, source of civil law, analogy of law, legal analogy, custom of business, pandemic and institutional system of presentation, reception.

### *Topics of the report*

1. Determination of signs of dispositive method of regulation of social relations
2. Separation of civil law from related branches of law.

*Legislation and recommended literature* : [1- 13; 18, 21]

## **Practical class № 2**

### **Theme: The system of Ukrainian civil law**

1. Functions of civil law.
2. Basic principles of civil law.
3. Place of civil law in the system of branches of law. Separation of civil law from other branches of law.
4. The system of civil law as a branch of law.

### *Key terms and concepts*

Functions of civil law, the principles of civil law, the principle of reasonableness, the principle of freedom of contract, the principle of justice, the principle of integrity, the system of civil law.

### *Topics of the report*

1. The system of civil law as a branch of law of Ukraine.
2. The balance of the principles of legality and justice in the regulation of civil legal relations.

*Legislation and recommended literature* : [1- 13; 18, 21]

## **Practical class № 3**

### **Theme: Sources of civil law**

1. The concept of civil law.
2. Correlation of civil law and civil legislation.
3. The system of civil law.
4. The order and significance of the official publication of normative acts.
5. The role of customs business practices in regulating civil legal relations.
6. The legal significance of the decisions and conclusions of the Constitutional Court of Ukraine, resolutions of the Plenum of the Supreme Court of Ukraine and the Supreme Economic Court.



7. Codification and other forms of systematization of civil law.

8. Effect of civil law in time. The reverse force of civil law. The effect of civil law in space and in a circle of persons.

9. Interpretation of civil law. Application of civil law by analogy.

10. Interconnection and differentiation of civil and commercial legislation.

#### *Key terms and concepts*

Civil legislation, analogy of law, legal analogy, sources of civil law, the effect of civil laws in time, in space and by persons, gaps in legislation, the retroactive effect of laws.

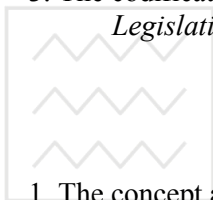
#### *Topics of the report*

1. The role of the norms of morality, the customs of business in the application of civil law.

2. The value of court decisions in the application, interpretation and improvement of civil law.

3. The codification of civil legislation of Ukraine at the present stage.

*Legislation and recommended literature:* [1- 13; 18, 21]



### **Practical class № 4**

#### **Theme: Civil legal relations**

1. The concept and general characteristics of legal relations.

2. Concept and features of civil legal relations.

3. Correlation of civil legal relations with relations, which constitute the subject of regulation of other branches of law.

4. General characteristics of elements of civil legal relations.

5. Subjects of civil legal relations.

6. Objects of civil legal relations.

7. Content of civil legal relations.

8. Classification of civil legal relations.

#### *Key terms and concepts*

Structure of civil legal relations, object of civil legal relations, subject of civil legal relations, content of civil legal relations, subjective right, subjective obligation.

#### *Topics of the report*

1. Comparative characteristic of absolute and relative civil legal relations.

2. Legal acts as the basis for the emergence of civil legal relationships.

3. Events as the basis for the emergence of civil legal relationships.



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#### 4. Types of legal facts.

*Legislation and recommended literature:* [1- 13; 18, 20, 21]

## Content module II

### Practical class № 5

#### Theme: Natural persons as subjects of legal relations

1. The concept of civil legal personality. Natural person (citizen) as a subject of civil law.
2. The concept of legal capacity of individuals. Value of civil capacity and subjective civil rights.
3. The name of the individual as the main means of individualization.
4. Place of residence of an individual and its legal significance.

#### *Key terms and concepts*

Natural person, legal personality, legal capacity, subjective right, limits of legal capacity, name, alias, place of residence.

#### *Topics of the report*

1. Civil legal personality of individuals under the legislation of Ukraine.
2. The problem of subjective civil right and abuse of it.

*Legislation and recommended literature:* [1- 13; 18, 21]

### Practical class № 6

#### Theme: Legal Capability of a Natural Person

1. The concept and types of capability of natural person.
2. Limitation of the capacity of an individual: reasons, procedure and legal consequences.
3. Recognition of a physical person incapacitated: grounds, order and legal consequences.
4. The procedure, conditions and legal consequences of recognizing a person as missing and declaring dead.

#### *Key terms and concepts*

Capability, emancipation, incapacitated person, person with limited capacity, partial capacity, incomplete ability, unknown absence, "legal death", guardianship, trusteeship.

#### *Topics of the report*

1. Institute for the missing of a person in civil law.
2. Guardianship and trusteeship.
3. Features of the legal status of individuals-entrepreneurs.
4. Acts of civil status: concepts, types and values



### **Practical class № 7**

#### **Theme: Notion and features of Legal Entity**

1. The concept and features of a legal entity.
2. Development of the doctrine of legal entities in the science of civil law.
3. Concepts and types of legal personality of legal entities.
4. Bodies of legal entities.
5. Individualization of legal entities, its methods and civil law.
6. Civil law status of branches and representative offices of a legal entity.

#### *Key terms and concepts*

Legal entity, commercial name, affiliate, representative office, governing body.

#### *Topics of the report*

1. The civilist doctrine of the nature and concept of a legal entity.
2. Legal personality of a legal entity.

*Legislation and recommended literature* : [1- 13; 15, 18, 21]

### **Practical class № 8**

#### **Theme: Creation and Termination of Legal Entity**

1. Procedure and methods of creation of legal entities. Constituent documents of a legal entity.
2. State registration of a legal entity and its legal significance.
3. Termination of activity of a legal entity. The procedure for liquidation of a legal entity.
4. Bankruptcy of a legal entity - a subject of entrepreneurial activity.
5. Reorganization of a legal entity. Ways of reorganization.

#### *Key terms and concepts*

Constituent documents, state registration, termination, liquidation, bankruptcy, reorganization.

#### *Topics of the report*

1. Ways of formation of separate types of legal entities under the legislation of Ukraine.
2. Methods of termination of legal entities.

*Legislation and recommended literature* : [1- 13; 15, 18, 21]



## Practical class № 9

### Theme: Types of Legal Entities

1. Types of legal entities.
2. Enterprises. Institutions
3. Economic partnership.
4. Cooperatives.
5. Association of legal entities.
6. Association of citizens.

#### *Key terms and concepts*

Organizational legal forms of legal entities, enterprises, economic partnership, cooperatives, associations of legal entities, enterprises, institutions, associations of citizens, trade union organizations, charitable organizations, religious organizations.

#### *Topics of the report*

1. Non-profit organizations as subjects of civil law.
2. State and communal enterprises as legal entities.

*Legislation and recommended literature* : [1- 13; 15, 18, 21]

## Practical class № 10

### Theme: State and other public law entities as subjects of legal relations

1. The concept, content and features of civil legal personality of the state.
2. Cases of state participation in civil legal relations.
3. Ukraine and other states as subjects of the state-owned property.
4. Ukraine and other states as participants in civil legal relations.
5. Other public law entities as participants in civil legal relations.

#### *Key terms and concepts*

Legal personality of the state, the right of national property, the Autonomous Republic of Crimea, territorial community.

#### *Topics of the report*

1. Territorial communities of villages, settlements, cities as participants in civil relations.
2. Foreign states as participants in civil relations.

*Legislation and recommended literature* : [1- 13; 18, 21]

## Practical class № 11

### Theme: Objects of civil rights and interests

1. The concept and types of objects of civil legal relations.



2. The concept of things and their features. Classification of things and its legal meaning. Concept of property.

3. Money and currency values as objects of civil legal relations.

4. The concept and features of the civil law regime of currency values.

5. Concept and main types of securities.

6. The only property complex of the enterprise as an object of legal relations.

7. Services and other actions as objects of civil legal relations.

8. Results of creative activity as objects of civil legal relations.

9. Personal non-property benefits as objects of civil legal relations.

*Key terms and concepts*

Object of civil legal relations, property, money, securities, currency values, share, bond, bill, check, bill of lading, actions and services, personal non-property benefits, results of creative activity, honor, dignity, business reputation.

*Topics of the report*

1. The concept and classification of things as objects of civil law.

2. The legal regime of movable and immovable things in civil law.

3. Concept and types of securities as objects of civil law.

4. Results of creative activity as objects of civil law.

*Legislation and recommended literature* : [1- 13; 18, 21]

**Practical class № 12**

**Theme: Transaction.**

1. The concept and legal nature of the transaction.

2. Types of transactions.

3. Conditions of validity of transactions.

4. Form of the transaction.

5. Parties in the transaction.

6. Contents of the transaction.

7. Unity (conformity) of the will and volition of the parties to the transaction.

*Key terms and concepts*

Law, form of the transaction, oral transaction, written transaction, will, volition, the validity of the transaction.

*Topics of the report*

1. Transaction in judicial and notarial practice.

2. Electronic form of the transaction.

*Legislation and recommended literature* : [1- 13; 18, 21]



## Practical class № 13

### Theme: Invalidity of a Transaction

1. The notion of an invalid transaction. Legal consequences of the invalidity of the transaction.
2. Void and voidable transactions.
3. Sham and deceptive transactions.
4. Legal consequences of the invalidity of part of the transaction.

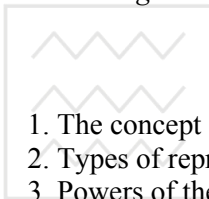
#### *Key terms and concepts*

Invalidity of the transaction, void, voidable, sham, deceptive transactions, restitution.

#### *Topics of the report*

1. Peculiarities of the commission of minorities, limited capacity and incapacitated persons.
2. The legal nature of restitution.

*Legislation and recommended literature* : [1- 13; 18, 21]



## Practical class № 14

### Theme: Representation

1. The concept of representation and the scope of its application.
2. Types of representation.
3. Powers of the representative.
4. Representation without authority and with excess of powers.
5. Proxy. Form and content of proxy.
6. Types of proxy. Consequences of the termination of the proxy.

#### *Key terms and concepts*

Representation, proxy, commercial representation, representative, legal representation, voluntary representation.

#### *Topics of the report*

1. Comparative characteristics of voluntary and mandatory representation.
2. The civil law relationship of the contract of authority and power of attorney.

*Legislation and recommended literature* : [1- 13; 18, 19, 21]

## Practical class № 15

### Theme: Periods. Limitation of action.

1. Concept and types of terms in civil law. Terms and dates.
2. Terms of civil rights.
3. Terms of civil duties.



4. The concept and meaning of the limitation period.
5. Types of time limits.
6. Beginning of the expiry of the limitation period.
7. Termination, interruption and renewal of limitation periods.
8. Consequences of expiry of the limitation period.
9. Requirements for which the limitation is not applicable.

*Key terms and concepts*

Term, date, competition of claims, limitation of action, prescription.

*Topics of the report*

1. Terms in civil law of Ukraine.
2. The difference in terms of limitation period from other terms in civil law.

*Legislation and recommended literature* : [1- 13; 16, 18, 21]

### **Practical class № 16**

#### **Theme: Exercise and protection of civil rights and interests**

1. The concept of the exercise of subjective civil law. Concept of performance of subjective civil duty.
2. The concept and content of the subjective right to protection.
3. Ways of protecting civil rights.
4. Execution of civil duties. Enforcement of civil duties.
5. The system of state bodies that protect civil rights.
6. Concept and content of self-defense of civil rights. Necessary defense and as a means of self-defense of civil rights.

*Key terms and concepts*

The form of protection of civil rights, the way of protecting civil rights, the jurisdictional form of protection, non- jurisdictional form of protection, self-defense.

*Topics of the report*

1. Features of the implementation of a jurisdictional and non-jurisdictional form of protection of civil rights.
2. Methods of protecting subjective civil rights by the court.

*Legislation and recommended literature*: [1- 13; 17, 18, 21]

### **3. LIST OF QUESTIONS FOR CHECKING KNOWLEDGE**

1. The concept of civil law.
2. Correlation of civil law and civil legislation.
3. The system of civil law.



4. The order and significance of the official publication of normative acts.
5. The role of customs business practices in regulating civil legal relations.
6. The legal significance of the decisions and conclusions of the Constitutional Court of Ukraine, resolutions of the Plenum of the Supreme Court of Ukraine and the Supreme Economic Court.
7. Codification and other forms of systematization of civil law.
8. Effect of civil law in time. The reverse force of civil law. The effect of civil law in space and in a circle of persons.
9. Interpretation of civil law. Application of civil law by analogy.
10. Interconnection and differentiation of civil and commercial legislation.
11. Correlation of public and private law. Civil law as private law.
12. The subject of civil law regulation.
13. Property relations regulated by civil law.
14. Personal non-property relations regulated by civil law.
15. Civil law method of regulation of social relations.
16. Functions of civil law.
17. Basic principles of civil law.
18. Place of civil law in the system of branches of law. Separation of civil law from other branches of law.
19. The system of civil law as a branch of law.
20. The concept and general characteristics of legal relations.
21. Concept and features of civil legal relations.
22. Correlation of civil legal relations with relations, which constitute the subject of regulation of other branches of law.
23. General characteristics of elements of civil legal relations.
24. Subjects of civil legal relations.
25. Objects of civil legal relations.
26. Content of civil legal relations.
27. Classification of civil legal relations.
28. The concept of civil legal personality. Natural person (citizen) as a subject of civil law.
29. The concept of legal capacity of individuals. Value of civil capacity and subjective civil rights.
30. The name of the individual as the main means of individualization.
31. Place of residence of an individual and its legal significance.
32. The concept and types of capability of natural person.



33. Limitation of the capacity of an individual: reasons, procedure and legal consequences.
34. Recognition of a physical person incapacitated: grounds, order and legal consequences.
35. The procedure, conditions and legal consequences of recognizing a person as missing and declaring dead.
36. The concept and features of a legal entity.
37. Development of the doctrine of legal entities in the science of civil law.
38. Concepts and types of legal personality of legal entities.
39. Bodies of legal entities.
40. Individualization of legal entities, its methods and civil law.
41. Civil law status of branches and representative offices of a legal entity.
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43. State registration of a legal entity and its legal significance.
44. Termination of activity of a legal entity. The procedure for liquidation of a legal entity.
45. Bankruptcy of a legal entity - a subject of entrepreneurial activity.
46. Reorganization of a legal entity. Ways of reorganization.
47. Types of legal entities.
48. Enterprises. Institutions
49. Economic partnership.
50. Cooperatives.
51. Association of legal entities.
52. Association of citizens.
53. The concept, content and features of civil legal personality of the state.
54. Cases of state participation in civil legal relations.
55. Ukraine and other states as subjects of the state-owned property.
56. Ukraine and other states as participants in civil legal relations.
57. Other public law entities as participants in civil legal relations.
58. The concept and types of objects of civil legal relations.
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60. Money and currency values as objects of civil legal relations.
61. The concept and features of the civil law regime of currency values.



62. Concept and main types of securities.
63. The only property complex of the enterprise as an object of legal relations.
64. Services and other actions as objects of civil legal relations.
65. Results of creative activity as objects of civil legal relations.
66. Personal non-property benefits as objects of civil legal relations.
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69. Conditions of validity of transactions.
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72. Contents of the transaction.
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75. Void and voidable transactions.
76. Sham and deceptive transactions.
77. Legal consequences of the invalidity of part of the transaction.
78. The concept of representation and the scope of its application.
79. Types of representation.
80. Powers of the representative.
81. Representation without authority and with excess of powers.
82. Proxy. Form and content of proxy.
83. Types of proxy. Consequences of the termination of the proxy.
84. Concept and types of terms in civil law. Terms and dates.
85. Terms of civil rights.
86. Terms of civil duties.
87. The concept and meaning of the limitation period.
88. Types of time limits.
89. Beginning of the expiry of the limitation period.
90. Termination, interruption and renewal of limitation periods.
91. Consequences of expiry of the limitation period.
92. Requirements for which the limitation is not applicable.
93. The concept of the exercise of subjective civil law. Concept of performance of subjective civil duty.
94. The concept and content of the subjective right to protection.
95. Ways of protecting civil rights.
96. Execution of civil duties. Enforcement of civil duties.
97. The system of state bodies that protect civil rights.



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