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## Course Description: Civil Law 3

### Basic Information:

Course Name	Civil Law 3
Course ID	CIV405
Contact Hours (Synchronized Sessions)	28
Contact Hours with the tutor outside the Synchronized Sessions	10
Contact Hours (Registered Sessions)	24
Exam	2
Registered Sessions Work Load	16
Synchronized Session Work Load	34
Credit Hours	5
Course Level	6

### 1– Pre-Requisites:

Course	ID
Civil law 2	CIV306

### 2– Summary

Obligations arise from law, contract or legal fact. The process of creating the obligation is subject to contract law and tort law. This differentiation according to the source of the obligations does not remain in the study of the obligations regime. All obligations are in fact subject to a common regime, which is the subject of this course. This

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common regime makes it possible to establish the legal rules governing the relationship between the parties throughout the duration of the obligation, until its termination. This is why it is traditional to call this course, the general regime of obligations. However, it is important to be aware that most of the rules of the general regime of obligations are only useful for contractual obligations. This is explained by the contract forecasting function, allowing the parties to shape their obligations according to their mutual agreement. The general regime can be studied according to four main categories of rules:

- The rules relating to the preservation of the obligation by the obligee (lessons 1 to 5) ;
- The rules relating to the terms of the obligation (lessons 6 to 8) ;
- The rules relating to the circulation of obligation (lesson 9) ,in which delegation is included despite its particularity.
- The rules on the extinction of the obligation (lessons 10, 11 and 12) ;

#### Prerequisites

The courses of civil law 1 and civil law 2 must be perfectly assimilated.

### 3– Intended Learning Outcomes (ILO) Desired educational outcomes

Acquire knowledge of theoretical mechanisms in contract law. To succeed in drafting contractual clauses based on the general regime of obligations.

#### Methodological advice

Tip 1: schematization of legal relationships The subject matter is essentially abstract, even though its practical applications are numerous. It is essential to succeed in

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restoring to each operation its subjects, its object, and the exact nature of the links which unite the protagonists. It is therefore necessary to establish each time diagrams allowing a single glance to understand the precise relationship. To do this, many diagrams are integrated into the lessons.

Tip 2: Knowledge of the terms used The general regime of obligations uses technical terms with a specific meaning. It is essential to quickly become familiar with these terms.

Tip 3: work on reform The reform of the law of obligations by the ordinance of February 10, 2016 modifies the general regime of obligations and contract law, as well as proof. It is therefore imperative to know this reform. A book is mentioned in the bibliography to help you on this point.

Tip 4: Importance of the exercises The simulation by a practical case is essential to achieve a good mastery of the subject. It is recommended to train and perform all the cases and exercises given by the tutor.

Code	Intended Learning Outcomes
ILO1	The student concludes the concept of obligation by explaining the definition of the obligation and the difference between natural and civile obligation, its historical development, its sources, and its distinction from its sources. The student also provides the basic principles that govern the obligations.
ILO2	The student gets acquainted with the various sources that govern the execution of the obligation, whether natural and in kind execution.
ILO3	The student must analyze the provisions established by the civil law in the event that the obligation cannot be implemented in kind, and resort to execution by compensation in light of the legislative texts.

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<b>ILO4</b>	The student must analyze the legal framework for the means aimed at preserving public security (lawsuits: direct and indirect lawsuits, the right to imprisonment, a police suit and a fictitious case) in light of the legal and practical application.
<b>ILO5</b>	<p>The student analyze the legal framework for the means aimed at preserving public security (lawsuits: the right to imprisonment and the insolvency lawsuit) in light of the legal and practical application.</p> <p>The student know the legal conditions and procedures for filing a the insolvency lawsuit in the civil law.</p>
<b>ILO6</b>	<p>The student analyze the legal framework for cases that would modify the obligation in light of legal and practical application.</p> <p>The student become familiar with the definition and rule of the clause in the civil law.</p> <p>The student know when the obligation is dependent on a certain clause and when the clause nullifies the obligation.</p> <p>The student become familiar with the applications of the suspended and null clause in civil law.</p>
<b>ILO7</b>	The student is introduced to the two elements of dependency and remuneration as the most important components of the work contract, where dependency is studied as a concept, and then its technical and administrative types are explained, and an essential element is highlighted, which is the remuneration, by stating what it is, how it is calculated and pictures.
<b>ILO8</b>	The student concludes by analyzing the specific legal texts of the nature of the complex and simple obligation, and the student also learns the types of compound obligation in terms of location and in terms of the parties and the

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	implications thereof through a legal methodology. Students are also trained on them to know the rights and obligations of the parties to the obligation.
<b>ILO9</b>	The student studies the process of transfer of the obligation in terms of definition and concept, where it is explained how the obligation is transferred, whether through the assignment of rights or the transfer of debt, and the conditions and effects that will result from the transfer of the obligation on the shoulders of both parties to the obligation and others.
<b>ILO10</b>	The student analyzes the legal texts that regulate the process of fulfilling the obligation through the debtor's execution of the same obligation that he owed to the creditor, and the fulfillment is the natural reason for the lapse of the obligation, in addition to learning the types of simple and compound fulfillment
<b>ILO11</b>	The student distinguishes between cases of expiration of the obligation equivalent to fulfillment in different ways, through: fulfillment compensation, renewal, assignment, and acquittal.
<b>ILO12</b>	The student studies the cases organized by the legislator for the expiration of the civil obligation without the debtor having paid to the creditor anything, whether he specified what he committed himself to or something else besides him, and these means are the exemption, the impossibility of execution and the extinguished prescription.

#### 4- **Course Syllabus** (24 hours of total Recorded Sessions, 28 hours of total synchronized sessions)

- **RS:** Recorded Sessions; **SS:** Synchronized Sessions;

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO 1	Definition of obligation, its	2	2	□ Exercises	

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Definition of the general rules of the obligation and its divisions	importance and historical development, its provisions, legal and jurisprudential divisions, and the distinction between natural obligation and civil obligation			<input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 2</b> Execution obligation mechanisms	Explaining how to executing the obligation and researching mechanisms for the in-kind execution of the obligation and the obligation in compensation	2	4	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 3</b> Practical case	Practical case	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 4</b> Means of protection of the general warranty	Learn about the general means to protect the guarantee 1. Indirect lawsuit 2. Direct lawsuit 3. A case for non-enforcement of disposition (police case) 4. Fictive lawsuit 5. Insolvency lawsuit 6. The right to imprisonment	4	4	<input type="checkbox"/>	

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<b>ILO 5</b> Descriptions of obligation in relation to the object	Statement of the descriptions of the place of obligation through a study 1. The suspended clause and null clause 2. The suspended term and the null term	2	4	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 6</b> Descriptions of the obligation for the parties	Statement of the descriptions of the place of obligation through a study 1. Simple obligation 2. Multilateral obligation	4	4	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 7</b> Obligation transmission	Obligation transmission is studied by 1. Right Transfer 2. Debt Transfer	4	4	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
<b>ILO 8</b> extinction of the obligation	We study the lapse of the obligation by examining a study 1. Lapse of the obligation to fulfill 2. The lapse of the obligation that takes the place of fulfillment 3. Lapse of the obligation without fulfillment	4	4	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	

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## 5– Assessment Criteria (Related to ILOs)

Criteria for evaluation and coverage of outcomes: It helps in defining the activities that the student will undertake to cover the outcomes. Noting that the evaluation criteria must all be covered by the student as a condition for covering outcomes and thus for success.

ISC	Interactive Synchronized Collaboration	Ex	Exams	Rpt	Reports
PF2F	Presentations and Face-to-Face Assessments	PW	Practice Work		

ILO Code	ILO	Intended Results	Assessment Type				
			ISC	PW	Ex	PF 2F	Rpt
ILO1	Explain the general theory of labor Explaining the general theory of obligation, determining types of obligations in general, and then researching civil obligation and natural obligation.	1– Re-read the most important terms that the professor addressed in the lecture. 2– Ask inquiring questions about the meaning of each term and how to relate it to reality. 3– Evidence of achieving the outcomes of this unit can be in		*	*		



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		<p>the form of written reports, an oral or written examination, or by mentioning practical examples of legal rules, as these examples give the student the ability to understand the legal text and how to apply it to the social and economic reality And the politician..</p> <p>4- Read the theories and models related to the terms that were used in the lecture. He writes down all the ideas he has seen in a special booklet that is easy to reference when needed.</p>					
ILO2	The student is provided with the necessary knowledge and concepts related to how the obligation to be executed,	<p>1- Defines the legal problem and returns to the legislative text.</p> <p>2- Reviews the general</p>		*		*	

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	whether in kind or by compensation, and then undertake the general means to protect the general security of creditors vis-à-vis the debtor.	provisions that govern the problem.  3- Defines the special provisions regulating the problem. Identifies the most appropriate sources for the legal base.					
ILO3	Choose one of the addresses that have been studied and ask the student to research it in order to expand its studies	The intended purpose of this application is for the student to learn scientific research methods. The student, with follow-up from the teacher, builds a plan for a project he chooses, organizes the project, suggests guiding methods that can be used within a specific context, suggests appropriate monitoring tools in specific environments, with an emphasis on				*	

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		providing justifications according to his options.					
ILO4	Contribute to proposing legal rules that are compatible with the nature of the obligation and its description, whether related to the location of the obligation or to its parties, and to determine the rights of each of the parties to the obligation based on defining the description of the obligation	1- Learn how to propose a legal solution to a legal problem. 2- He collects the required principles and data using the appropriate method. It coordinates and collects legal norms, judicial and jurisprudential interpretations. 3- Learn how to apply the legal rules to the practical difficulties that he faces. 4- Know the criteria for organizing rights and duties.					*
ILO5	Understanding the techniques related to the transmission of obligation and the rules governing them	1- Identify the most important means of proving the work relationship that arises					*

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		<p>between the worker and the employer, as the work relationship is what makes two people with contradictory interests and completely mutually exclusive in one tool which is the contract</p> <p>2– A statement of the nature of the obligation as a technical, objective means that makes the parties' special position in line with the legal rules</p>					
ILO6	Understanding the natural states of the obligation lapse	The student remembers the main themes in the scientific content					*

#### 6– Tools and laboratories of the practical department:

Tool Name	Description

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7- . Tips: Generating Evidence: The student exclusively individually prepares a brief report in which he demonstrates his ability to understand the previous outcomes, and this is before he takes the exam and deals with it: • A legal problem that has no solution in the legal sources. • He then proceeds to solve this problem through the legal formulation of a rule that fills the legislative deficiency, according to a scientific methodology that is fundamentally documented. Links: This article forms a strong link with all other articles and decisions, because it leads to the organization of economic and administrative work in the institutions and establishments on the ground.

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