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Book identification document: Civil Law 5

1. Basic Information

Course Name	Civil Law 5 (Original real rights)
Course ID	CIV604
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	24
Synchronized Session Work Load	34
Credit Hours	5
Course Level	6

2. Courses to be studied immediately before the course:

course	Code
Civil Law 4	CIV504

3. Objectives

Branching from the general theory of the obligation in general is the exercise of original rights in kind ,as the right of ownership in itself, And what is branched from it focuses on things and money, whether they are real estate or movables of various kinds, The original real rights have special characteristics that must be studied in the light of the Syrian civil law and the draft unified and comparative real estate legislation for the year 2017, within the framework of the right of ownership and the

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rights of use, exploitation and disposal of it, As well as through the reasons for acquiring real estate rights adopted by the Syrian and comparative legislature.

This course is designed to provide students with the reasons for acquiring property in the Syrian and comparative civil law by identifying the different reasons for acquiring property. And the study of the right of ownership in a detailed study by clarifying the provisions of the scope and restrictions of the right of ownership, the concept of movable, the concept of real estate expropriation for the public benefit, the right of usufruct, the right of easement, the right of the surface.

Through this course, students are also able to identify the reasons for acquiring property, including: appropriation, attachment, and possession. The contract gain and the promise of the contract. And getting to know the scope of the property right, foreign ownership of real property rights, ownership restrictions, common ownership and other legal concepts related to the original real rights .

The course is presented through theoretical information, analyzes of legal texts, and some contemporary issues related to the topics of the course in a manner based on students' activity and in a manner that consolidates their participation and interaction in the entire educational process.

At the end of this course the students would be able to:

- 1) Recognize the right of ownership and indicate its characteristics and elements.
- 2) Recognize the different reasons for acquiring real property in kind.
- 3) Recognize the conditions that must be met for each of the reasons for acquiring property.
- 4) compares the reasons for acquiring property between Syrian and comparative legislation
- 5) Explains the scope of the property right in itself and the rights of use, exploitation and disposal of it

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- 6) Shows the restrictions on the right of ownership. Whether general legal restrictions or special restrictions agreement
- 7) Explains the provisions of common ownership, how common money is managed, and the required majority in related decisions.

4. ILO – Intended Learning Objectives/Outcomes:

The student acquires legal knowledge by studying the provisions of the right of ownership in itself and the ways of acquiring real property ownership, the formulation of its contracts and the management style in it, especially the statement of the provisions of foreign ownership of real estate rights in Syria compared to some Arab legislation in the system of foreign ownership of real estate and other important legal issues that the law student must To be fully aware of it and be able to absorb it so that he can practice his practical role within the framework of practicing legal work after graduation. The most important of these desired educational outcomes are:

Code	Intended Learning Outcomes
ILO1	<ol style="list-style-type: none"> 1. Defining the concept of the personal right and the c and knowing how to balance them 2. Defining real estate and movable property and distinguishing between public funds and private funds 3. Defining the concept of things and distinguishing between them 4. Defining real estate rights and determining their types.
ILO2	<ol style="list-style-type: none"> 1. Defining the right of ownership and stating its characteristics. 2. Defining the right of ownership and restrictions on the freedom of ownership. 3. Social rights attached to the right to property.
ILO3	<ol style="list-style-type: none"> 1. Knowing the owner's powers over the thing. 2. Determining the elements of the property right. 3. Conditions for foreign ownership of real property rights

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	4. Foreigners own real estate rights 5. Organizing lease contracts for foreigners
ILO4	1. Understand the common ownership term and its legal meaning 2. Realizing that the king is over the communal and must be bound not to infringe on the rights of the other co-owner 3. The king's powers of use and exploitation are known to be restricted to the rights of common owners 4. The state of communalism cannot be permanent, but the common money can be divided 5. The division can be temporal or spatial.
ILO5	1. Awareness of the legal meaning of common property and the definitions given by jurisprudence to it 2. The reasons for the emergence of common money and its legal facts 3. What is included in common money of real estate and movables 4. The use of common money from the owners, in common or from others 5. Common money management 6. Save the common money and do whatever it takes to keep the common money
ILO6	1. Awareness of the majority rule and the problems arising from it 2. Understand the majority described and when it is required 3. Ordinary majority and matters to which it is subject 4. The numerical majority and its cases 5. Absolute majority and when is it applicable?
ILO7	1. Recognize the unusual business of managing and common money 2. Knowing the majority required in every decision related to common money management 3. Knowing when the law requires the unanimity of the owners to carry out an act of management 4. Know what we mean by common money preservation 5. Businesses aiming at a fundamental change in the purpose for which the common money was prepared

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ILO8	<ol style="list-style-type: none"> 1. Recognize the cases of forced commonality 2. Understand the nature of forced commonality and its provisions 3. Divide the common money into a judicial division or a legal agreement 4. Knowing when other partners are involved in the division procedures
ILO9	<ol style="list-style-type: none"> 1. Understand the provisions of common ownership, joint ownership and family ownership 2. Awareness of the provisions of the common wall and the extent to which they are considered part of the public order or not 3. Knowing the rights and obligations of the partners in the ownership of classes and apartments 4. Knowing the common and special parts of the multi-storey buildings
ILO10	<ol style="list-style-type: none"> 1. Awareness of the pattern of family ownership and its special provisions 2. Understand the special legal nature of family ownership 3. Knowing the family ownership system and its legal term. 4. Knowing the rights of owners in family property 5. Knowing the obligations of the owners in the ownership of the family. 6. Extent of exit from family ownership and its conditions.
ILO11	<ol style="list-style-type: none"> 1. Knowing that appropriation is taking possession of something that has no owner 2. Knowing the provisions of the treasure and who has a share in it and the special law regulating it 3. Knowing that the movable is the wide field for acquiring ownership by the effect of appropriation 4. Knowing the provisions of lost movables in general
ILO12	<ol style="list-style-type: none"> 1. Knowing and understanding the statute of limitations and its purpose 2. Knowing the profitable statute of limitations and the legislative purpose thereof 3. Knowing the statute of limitations and the legislative purpose thereof 4. How to calculate the obsolescence of all kinds. 5. Knowing the specific or general reasons for stopping the statute of limitations


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5. Course content

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO1	At the end of this unit, the student should be able to define the concept of personal right and real right and know how to balance them.	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO2	At the end of this unit the student should be able to define the right of ownership, explain its characteristics, define the right of ownership and the restrictions on the freedom to own property.	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO3	At the end of this unit, the student should be able to organize lease contracts with regard to foreigners and distinguish between restrictions imposed in the public interest or private interest and the legal status of the condition preventing disposal and the legal effects resulting from the condition preventing disposal	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO4	At the end of this unit, the student	2	2	<input type="checkbox"/> Exercises	

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	should be able to know that commonality cannot be perpetual, but common money can be divided, and that division can be temporal or spatial.			<input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO5	At the end of this unit, the student should be able to know how common money is used by owners, whether common or not, managing common money, keeping common money, and doing everything necessary to preserve common money and the costs of keeping common money.	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO6	At the end of this unit the student should be able to understand the concept of numerical majority and its cases and absolute majority and when it is applicable	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO7	At the end of this unit, the student should be able to know the actions that aim to fundamentally change the purpose for which the common money was prepared	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----

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ILO8	At the end of this unit, the student should be able to know when a partner has the right to request the division of common money and the legal consequences of dividing common money	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO9	At the end of this unit, the student should be able to know the common and private parts of the floor buildings and know the owners' rights in the family and classes' ownership and the extent to which they can be disposed of	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO10	At the end of this unit, the student should be able to know the obligations of the owners in the family ownership, the extent of exit from the family ownership and its conditions.	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----
ILO11	At the end of this unit, the student should be able to know the provisions of lost movables in general and know that appropriation is one of the reasons for acquiring real property in kind.	2	3	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	----

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ILO12	At the end of this educational unit, the student should be able to know the specific or general reasons for stopping the statute of limitations and know the provisions and provisions of the five-year statute of limitations and know the provisions of the long statute of limitations and how to calculate its duration	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> HomeWorks <input type="checkbox"/> Seminar <input type="checkbox"/> projects <input type="checkbox"/> experiments <input type="checkbox"/> other.....	
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6. Assessment Criteria (Related to ILOs)

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				
			Ics	PW	EX	PF 2F	Rpt
ILO1	Defining the concept of the personal right and the right in rem and knowing how to balance them.		-	-			
ILO2	Defining the right of ownership and stating its characteristics, defining the right of ownership and restrictions on the freedom to own property.	Apply this to real estate and movables	-	-			

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ILO3	Regulating lease contracts with respect to foreigners and distinguishing between restrictions imposed in the public interest or private interest and the legal status of the condition preventing disposal and the legal effects resulting from the condition preventing disposal	Practical issues by which he can distinguish between them		-			
ILO4	Knowing that the state of commonness cannot be perpetual, but that the common money can be divided, and that the division can be temporal or spatial.	Practical examples					
ILO5	How is the common money used by the owners, whether common or from others, managing common money, keeping common money, and doing everything necessary to preserve common money and the costs of keeping common money.	Examples and jurisprudence		-			
ILO6	Understand the concept of numerical majority and its cases and absolute majority and when it is applicable	Apply this to real-world issues		-			

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ILO7	Knowing the business that aims to fundamentally change the purpose for which the common money was prepared.	Examples from reality	-				
ILO8	Knowing when a partner has the right to request the division of common money and the legal consequences arising from the division of common money.	Illustrative problems and examples	-				
ILO9	Knowing the common parts and the private parts in the multi-storey buildings and knowing the rights of the owners in the ownership of the family and the classes and the extent of disposing of them.	Practical issues	-				-
ILO10	know the provisions of lost movables in general and to know that appropriation is one of the reasons for acquiring real property.	Judicial precedents	-				-
ILO11	Knowing the provisions of lost movables in general and knowing that appropriation is one of the reasons for acquiring real property.	Judicial precedents and case studies	-				

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ILO12	Knowing the specific or general reasons for stopping the statute of limitations, knowing the five-year statute of limitations and its provisions, knowing the provisions of the long statute of limitations and how to calculate its duration.	Its substantive and procedural legal provisions - practical applications	-	-			
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7. Tools and laboratories of the practical department:

Tool Name	Description
1. Lawyers' offices	-----
2. Attending court sessions in the Justice Palace	-----
3. Follow up on conferences held by the Ministry of Justice and the lawyers Association	-----
4. Legal groups established via social media platforms.	-----
5. adjudication sessions	-----
6. lawyers clinic	-----

8. Basic references in Arabic and French

1. Abd al-Razzaq al-Sanhouri: The mediator in explaining the civil law, part 8, edition of the House of Revival of Arab Heritage, Beirut - Lebanon 1986
2. Waheed Al-Din Siwar: Explanation of the Civil Law of Original Rights in Kind, Damascus University Publications 2014.
3. Saeed Mubarak: Summary of the Provisions of the Jordanian Civil Law, Rights in

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Kind, without a publishing house, 1st Edition, 1996.

4. Ali Hadi Al-Obaidi: Al-Wajeez in Explanation of Civil Law: Rights in Kind (original in-kind rights, auxiliary in-kind rights, property right, rights subordinate to property right, balancing study), tenth edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 2017.
5. Muhammad Mansour: The original property rights in kind and the rights derived from them - the reasons for acquiring property, the new university house 2003.
6. Mahmoud Mohamed Abdel Rahman: Use and management of common money, a comparative study in Egyptian and French positive civil law and Islamic jurisprudence, Dar Al-Nahda Al-Arabiya, Egypt, d.T.
7. Wahba Al-Zuhaili: The Book of Islamic Jurisprudence and Its Evidence, Dar Al-Fikr, Syria - Damascus, Fourth Edition, Volume 6, 2020.
8. Capitant, L'indivision héréditaire : Rev. crêt. législ. et jurispr.
9. Christian Atias, droit civil, les biens, 8 éditions, juris classeur paris, 2005.
10. CORNU: vocabulaire juridique, association Henri CAPITANT, 6editon, 1996,PUF,Indivision.
11. DAGOT, L'indivision, Commentaire de la loi du 31 décembre 1976, L.i.t.e.c, 1977.
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14. Hess-Fallon Brigitte et Marie Simon - Anne, aide mémoire, droit civil, 1ère édition, Dalloz, paris, 2010.

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9. Additional references:

* In the Syrian legislation:

- Unified Real Estate Legislation Bill 2017
- Syrian Civil Code.
- The Local Administration Act of 2011.
- Syrian Personal Status Law.
- The new Syrian Housing Cooperation Law of 2011
- Legislative Decree No. 82 of 2010 amending the Law of Amar al-Arasat, and the licensing conditions for buildable real estate with the same conditions applied to the original real estate.
- The building control system in the city of Damascus, issued pursuant to Resolution 492 of the Executive Office of the Provincial Council on 3/5/1997 and ratified by Resolution of the Minister of - Housing and Utilities No. 723 on 6/6/1997.
- Legislative Decree 12 of 2016 judge after the digital copy of the real rights signatures transferred from the real estate newspaper with a legal capacity
- Law 11 of 2011 defining boundaries and distances.
- Resolutions 188 and 3339 related to the real estate registry system in Syria.
- Law 55 of 2002 on building committees and their administrative bodies
- Legislative Decree 11 of 2016 to stop the registration of real estate rights in the legally authorized authorities to keep property records in closed real estate departments due to the emergency security situation

* In comparative law:

- Jordanian civil law.
- Egyptian civil law.
- Qatari civil law
- The UAE Civil and Commercial Transactions Law.
- The Lebanese Law of Obligations and Contracts.