

DESCRIPTION OF THE COURSE

GENERAL INFORMATION		
Course Holder	Dr. sc. Vedran Ceranić	
The name of the college	Bankruptcy Law	
Study program	Professional Graduate Study – Business Management - MBA	
Status of the College	Mandatory	
Year	2 nd Year	
Point value and method of teaching	ECTS coefficient of student workload	6
	Number of hours (P+V+S)	28+28+0

DESCRIPTION OF THE COURSE
<p>1.1. <i>Objectives of the course</i></p> <p>The aim of this course is to develop the ability of students to distinguish between basic concepts related to enforcement law, identify the reasons for initiating enforcement proceedings, distinguish types of enforcement and to be able to apply the acquired knowledge to solve a specific legal problem in practice.</p> <p>In order to achieve the envisaged goals, emphasis will be placed on the analysis of cases from judicial and notarial practice and the practical application of the theory covered in lectures.</p> <p>Students are expected to develop:</p> <p>(a) General competencies</p> <ul style="list-style-type: none"> Identifying the key concepts of enforcement law systematic and meaningful argumentation of the position Written and oral expression.

(a) Specific competencies.

- Recognize and properly use the legal sources of enforcement law
- gather theoretical and practical knowledge necessary to understand the procedural aspects of the law on the basis of which the proceedings are discussed and decided in practice
- build the basis for interpreting legal rules and developing critical thinking
- combine the acquired knowledge and skills with the acquired knowledge and skills acquired in other related subjects from the study program
- apply what they have learned in making positions and decisions on specific legal issues related to the initiation and implementation of enforcement

1.2. *Requirements for enrolment in the course*

There are no conditions

1.3. *Expected learning outcomes for the course*

Students should be able to:

1. analyze the basic concepts, institutes and principles of enforcement law
2. distinguish between enforcement based on an authentic document and enforcement based on an enforcement document
3. draw up proposals for enforcement on the basis of an authentic document and on the basis of an enforcement document for the purpose of collecting a monetary claim and for the purpose of enforcing a non-monetary claim
4. categorize individual legal remedies against a writ of execution on the basis of an authentic and on the basis of an enforceable document;
5. analyse the types and purpose of interim and preliminary precautionary measures
6. explain the significance of the essential provisions of EU regulations in the field of enforcement law

1.4. *Course content*

Croatian Civil Enforcement Law and Civil Enforcement Proceedings: The Concept of Civil Enforcement Law and Civil Enforcement Proceedings, Scope of Civil Enforcement Law, Basic Principles of Enforcement Law, General institutes of enforcement and security law, subjects of enforcement and security proceedings: authorities of enforcement and security proceedings, parties and participants

Objective determinants of enforcement and security: claim to be asserted or secured, means of enforcement and security, objects of enforcement and security

Procedural actions; bail; Costs of proceedings: general details of procedural actions in enforcement and security proceedings, security and costs of proceedings

Enforcement, grounds for determining enforcement: enforceable documents, enforceability, authentic document, promissory note and blank promissory note

Initiation of enforcement proceedings, determination, implementation and completion of enforcement, counter-enforcement: initiation of enforcement proceedings, deciding on a motion for enforcement, legal remedies and other legal remedies against the writ of execution, enforcement of enforcement, exclusion objection and exclusion action, postponement and interruption of enforcement, completion of enforcement, counter-enforcement.

Enforcement for the purpose of collecting a pecuniary claim: enforcement for the purpose of collecting a pecuniary claim on real estate, enforcement for the collection of a pecuniary claim on movable property, enforcement for the collection of a pecuniary claim on the debtor's pecuniary claims, enforcement for the purpose of collecting a pecuniary claim on a claim to surrender or deliver movable property or to hand over real estate, enforcement for the collection of a pecuniary claim on a share for which a share deed has not been issued, and on a share or business share, Enforcement for the purpose of collecting a monetary claim on securities recorded in accounts with the Central Depository Agency, enforcement for the purpose of collecting a monetary claim on other property or material rights. Specifics of enforcement for the collection of a monetary claim on the property of legal persons.

Enforcement for the purpose of enforcing non-pecuniary claims: court penalties, enforcement for the purpose of enforcing a claim for the surrender and delivery of movable property, enforcement for the purpose of vacating and handing over real estate, enforcement for the purpose of enforcing claims for action, toleration or inaction, enforcement for the purpose of returning an employee to work or service, enforcement by division of property, enforcement of a claim for giving a declaration of intent.

Security: generally on means of security, insurance by compulsory establishment of a lien on real estate, judicial and notarial lien insurance of claims based on the agreement of the parties, judicial and notarial insurance by transfer of ownership of things and transfer of rights, security by prior enforcement, security by preliminary measures, interim measures.

European Civil Enforcement Law: Regulation (EC) No. Regulation (EC) No 861/2007 of 11 July 2007 establishing a European Small Claims Procedure
Regulation (EC) No Regulation (EC) No 1896/2006 of 12 December 2006 establishing the European order for payment procedure
Regulation (EC) No 805/2004 of 21 April 2004 establishing a European Enforcement Authority for Uncontested Claims

1.5. *Types of teaching (put X)*

☒ lectures

☐ seminars and
workshops

☐ Independent tasks

☐ Multimedia & Network
☐ laboratory

	<input checked="" type="checkbox"/> exercises <input type="checkbox"/> Distance education <input type="checkbox"/> Field Teaching	<input type="checkbox"/> Mentoring work <input type="checkbox"/> Other _____
<p>1.6. Student obligations</p> <p><i>The obligations of students are prescribed in detail by the Statute, Study Regulations, and Student Obligations Guidelines. The key obligations of students are:</i></p> <p><i>ATTENDANCE AT CLASSES: students are obliged to attend classes, actively follow lectures and exercises, and participate constructively in classes, and in order to acquire the right to take the exam, it is necessary to attend classes in the percentages prescribed by the Study Regulations. For each student, their presence in class is recorded through the Infoeduka digital office system. The minimum obligations are;</i></p> <ul style="list-style-type: none"> <i>Full-time students must attend at least 70% of the total number of classes to be eligible to sign.</i> <i>Part-time students need to attend at least 50% of the total number of classes to be eligible to sign.</i> <p><i>PASSING EXAMS: in order to achieve a positive grade in the subject, it is necessary to achieve at least 54 points in the subject, but also at least 50% of points for each learning outcome. The method of taking the exam is described in more detail in the item Assessment and evaluation of students' work during classes and at the final exam.</i></p> <p><i>*FINAL EXAM – a student who has not met the conditions for passing the exam during the continuous examination of knowledge (has achieved a total of at least 54 points in the course and has met the lower point threshold of adoption of each learning outcome, i.e. a minimum of 50% of the points of each learning outcome), may take the learning outcomes of the course at the final exam.</i></p> <p>WRITTEN EXAM: <i>the student is obliged to take a written exam that verifies the acquisition of theoretical knowledge related to the course. The questions also test the ability to identify, explain and relate key concepts and to make appropriate arguments. The written exam also includes tasks that check the student's acquisition of the material through analytical frameworks.</i></p> <p><i>*CONTINUOUS EXAMINATION: In order to make students progress more efficiently in class, continuous examinations are carried out (2 intermediate exams). In this way, students acquire smaller teaching units and master the subject material more easily.</i></p>		

1.7. Student Work Tracking (Add X to the appropriate tracking format)

Attending classes	x	Teaching activity		Seminar paper		Experimental work	
Written exam	x	Oral exam		Essay		Research	
Project		Continuous Assessment*		Report		Practical work	
Portfolio							

1.8. Assessment and evaluation of students' work during classes and at the final exam

Evaluation and evaluation of students' work during classes and at the final exam is carried out on the basis of the Regulations on Studying of the EFFECTUS University of Applied Sciences. Allocation of points according to the forms of student work monitoring:

	Attending classes	Written exam	Project	Seminar paper	Practical work	Altogether
I1		16				16
I2		16				16
I3		16				16
I4		16				16
I5		16				16
I6		16				16
OUT OF OUTCOME	4					4
ALTOGETHER	4	96				100

Linking learning outcomes, teaching methods and knowledge assessment methods:

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FORMS OF TRACKING	NAME OF LEARNING OUTCOMES	TEACHING METHOD	KNOWLEDGE ASSESSMENT METHOD	Maximum number of points
Written exam	OUTCOME 1 analyze the basic concepts, institutes and principles of enforcement law	lecture	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	48
		Asking questions discussion		
	OUTCOME 2 distinguish between enforcement based on an authentic document and enforcement based on an enforcement document	lecture	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
		Asking questions discussion		
	OUTCOME 3 draw up proposals for	lecture	Simple recall tasks to which an answer is sought, demonstrating the	



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	<i>enforcement on the basis of an authentic document and on the basis of an enforcement document for the purpose of collecting a monetary claim and for the purpose of enforcing a non-monetary claim</i>	<i>Asking questions discussion</i>	identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
<i>Written exam</i>	<i>OUTCOME 4 categorize individual legal remedies against a writ of execution on the basis of an authentic and on the basis of an enforceable document;</i>	<i>lecture</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key concepts, their connection and corresponding arguments of a higher degree of complexity. They may include problem questions and tasks that need to be argued.	48
		<i>Asking questions discussion</i>		
	<i>OUTCOME 5 analyse the types and purpose of interim and preliminary precautionary measures</i>	<i>lectures</i>	Simple recall tasks to which an answer is sought, demonstrating the identification and definition of key terms, their connection and appropriate argumentation. They may include problem questions and tasks that need to be argued.	
		<i>Asking questions discussion</i>		



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		<p><i>OUTCOME 6</i> explain the significance of the essential provisions of EU regulations in the field of enforcement law</p>	<p><i>lecture</i></p>	<p>Essay-problem questions to which an answer is sought, which demonstrates the identification and definition of key terms, their connection and appropriate argumentation of a higher degree of complexity. They may include problem questions and tasks that need to be argued.</p>	
			<p><i>Asking questions discussion</i></p>		
<i>Attending classes</i>	<i>All outcomes</i>		<i>Lectures and exercises</i>	<i>Attendance records</i>	<i>4</i>
	TOTAL POINTS				100

Type of student workload	Student Load Hours	ECTS credits
Attending contact classes	56	1,9
Field Trips/Visits Outside the College	15	0,5
Independent study/research	33	1,1
Out-of-classroom preparation and preparation of seminars/presentations		
Work on an out-of-classroom project assignment		
Independent preparation for exams and exam time	60	2
Consultation activities	15	0.5
Other		
TOTAL ECTS credits	180	6

RATING:

In order to achieve a positive grade in the course, the student must cumulatively meet two conditions: achieve a total of at least 54 (fifty-four) points in the course and meet the lower point threshold for the adoption of each individual learning outcome, which is 50% of the total points of the learning outcomes. A student may receive an additional four points if (i) attends classes more than 80% for full-time students and (ii) attends classes more than 55% for part-time students.

Grades are calculated based on the following distribution of points:

SCORE	RATING
0,00 – 53,90	Insufficient (1)
54,00 – 64,90	Sufficient (2)
65,00 – 79,90	Good (3)
80,00 – 89,90	Very good (4)
90.00 and more	Excellent (5)

Grading is carried out in a transparent manner by collecting points. The course is evaluated with 100.00 points (with the possibility of achieving an additional 8 points on the Challenge learning outcome).

CHALLENGE LEARNING OUTCOME - the student has the opportunity to earn an additional maximum of 8 points through the Challenge learning outcome; The student independently chooses one of the activities proposed in the first lesson, and has the opportunity to independently propose an activity with which he wants to increase the number of points and, with the consent of the course holder, achieves them according to the criteria of the course. Points for the Challenge learning outcome are not distributed according to the learning outcomes, but the number achieved makes an additional number of points to the total number of points achieved according to the learning outcomes.

Before taking the final written exam, each student must meet the prescribed conditions, which primarily means that they have attended the % of classes determined by the Study Regulations and that they have received an electronically encrypted permission to take the exam.

1.9. Required reading and number of copies in relation to the number of students currently attending classes in the course

Title	Number of copies	Number of students
1. IVICA CRNIĆ - DARIA KEŠKIĆ: Enforcement Act, Law on the Implementation of Enforcement of Monetary Funds; Organizer d.o.o., Zagreb, 2013.	5* *students receive compulsory literature in permanent ownership	60

1.10. Supplementary literature

- Mihajlo Dika, Civil Enforcement Law, Book I, General Civil Enforcement Law, Official Gazette, d.d., Zagreb, 2007.
- Mihajlo Dika, Croatian Enforcement Law : de lege lata and de lege ferenda, Zbornik radova Pravnog fakulteta u Split, 37 (2000), 1/2(57/58) ; P. 181-200.
- Ivica Crnić... [et al.] ; Mihajlo Dika, New Enforcement Law, Manuals, 9., Zagreb : Narodne novine, 2004.
 - Eduard Kunštek, Prerequisites for the Issuance of a Certificate of European Enforcement Order, Proceedings of the Faculty of Law of the University of Rijeka, Vol.28.No.1. March 2007

1.11. Ways of quality monitoring that ensure the acquisition of output knowledge, skills and competencies

- *statistical processing and analysis of exam results (checking the Gaussian curve – normal distribution of success, comparing and monitoring the results of exams of different generations, analysis of understanding of individual modules/questions on the exam, etc.),*
- *conducting a survey among students,*
- *evaluation and self-evaluation of teachers,*



- *achieved results, level of understanding and knowledge during the preparation of the seminar paper,*
- *achieved results and level of knowledge presented during the preparation and defense of the final thesis (students who choose a graduate thesis in this course),*
- *analysis of the report of the Head of the Quality Centre, and*
- *Feedback from students who have already graduated on the usefulness of the content of this course in the performance of the work they do.*