

DESCRIPTION OF THE COLLEGE

GENERAL INFORMATION		
Course Holder	Dr. sc. Duška Šarin	
Name of the College	Bankruptcy Law	
Study program	Professional Graduate Study – Business Management - MBA	
Status of the College	Mandatory	
Code	MBA-OVRP-18	
Year	Year 2	
Point value and method of teaching	ECTS Student Workload Coefficient	6
	Number of hours (P+H+S)	28+28+0

DESCRIPTION OF THE COLLEGE
1.1. <i>Objectives of the course</i>
The aim of this course is to develop the ability of students to distinguish the basic concepts related to enforcement law, to identify the reasons for initiating enforcement proceedings, to distinguish the types of enforcement and to be able to apply the acquired knowledge to solve a specific legal problem in practice. In order to achieve the anticipated goals, the emphasis will be placed on the analysis of cases from court and notarial practice and the practical application of the theory discussed in the lectures. Students are expected to develop: (a) general competences. - Identifying key concepts of enforcement law - systematic and meaningful argumentation of points of view - Written and oral expression.

(A) Specific competencies.

- recognize and properly use the legal sources of enforcement law
- to gather theoretical and practical knowledge necessary to understand the procedural aspects of law on the basis of which this procedure is discussed and decided in practice
- Build a foundation for the interpretation of legal rules and the development of 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*

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 enforceable document
3. draw up proposals for enforcement on the basis of an authentic document and on the basis of an enforceable document for the purpose of collecting a monetary claim and for the purpose of enforcing a non-pecuniary claim
4. categorize individual legal remedies against writs of execution on the basis of an authentic and enforceable document
5. analyse the types and purpose of provisional and preliminary precautionary measures
6. explain the significance of the essential provisions of EU regulations in the field of enforcement law

1.4. *The content of the course*

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 insurance 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 exercised or secured, means of enforcement and security, objects of enforcement and security

Procedural actions; bail; Procedural costs: general information on the specifics of procedural actions in enforcement and security proceedings, security and procedural costs

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, decision on a proposal for enforcement, legal remedies and other legal remedies against enforcement orders, enforcement of enforcement, exclusion objection and exclusion action, postponement and termination of enforcement, completion of enforcement, counter-enforcement.

Enforcement for the purpose of collecting a monetary claim: enforcement for the purpose of collecting a monetary claim on real estate, enforcement for the purpose of collecting a monetary claim on movable property, enforcement for the purpose of collecting a monetary claim on the monetary claims of the debtor, enforcement for the purpose of collecting a monetary claim on a claim for the surrender or delivery of movable property or for the surrender of real estate, enforcement for the collection of a monetary claim on a share for which no share certificate has 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 purpose of collecting a monetary claim on the property of legal entities.

Enforcement for the purpose of enforcing non-monetary 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 reinstating an employee to work or service, enforcement by division of property, enforcement of a claim for the provision of a declaration of will.

Insurance: collateral in general, insurance by compulsory lien on immovable property, judicial and notarial lien insurance of claims based on the agreement of the parties, judicial and notarial insurance by transfer of ownership of property 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 introducing the European order for payment procedure

Regulation (EC) No 805/2004 of 21 April 2004 establishing a European Enforcement Tribunal for uncontested claims

1.5. Types of teaching (put X)

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|---|---|
| ☒ Lectures | ☐ Independent tasks |
| ☐ Seminars and workshops | ☐ Multimedia & Network |
| ☒ Exercises | ☐ Laboratory |
| ☐ Distance education | ☐ mentoring work |
| | ☐ other |

	☐ Field Teaching	_____
1.6. Obligations of students		
<i>Student obligations are prescribed in detail by the Statute, the Study Regulations and the Instructions on Student Obligations. The key obligations of students are:</i> <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 commitments are;</i> <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 teaching hours to be eligible to sign.</i> <i>EXAM: 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> <i>*FINAL EXAM – a student who has not met the conditions for passing the exam during the continuous examination (has achieved a total of at least 54 points in the course and met the lower point threshold for the acquisition of each learning outcome, i.e. at least 50% of the points of each learning outcome), may take the learning outcomes of the course at the final exam.</i> WRITTEN EXAM: <i>the student is required 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, as well as appropriate argumentation. The written exam also includes tasks that check the student's acquisition of the material through analytical frameworks.</i> <i>*CONTINUOUS ASSESSMENT: In order to improve the effective progress of students in teaching, continuous examinations (2 intermediate exams) are carried out. In this way, students acquire smaller teaching units and master the subject material more easily.</i>		

1.7. Monitoring of student work (add X with the appropriate form of monitoring)

Attendance	x	Teaching activity		Term paper		Experimental work	
Written exam	x	Oral exam		Essay		Research	
Design		Continuous assessment*		Paper		Practical work	
Portfolio							

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

Assessment and evaluation of students' work during classes and at the final exam is carried out on the basis of the Study Regulations of the EFFECTUS University of Applied Sciences.

Allocation of points according to the forms of student work monitoring:

	Attendance	Written exam	Design	Term paper	Practical work	Total
I1		16				16
I2		16				16
I3		16				16
I4		16				16
I5		16				16

I6		16				16
OUT OF THE BOX	4					4
TOTAL		96				100

Linking learning outcomes, teaching methods and methods of assessment of knowledge:

FORMS OF TRACKING	NAME OF LEARNING OUTCOMES	TEACHING METHOD	METHOD OF ASSESSMENT KNOWLEDGE	Maximum number of rating 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 that demonstrates the identification and definition of key terms, their connection and appropriate argumentation. They can 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 enforceable document	Lecture	Simple recall tasks to which an answer is sought that demonstrates the identification and definition of key terms, their connection and appropriate argumentation. They can include problem questions and tasks that need to be argued.	
		Asking questions Discussion		
	OUTCOME 3 draw up proposals for enforcement on the basis of an authentic document and on the basis of an enforceable document for the purpose of collecting a monetary claim and for	Lecture	Simple recall tasks to which an answer is sought that demonstrates the identification and definition of key terms, their connection and appropriate argumentation. They can include problem questions and tasks that need to be argued.	
		Asking questions Discussion		

	<i>the purpose of enforcing a non-pecuniary claim</i>			
<i>Written exam</i>	<i>OUTCOME 4</i> <i>categorize individual legal remedies against writs of execution on the basis of an authentic and enforceable document</i>	<i>Lecture</i>	Simple recall tasks to which an answer is sought that demonstrates the identification and definition of key concepts, their connection and corresponding arguments of a higher degree of complexity. They can include problem questions and tasks that need to be argued.	<i>48</i>
		<i>Asking questions</i> <i>Discussion</i>		
	<i>OUTCOME 5</i> analyse the types and purpose of provisional and preliminary precautionary measures	<i>Lectures</i>	Simple recall tasks to which an answer is sought that demonstrates the identification and definition of key terms, their connection and appropriate argumentation. They can include problem questions and tasks that need to be argued.	
		<i>Asking questions</i> <i>Discussion</i>		
	<i>OUTCOME 6</i> explain the significance of the essential provisions of EU regulations in the field of enforcement law	<i>Lecture</i>	Essay-problem questions to which an answer is sought that demonstrates the identification and definition of key concepts, their connection and corresponding arguments of a higher degree of complexity. They can include problem questions and tasks that need to be argued.	
		<i>Asking questions</i> <i>Discussion</i>		
<i>Attendance</i>	<i>All outcomes</i>	<i>Lectures and exercises</i>	<i>Attendance records</i>	<i>4</i>

TOTAL POINTS
100

Type of student workload	Hours of student workload	ECTS credits
Attending face-to-face 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

JUDGING:

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:

NUMBER OF POINTS	RATING
0,00 – 53,90	<i>Insufficient (1)</i>
54,00 – 64,90	<i>Sufficient (2)</i>
65,00 – 79,90	<i>Good (3)</i>
80,00 – 89,90	<i>Very Good (4)</i>
90.00 and more	<i>Excellent (5)</i>

The evaluation is carried out in a transparent manner by collecting points. The course is valued 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 by 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 subject. Points for the Challenge learning outcome are not distributed according to the learning outcomes, but the number achieved is 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 literature and number of copies in relation to the number of students currently attending classes in the course

Title	Number of copies	Number of students
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1.	IVICA CRNIĆ - DARIA KEŠKIĆ: Enforcement Act, Law on the Implementation of Enforcement on Funds; Organizer d.o.o., Zagreb, 2013.	5* <i>*students receive compulsory literature in permanent ownership</i>	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 i de lege ferenda, Zbornik radova Pravnog fakulteta u Splitu, 37 (2000), 1/2(57/58) ; p. 181-200. - Ivica Crnić... [et al.] ; general editorial board 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. Quality monitoring methods that ensure the acquisition of output knowledge, skills and competences • <i>statistical processing and analysis of exam results (verification of the Gaussian curve – normal distribution of performance, comparison and monitoring of exam results of different generations, analysis of understanding of individual modules/questions on the exam, etc.),</i> • <i>conducting a survey among students,</i> • <i>evaluation and self-evaluation of teachers,</i> • <i>achieved results, level of understanding and knowledge during the preparation of the seminar paper,</i> • <i>the achieved results and the level of knowledge presented during the preparation and defense of the final thesis (of students who choose the graduate thesis in this subject),</i> • <i>analysis of the reports of the head of the quality center, and</i> • <i>Feedback from students who have already graduated about the usefulness of the content of this course in the performance of the tasks they are engaged in.</i>			

