

LAW260 Civil Law (Property)

1st and 2nd quarters, Junior

Instructor	IKOMA TOSHIHIDE
Style of Class	Lecture
Number of Credits	2
Day and Period	To be advised

Course Description

This course covers Parts II and III of the Civil Code of Japan, most immediately relevant to our everyday life, such as rights in rem and claims. Lectures will first survey general provisions, and rights in rem will be examined with ownership right as their focal point. Lectures on claims will begin with an examination of “general content (purposes and efficacies of claims)”, to be followed by discussions on “sales” as contractual transfer of ownership rights, and “rental rights” as a contract over rentals. Recent case laws on “tort” will also be studied to the extent possible.

Course Objectives

- (1) To understand the legal system of the property law.
- (2) To comprehensively understand the overview of the ownership right and other matters of law of rights in rem.
- (3) To understand forms of individual contracts as itemized discussions based upon the knowledge of general provisions of claims.

Prerequisites

The Civil Law (General Provisions) is prerequisite.

Class Materials

Textbook

Tsubaki Toshio, *Minpo (Zaisan ho) 25 ko* (Twenty-five Lectures of Civil Code (Property Law)), Yuhikaku Soshō.

Supplementary Materials

(Law of Rights in Rem)

Sakuma Takeshi, *Minpo no kiso, 2, Bukken* (Basic Study of Civil Code, 2, Rights in Rem), Yuhikaku.

Nagata Shinzaburo, et al., *Essensharu minpo 2* (Essential Civil Code, 2, Rights in Rem), Yuhikaku.

(Law of Claims)

Nagata Shinzaburo, et al., *Saiken* (Claims), Yuhikaku Books.

Nomura Toyohiro, et al., *Minpo III* (Civil Code III), Yuhikaku S Series.

Fujioka Yasuhiro, *Minpo IV* (Civil Code IV), Yuhikaku S Series.

Course Method

Lecture, supplemented by further explanations written on the blackboard.

Student participation will be encouraged as needed, depending on the contents of the lecture.

Evaluation/Assessment

The evaluation will be based upon the final examination.

Grading

100% Final examination

Course Schedule

Week 1: Introduction and Organization

Explanation of course schedule, content and format of the class.

Week 2: Basic Terms

Basic terms and concepts preliminary to the study of the property law (rights in rem/claims).

Week 3: Ownership and Possessory Right (1)

Content and range of ownership rights.

Week 4: Ownership and Possessory Right (2)

Details of the possessory right as focal point.

Week 5: Change of Rights in Rem

Change of rights in rem concerning the real properties.

Week 6: Security Interest (1)

Basic concepts of the security interest.

Week 7: Security Interest (2)

Mortgage as a case of security interest.

Week 8: Introduction to Claims (1)

Fundamentals of claims, such as their kinds, as an introductory study.

Week 9: Introduction to Claims (2)

Obligee's subrogation right and right to request avoidance of fraudulent act.

Week 10: Sales Contracts (1)

Fundamentals of sales contracts.

Week 11: Sales Contracts (2)

Sales contracts with a focus on seller's warranty.

Week 12: Lease Contracts (1)

Fundamentals of lease contracts.

Week 13: Lease Contracts (2)

Leases, specially the Act on Land and Building Leases.

Week 14: Tort

The tort in general by examining recent specific cases.

Week 15: Course Wrap-up

Preparation and Follow-up

Preparation: Students are expected to finish reading of the assigned chapter in the textbook before class (30 minutes).

Review: Review lecture notes and identify in writing questions after reviewing the assigned readings of textbook and supplementary materials (1 hour).