

Study program : Law
Type and level of studies: Master studies
Course unit: Comparative Inheritance Law
Teacher in charge : Tamara Đurđić-Milošević, assistant professor
English language
ECTS: 8
Prerequisites: None
Summer Semester
Course unit objective Introducing students to the inheritance law regulation in comparative law through a comparative analysis of basic inheritance law institutes in the legal system of Serbia and the legal systems of European and other modern legal states.
Learning outcomes of Course unit The ability of students to correctly interpret and apply the norms that regulate property law relations that arise after the death of an individual.
Course unit contents After presenting introductory topics related to the concept, subject and basic principles of Inheritance Law, theoretical classes include study of inheritance rules in comparative legal systems and substantive law of Serbia concerning: basic assumptions for the inheritance process; facts that affect the formation of legal inheritance orders; intestate inheritance and the right to forced shares; conditions for the creation of a valid testament, the form of a testament, the content of the testament; general legal status of the heir; inheritance contracts and corresponding obligatory agreements. The issue of harmonization of inheritance law in the European legal space is especially considered.
Literature D. Đurđević, Institutions of Inheritance Law, Belgrade, 2015; D. Živojinović, Acquisition of Inheritance in European-continental laws, in: "Legal system of Serbia and Standards of the European Union and the Council of Europe", book 3, p. 233-243; D. Živojinović, Assignment of Inheritance Portion, Legal Life, 1997, no. 10. pp 505-516; N. Stojanović, Inheritance Community, Niš, 2009, pp. 43-57; O. Antić- Z. Balinovac, Commentary on Inheritance Act, Belgrade, 1996; N. Stojanović, Inheritance Law, Niš, 2011; D. Živojinović, Hereditary Rights of Postmortal Conceived Children, Legal Life 2005, vol. 494, no. 10, pp. 695-711. J. Vidić, Intestate Inheritance in Serbian and European Law, Collected papers- Faculty of Law in Novi Sad, Vol. 39, no. 3 (2005), pp. 183-216; J. Vidić-Trninić, Extramarital Partner as a Statutory Heir in Contemporary European Rights, Proceedings of the Faculty of Law in Niš, 2014, pp.407-424; T. Đurđić-Milošević, Legal Nature of the Right to a Forced Share, Legal Life, No. 10 (2015), pp.557-569; N. Krstić, Violation and Protection of the Right to a Forced Share, Niš, 2015, pp. 16-19,23-32,39-54,91-96. N. Stojanović, N. Krstić, Some Observations on Intestate and Imperative Inheritance in the Republic of <i>Serbia de lege lata de lege ferenda</i> , in:"Current Issues of Civil Codification", Niš, 2008, pp. 224-231; . D. Živojinović, Testamentary and Legal Capacity, Legal Life, no. 10, 2011, p. 123-135; D. Đurđević, Freedom of Testation and Formalism of Holographic Testament, Legal Life, no. 9 (2011), pp. 845-864; D. Đurđević, Fideicommissary Substitution in European Legal Systems and Serbian law, in: "Legal Capacity of Serbia for European Integration", vol. 5, Faculty of Law, University of Belgrade, 2010. pp. 104-126; T. Đurđić- Milošević, Legal Position of a Testamentary Heir set under the Condition or Term, in: "Harmonization of the Legal System of Serbia with the Standards of the European Union, book 1, Kragujevac, 2013, p. 327-340 D. Živojinović, Particular Effects of Invalid Testaments, in: "Freedom and Rights of a Man and Citizen in the

Concept of the New Legislation of the Republic of Serbia. Book 3.-pp. 437-452.

D. Živojinović, Revocation of Testament, in: "Collected Papers of Faculty of Law in Niš",no. 56 (2010), pp. 59-75;

D. Živojinović, Invalidity of Testament, Kragujevac, 2003.

D. Živojinović, Influence of Mental Reservation on the Validity of Testament, Legal Life 2003, vol. 478, no. 10, pp. 215-225.

D. Živojinović, T. Đurđić, Inheritance Contract and its Substitutes in European and Serbian Law, in: Journal of European Law, no. 2-3 (2015), pp. 69-88;

N. Stojanović, Why is the Inheritance Contract Prohibited in our Law ?, Legal Life, no. 10, 2003, pp. 163-179.

D. Živojinović, Agreement on Renunciation of Inheritance that is not yet in Probate, Legal Life, No. 10 (2000), pp.405-419; 367-377;

T. Đurđić-Milošević, Restriction of the Freedom of Testamentary Dispositions, doctoral dissertation, Kragujevac, 2018, 367-377;

N. Planojevic, D. Živojinović., Property Law Restrictions and Obligatory Restrictions on the Realization of the Heir's Claim. In: Bejatović S., editor (s). "The Legal System of Serbia and the Standards of the European Union and the Council of Europe". Book 5. Kragujevac 2010, p. 221-236.

W. Pintors, Need and Opportunity of Convergence in European Succession Laws, in: „R. Zimmerman, Freedom of Testation – Testierfreiheit“, Mohr Siebeck, 2011; str. 5-23.

Number of active teaching hours				Other classes
Lectures: 45	Practise: 30	Other forms of classes: 15	Independent work:	
Teaching methods				
Lectures, consultations, seminars, case studies, mid-term tests, term papers, students' presentations				
Examination methods (maximum 100 points)				
Exam prerequisites	No. of points:	Final exam	No. of points:	
Student's activity during lectures	15	oral examination	54	
Student's activity during practical classes	15			
Tests	Two tests (each up to 8 points)	written examination		
Seminars/homework			
Project				
Other				
Grading system				
Grade	No. of points		Description	
10	91-100		Excellent	
9	81-90		Exceptionally good	
8	71-80		Very good	
7	61-70		Good	
6	51-60		Passing	
5	less than 51		Failing	