

CIVIL LAW



Civil Law

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CIVIL LAW

Nikola Dacev



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PREFACE

The book “Civil Law” is intended for bachelor’s and master’s students who study this subject. Still, the book is also designed to be a resource for practitioners and scholars of law and for all persons interested in acquiring theoretical and practical knowledge within the framework of civil law. The primary purpose of this book is for the students to acquire basic theoretical knowledge about the system of civil law, the legal branches that are part of civil law, the basic civil law institutes, the realization and protection of civil subjective rights, the meaning of civil law subjectivity, and others. This book explores the fundamental principles of civil law through both theoretical and practical lenses by examining key areas such as obligations, property rights, and family law, while also highlighting how different legal systems - whether influenced by Roman law, European civil codes, or modern reforms - address these crucial aspects of human relations. The aim is to present the legal rules in force and engage with the underlying philosophy and rationale that guide civil law’s development. Students are expected to develop awareness about these institutes and the critical skills to approach the law and legal argument in civil law, to familiarize students with the application of the civil law norms in practice. The structure and content of the book have been designed in such a way as to realize the intended purpose. Namely, the book contains terms, scope, principles, and legal sources of civil law, legal subjects and various types of legal capacity, the creation, effects, and annulment of civil law relations, definition,

classification, and interpretation of legal norms, legal acts and types of legal acts, infringement of rights (abuse, collision, and obsolescence), representation, etc. In addition to explaining the basic institutes from the field of civil law, the book also provides several case analyses and comments that will allow students to familiarize themselves in detail with the practical application of civil law norms. It covers the core areas of civil law in a manner accessible to those new to the subject while offering deeper analysis for those looking to expand their understanding of comparative civil law systems. The study and application of civil law form the foundation of many modern legal systems worldwide. As one of the most significant branches of law, it governs the rights and obligations between individuals in matters such as contracts, property, family, and inheritance. This book seeks to provide a comprehensive understanding of civil law, its principles, and its evolution within various legal traditions. Civil law, particularly in codified systems, has a long and intricate history that draws from diverse sources, including Roman law, the Napoleonic Code, and other European legal traditions. Its adaptation to different countries and contexts has resulted in a robust legal framework that upholds the rule of law in various settings. Turkey, for example, embarked on an ambitious project of legal modernization in the early 20th century by adopting the Swiss Civil Code, reflecting its broader goals of secularization and alignment with Western legal norms. This transformation and similar efforts in other jurisdictions demonstrate the dynamic nature of civil law and its adaptability to societal changes. I hope it will serve as a valuable tool for those seeking to comprehend the structure and function of civil law in the 21st century.

With content like this in mind, I hope that this book will be helpful to law students who theoretically and practically deal with questions and topics from the sphere of civil law and its branches, including the law on obligations, inheritance law, family law, property law, intellectual property law, etc. This book can also be helpful for all citizens of the Republic of Macedonia, Turkey, and countries in the Balkan region who have an interest and need to obtain information and

knowledge about the theoretical and practical application and realization of civil law rights.

This edition provides an important foundation for law students and all those who have an interest in law, which will further facilitate the mastering of other, more specific legal disciplines mentioned above.

I want to express my gratitude to the many jurists, scholars, and legal professionals whose work has shaped the development of civil law and whose insights have informed this text. I also acknowledge the rapidly evolving nature of legal systems in response to social, technological, and economic developments and encourage readers to approach this material with a mindset attuned to tradition and change.

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Skopje, North Macedonia
March 2025



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INTRODUCTION – THE NOTION OF CIVIL LAW

Concept of Civil Law

Public v. Private Law

Subject and Method of Civil Law

Principles of Civil Law

Civil Law as Objective and Subjective Law

This chapter provides a solid foundation for understanding civil law as both a theoretical and practical system of legal norms. It emphasizes its core role in regulating property relations and personal rights and its unique methods compared to other branches of law, like public law. The section on the principles of civil law underscores the system's commitment to fairness, autonomy, and legal certainty, which are essential for ensuring justice in private legal relationships. The division between public and private law and the distinction between objective and subjective law clarify how civil law functions within the broader legal landscape. The section on legal science further establishes civil law as both a practice and an academic discipline, highlighting its importance for legal professionals and scholars. In conclusion, the section offers a comprehensive overview of civil law's nature, scope, and principles, setting the stage for a deeper understanding of its practical applications and theoretical underpinnings.
