WORK PROGRAMME OF ACADEMIC DISCIPLINE
“INTERNATIONAL FAMILY AND INHERITANCE LAW”

Level of higher education – the second (master's) level
Degree of higher education – master
Field of knowledge – 29 "International relations"
Speciality – 293 "International Law"
Discipline status – at the student's discretion
Recruitment year – 2022

Kharkiv 2022
Work Programme of academic discipline “International Family and Inheritance Law” for students of the second (master's) level of higher education in the field of knowledge 29 "International Relations", of the speciality 293 "International Law". Kharkiv: Yaroslav Mudryi National Law University, 2022. 24 p.

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Approved at the meeting of the Department of Private International Law and Comparative Law

(Minutes No. 11 of 06/24/2022)

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Contents.

1. Description of the discipline..............................................................................4
2. Expected learning outcomes..............................................................................5
3. Programme of the discipline.............................................................................9
4. The scope and structure of the discipline.......................................................13
   4.1 For full-time higher education students.....................................................13
   4.2. For part-time higher education students......................................................15
5. Forms of pedagogical control and means of assessment of learning outcomes....16
6. Criteria for assessment of learning outcomes................................................17
7. Pedagogical control for full-time/extramural students.....................................18
8. Educational, methodological and information support of the discipline.........19
1. Description of the discipline

The Working Programme of the discipline "International Family and Inheritance Law" is developed in accordance with the educational and professional program "International Law" of the second (master's) level of higher education in the field of knowledge 29 "International Relations", speciality 293 "International Law".

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Field of knowledge, speciality, level of education</th>
<th>Didactic structure of the discipline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of ECTS credits - 4.0</td>
<td>Field of knowledge - 29 &quot;International relations&quot;</td>
<td>full-time education</td>
</tr>
<tr>
<td>Modules - 2</td>
<td>Speciality - 293 &quot;International Law&quot;</td>
<td>part-time education</td>
</tr>
<tr>
<td>Total hours - 120</td>
<td>Level of education – the second (master's) degree</td>
<td>At the student’s discretion</td>
</tr>
<tr>
<td>Weekly hours for full-time students: classroom studies- 2-4, student's independent work - 6-8.</td>
<td></td>
<td>A year of preparation: 2022</td>
</tr>
<tr>
<td></td>
<td></td>
<td>semester</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lectures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 hours.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Practical / seminar classes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20 hours.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Independent work</td>
</tr>
<tr>
<td></td>
<td></td>
<td>82 hours.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Types of control: ongoing monitoring; final control of knowledge (credit test)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>110 hrs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Types of control: ongoing monitoring; final control of knowledge (credit test)</td>
</tr>
</tbody>
</table>

The aim and tasks of the discipline

The aim of the academic discipline is to acquire professional knowledge in the field of legal regulation of private law aspects of family and inheritance relations of an international nature, and to develop practical skills in their application in law-making, law enforcement, law enforcement, expert advisory and pedagogical activities.
Tasks:
- formation of a system of theoretical knowledge about the main institutions, concepts and categories of international family and inheritance law;
- mastering the main provisions of Ukrainian legislation in the field of conflict of laws and substantive law;
- understanding the current state of the art of international family and inheritance law;
- mastering the skills of interpreting and applying conflict of laws and substantive rules of family and inheritance law;
- mastering the skills of legal analysis of factual circumstances in specific legal relations;
- mastering the skills of independent work with normative sources; use the achievements of the science of private international law.
- mastering the skills of legal qualification of situations in family and inheritance cases with a foreign element and the ability to draw up legal opinions, statements, claims, and responses to claims, complaints, appeals, contracts and other legal acts in accordance with the rules of legal technique, using innovative technologies and information security standards.

Prerequisites: "Tax Law", "European Union Law and its System", "Actual Problems of Research Methodology".

Credentials: "European Private International Law", "International Contract Law", "WTO Law".


2. Expected learning outcomes

As a result of mastering the discipline, a higher education student must
demonstrate the following learning outcomes:

| LO 1. | Demonstrate knowledge and understanding of doctrinal approaches to the definition of international family and inheritance law and its evolution. |
| LO 2. | Demonstrate knowledge of human rights in the field of family and marriage, and ECHR case law on the protection of family and private life. |
| LO 3. | Demonstrate knowledge of the doctrinal problems of conflict-of-laws regulation of family and inheritance relations with a foreign element. |
| LO 5. | Determine the limits of conflict of laws regarding the form of marriage and the right to marriage. |
| LO 6. | Identify problems in applying the conflict of laws formulas of lex personalis, lex nationalis, lex rei sitae and lex voluntatis to resolve conflicts of laws governing cross-border inheritance. |
| LO 7. | Reveal the peculiarities of approaches to determining the range of issues of the inheritance statute and the problem of its "splitting". |
| LO 8. | Characterize and resolve conflicts regarding cross-border inheritance trust management and recognition of inheritance trusts. |
| LO 9. | Have the skills to search and systematize scientific information and case law materials on the recommended websites of international specialized international organizations and judicial institutions. |
| LO 10. | Provide professional advice on the nature and methods of international legal protection of the rights and interests of subjects of international family and inheritance law. |
| LO 11. | Characterize the strategic directions of Ukraine's foreign policy in international family and inheritance law. |
| LO 12. | Analyze Ukrainian legislation for compliance with international family and inheritance law, formulate proposals for approximation of national legal acts to the relevant legal developments. |

Teaching of the discipline ensures the formation of general and special competencies of the higher education student and the achievement of learning outcomes defined by the educational and professional program "International Law", namely:

**General competencies:**

GC 1. Ability to think critically, analyze and synthesize.

GC 2. The ability to identify and solve problems arising in the professional sphere, to formulate and ask questions for their further solution.

GC 6. Ability to work effectively in an intercultural environment, including developing and managing international projects.

GC 7. Ability to conduct research at an appropriate level.

GC 9. Ability to solve problems of an innovative nature and to find alternative
solutions in professional activities.

GC 10. Ability to work (collect, receive, systematize and synthesize) with various information and large volumes of information from various sources, analyze and critically and constructively evaluate it, taking into account the cross-cultural characteristics of the subjects of international relations.

GC 11. Ability to use the latest information and communication technologies for professional purposes.

GC 12. Ability to formulate a personal opinion and present it with evidence.

GC 15. Ability to understand the specifics of the subject area and professional activity, to make well-founded, balanced decisions and to be aware of their ethical consequences.

GC 16. Ability to communicate with representatives of other professional groups of different levels, from other fields of knowledge and activities, as well as the ability to work in an international professional environment.

Special competencies:

SC 1 Ability to critically comprehend the problems and patterns of functioning and development of international relations, identify trends in world politics, assess the impact of global political processes on national legal, political and economic systems.

SC 3. Ability to independently provide legal representation of the interests of individuals, legal entities or the state when considering cases in national and international institutions and organize the provision of legal services.

SC 4. Ability to comprehensively use highly specialized knowledge in specific areas of regulation of international public law, international private law, and European law to solve applied problems.

SC 7. Ability to represent the interests of Ukraine or individuals and legal entities in international judicial institutions, arbitrations, national courts of foreign countries.

SC 8. Ability to work and represent the interests of Ukraine in international intergovernmental organizations.

SC 11. Ability to ensure the implementation of international legal standards in
certain areas of national legislation.

SC 12. Ability to conduct research and/or introduce innovations in various fields and institutions of public international law, private international law, EU law.

SC 14. Ability to apply an interdisciplinary approach in the assessment of international legal phenomena and international relations using legal tools.

SC 16. Ability to work with international documentation (treaties, acts of international organizations and bodies, etc.), determine their legal nature, draft projects and accompanying documentation in Ukrainian and foreign languages.

SC 21. The ability to communicate effectively in an international, multicultural environment using knowledge in the fields of international law, European law and international relations.

Programme learning outcomes:

PTO 1. Analyze multifaceted problems of international and national legal content and propose ways to solve them.

PTO 4. Understand the international legal situation, forecast its development, professionally and critically evaluate events and phenomena in the field of international relations and world politics, using legal tools.

PTO 5. Provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local self-government bodies.

PTO 8. To prepare drafts of international treaties and acts of national legislation, to provide proposals for eliminating conflicts between the norms of international law, as well as for bringing the norms of national law into compliance with the norms of international law.

PTO 11. Demonstrate communication skills with representatives of other professional groups of different levels, other fields of knowledge and types of activities, as well as the ability to work in an international, intercultural environment; to organize and conduct negotiations.

PTO 17. Carry out research on international legal topics, using primary sources and methods of legal interpretation of complex problems arising from this research, justify the conclusions and present the results of the research.
PTO 19. Demonstrate knowledge of the evolution, current state and prospects for the development of legal regulation of various spheres of international cooperation, to be aware of the consequences of the convergence of legal systems in the conditions of globalization and regional integration.

3. Programme of the discipline

Module 1: General principles of legal regulation of international family relations

*Introduction to international family law.* The concept of family relations with a foreign element. Sources of regulation of international family law. The principle of respect for private and family life. The principle of family unity. The principle of priority of the rights and legitimate interests of the child. The principle of equal responsibility of parents for the upbringing and development of children. International immunities in family relations with a foreign element. Peculiarities of legal regulation of family and inheritance relations with a foreign element in the context of mass migration as a result of military aggression of the Russian Federation.


General characteristics of legal regulation of family relations in private international law. The concept, content and types of family relations of an international nature. Interaction of private and public in the legal regulation of family relations. The place of international family law in the system of private international law.

Sources of international family law. The Constitution of Ukraine, domestic legislation, international treaties as sources of international family law. The significance of generalizations of judicial practice in the consideration of family disputes of an international nature.

Conflict of laws regulation of marriage and its termination. The procedure for resolving conflicts of laws regarding the form of marriage. Conflict of laws rules of family law. General characteristics of the most common conflict of laws rules in the field of family law. Autonomy of will of the parties in family relations. Features of the application of conflict of laws in international family law. Public policy clauses and the application of peremptory norms in international family law.


Module 2. Conflict of laws regulation of the main institutions of international family and inheritance law

Personal non-property and property rights of spouses in a cross-border marriage. Resolving conflicts of laws regarding personal and property relations of spouses. Legal regimes of marital property in different legal systems. Marriage contract and choice of competent legal order. Application of lex nationalis and lex domicilii and their correlation. The possibility of applying the autonomy of the will - lex voluntatis.

*Legal relations between parents and children in private international law.* Establishing the origin of the child in international family law. Doctrinal and legislative problems of surrogacy.


The issue of adoption with the participation of foreigners and stateless persons in the Family Code of Ukraine and bylaws of domestic legislation.

Law-terminating and law-establishing consequences of adoption with the participation of foreigners. Consular supervision of families who have adopted children of Ukrainian citizens.

Temporary ban on adoption of children of Ukrainian citizens by foreigners under martial law, its grounds and limits.

Conflict of laws regulation of inheritance relations. The scope and content of conflicts of laws in inheritance law. The concept and essence of inheritance in the continental and Anglo-American systems of law. Sources of legal regulation of inheritance relations with a foreign element. Unification of conflict of laws regulation of inheritance relations in EU legislation.

The problem of choosing the law to be applied in cross-border inheritance relations. The inheritance statute. The problem of "splitting the inheritance statute". Resolving the conflict of laws on inheritance of movable and immovable property. Application of the law of the country of protection of the testator's personal law (lex personalis and lex nationalis) and the law of the location of the property (lex rei sitae). Possibility of applying the autonomy of the parties' will. Qualification and preliminary conflict of laws issues in international inheritance relations.

Peculiarities of jurisdiction over inheritance cases with a foreign element in the context of military aggression. Providing international legal assistance in inheritance cases in the context of military aggression.

Cross-border inheritance by will and by law. Freedom of will in national legal systems. Conflict issues of the form and procedure of making a will. Testamentary capacity. Forms of testament. Joint will. Inheritance contract. Grounds for invalidation of a will in case of cross-border inheritance. Interpretation and execution of a will.

General approaches to determining the circle of heirs, the order of inheritance and unworthy heirs in the main national legal systems. The right to a compulsory share in inheritance. The rights of the other spouse in case of inheritance by law.


### 4. The scope and structure of the discipline

#### 4.1 For full-time higher education students

<table>
<thead>
<tr>
<th>No.</th>
<th>Date of the event (according to the schedule)</th>
<th>Title of the Topics</th>
<th>Volume in hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Module 1: General principles of legal regulation of international family relations.</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td><strong>Topic 1:</strong> Introduction to international family law</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td><strong>Topic 2.</strong> Human rights in the field of marriage and family. The impact of the ECHR on law enforcement practice in family cases</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td><strong>Topic 3.</strong> General characteristics of legal regulation of family relations in private international</td>
<td>14</td>
</tr>
<tr>
<td>Topic 4. Conflict of laws regulation of marriage and its termination.</td>
<td>14</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Together</td>
<td>56</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Module 2. Conflict of laws regulation of the main institutions of international family and inheritance law</td>
<td>Topic 1: Personal non-property and property rights of spouses in private international law.</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Topic 2. Establishing the origin of the child. Maintenance obligations in private international law. Legal consequences of cross-border surrogacy and the use of other biotechnologies.</td>
<td>16</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Topic 3. Legal regulation of intercountry adoption and guardianship in the IPP.</td>
<td>16</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Topic 4. Conflict of laws regulation of inheritance relations. Cross-border inheritance by will and by law. Special types of inheritance in private international law.</td>
<td>16</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>64</strong></td>
<td><strong>10</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>Total hours / credits ECTS</strong></td>
<td><strong>120/4.0</strong></td>
<td><strong>18</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>
4.2. For part-time higher education students

<table>
<thead>
<tr>
<th>No.</th>
<th>Date of the event (according to the schedule)</th>
<th>Topics of the discipline</th>
<th>Total</th>
<th>Volume in hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lectures</td>
<td>Workshops, seminars, colloquia, etc.</td>
</tr>
<tr>
<td>1</td>
<td>Module 1: International family law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Topic 1: Introduction to international family law</td>
<td></td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Topic 2. Human rights in the field of marriage and family. The impact of the ECHR on law enforcement practice in family cases</td>
<td></td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Topic 3. General characteristics of legal regulation of family relations in private international law.</td>
<td></td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Topic 4. Conflict of laws regulation of marriage and its termination.</td>
<td></td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Together</td>
<td></td>
<td>64</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Module 2. Conflict of laws regulation of the main institutions of international family and inheritance law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Topic 1: Personal non-property and property rights of spouses in private international law.</td>
<td></td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Topic 2. Establishing the origin of the child. Maintenance obligations in private international law. Legal consequences</td>
<td></td>
<td>14</td>
<td>-</td>
</tr>
</tbody>
</table>
of cross-border surrogacy and the use of other biotechnologies.

| Topic 3. Legal regulation of intercountry adoption and guardianship in the international community. | 16 | 2 | - | 14 |

| Topic 4. Conflict of laws regulation of inheritance relations. Cross-border inheritance by will and by law. Special types of inheritance in private international law. | 14 | - | - | 14 |

| Total | 58 | 2 | - | 56 |

| Total hours / credits ECTS | 120/4,0 | 6 | 4 | 110 |

5. **Forms of pedagogical control and means of assessment of learning outcomes**

Evaluation of the results of mastering the discipline "International Family and Inheritance Law" involves current and final control and is carried out on the basis of a cumulative point-rating system.

**The ongoing monitoring of** students' knowledge includes:

- control of the quality of students' mastering the program material of the discipline in practical classes using the following means: oral, written or express survey, solving practical problems or tasks, participation in the development of a case, defense of an essay or abstract at the initiative of the student. The ongoing monitoring is aimed at checking the level of training of the applicant in the study of the current material. During the practical training, the applicant can receive a grade on a five-point scale (0, 2, 3, 4, 6);
quality control of students' mastery of the program material of the discipline, which is carried out at the end of the modules in the form of colloquia, quizzes, testing, etc.

Throughout the semester, students complete assignments for independent work (preparation of a presentation, essay, report, etc.). The maximum number of points for independent work is 20 points.

The form of final control of knowledge of higher education students in the discipline is a credit test. The minimum number of points for receiving a credit test is 60.

Points distribution between the organizational forms of the educational process and types of control:

<table>
<thead>
<tr>
<th>Ongoing monitoring</th>
<th>Final assessment of knowledge (offset)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Module 1</td>
<td>Module #2</td>
</tr>
<tr>
<td>Test/quiz</td>
<td>Test/quiz/colloquium</td>
</tr>
<tr>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>max 24</td>
<td>max 10</td>
</tr>
</tbody>
</table>

6. Criteria for learning outcomes evaluating

<table>
<thead>
<tr>
<th>Type of control</th>
<th>Points</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing monitoring at a practical class</td>
<td>Max 6</td>
<td>Excellent mastering of the topic, with some possible insignificant mistakes.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Good mastering of the topic, but there are some mistakes.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Satisfactory level with significant number of mistakes.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Minimum level of learning with significant number of mistakes.</td>
</tr>
<tr>
<td></td>
<td>Min 0</td>
<td>Unsatisfactory level of topic covering.</td>
</tr>
</tbody>
</table>
Testing / control work / colloquium | Max 10 | The results of processing the material are high with some possible insignificant mistakes. 
---|---|---
5 | Satisfactory level of mastering the material with significant number of mistakes. 
Min 0 | Unsatisfactory level of topic covering.
Assessment of students' independent work | Max 20 | Thorough knowledge of the problems related to the research topic. Fluency in the material, ability to think independently and creatively, to find, summarize, analyze material, and make independent theoretical and practical conclusions. 
---|---|---
15 | The main issues are covered superficially, and the conclusions do not reflect the main content of the work. 
Min 0 | The main topics are covered superficially, with many mistakes, without conclusions, and the student has not mastered the research material.
Credit | Max 100 | Excellent knowledge of the subject matter. 
---|---|---
Min 60 | Sufficient mastering of the topic.

7. Pedagogical control for full-time/extramural students

Skills Rating Scale: National and ECTS

<table>
<thead>
<tr>
<th>ECTS grade</th>
<th>Description</th>
<th>National Scale Grade</th>
<th>Estimation on a 100-point scale used at NLU</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Excellent - Excellent performance, with only a few mistakes</td>
<td>Pass</td>
<td>90 - 100</td>
</tr>
<tr>
<td>B</td>
<td>Very good - average level of work with some mistakes</td>
<td></td>
<td>80 - 89</td>
</tr>
<tr>
<td>C</td>
<td>Good - correct work with minor mistakes</td>
<td></td>
<td>75 - 79</td>
</tr>
<tr>
<td>D</td>
<td>Satisfactory - not bad, but with many mistakes</td>
<td></td>
<td>70 - 74</td>
</tr>
<tr>
<td>E</td>
<td>Sufficient – the performance satisfies the minimum criteria</td>
<td></td>
<td>60 - 69</td>
</tr>
<tr>
<td>FX</td>
<td>Un satisfactory – with the possibility of re-examination</td>
<td>Fail</td>
<td>35 - 59</td>
</tr>
<tr>
<td>F</td>
<td>Unsatisfactory – with compulsory re-study of subject</td>
<td></td>
<td>0 - 34</td>
</tr>
</tbody>
</table>
8. Educational, methodological and information support of the discipline

Legislation, Conventions, Treaties

2. Appeal of the Verkhovna Rada of Ukraine to the parliaments and governments of foreign states, international organizations and their inter-parliamentary assemblies to condemn the crimes of forced deportation of Ukrainian children committed by the Russian Federation and the Republic of Belarus: Resolution of the Verkhovna Rada of Ukraine of 03.05.202. URL: https://zakon.rada.gov.ua/laws/show/3099-20#Text


BIBLIOGRAPHY

Basic literature


Additional literature


*Internet resources:*

Official web portal of the Verkhovna Rada of Ukraine. URL: http://rada.gov.ua/

Official web portal of the President of Ukraine. URL: http://www.president.gov.ua
Official web portal of the Cabinet of Ministers of Ukraine. URL: http://www.kmu.gov.ua

Official web portal of the Supreme Court. URL: https://supreme.court.gov.ua/supreme/gromadyanam/perelik_sprav/

Official web portal of the Constitutional Court of Ukraine. URL: https://ccu.gov.ua/

Official web portal of the Ministry of Justice of Ukraine. URL: https://minjust.gov.ua/

The official web portal of the United Nations. URL: www.un.org

Official web portal of the European Court of Human Rights. URL: www.echr.coe.int


Official web portal of the Institute for the Unification of Private International Law URL: www.unidroit.org

The official web portal of the Max Planck Institute for Comparative and International Private Law http://www.mpipriv.de

SEEMC