

Ministry of Education and Science of Ukraine
Yaroslav Mudryi National Law University
Department of Private International Law and Comparative Law

SYLLABUS 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

Syllabus of academic discipline “International Family and Inheritance Law” for students of the second (master's) level in the field of knowledge 29 "International Relations", of the speciality 293 "International Law". Kharkiv: Yaroslav Mudryi National Law University, 2022. 15 p.

Developer:

Shumilo Inessa Anatoliivna

PhD in Law, Associate Professor, Associate Professor

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

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

Head of the Department - Dmytro Lukianov, Doctor of Law, Professor, Professor

Information about the lecturer

Title of the course	International family and inheritance law
Type of the course	At the student's discretion
Lecturer	Inesa Shumilo, Associate Professor of the Department of International Private Law and Comparative Law, PhD in Law, Associate Professor
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Consultations	According to the schedule of individual lecturer's consultations. 77 Pushkinskaya St., room 226. 226.
Online consultations	Zoom conference ID: 760 742 9176, access code: 983586

Course Overview

The discipline "International Family and Inheritance Law" is devoted to the study of the problems of legal regulation of closely related family and inheritance relations of a cross-border nature in the context of globalization and European integration. The discipline covers the main institutions of international family and inheritance law, focusing on the most complex theoretical issues of conflict of laws regulation and prospects for unification of substantive and conflict of laws rules in this area.

The aim and tasks of academic 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 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 individual 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.

The place of the discipline in the structure of the educational-professional programme.

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

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

Postgraduate qualifications: "International Intellectual Property Law, EU Corporate Law and Governance, Notary and Notarial Actions of Consular Offices.

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 law and its evolution.

LO 2. Use the system of sources of international family law, taking into account

the historical stages of its formation.

LO 3. Demonstrate knowledge of the principles of international family law and their legislative consolidation.

LO 4. Use knowledge of human rights in the field of family and marriage, and the practice of the ECHR on the protection of family and private life.

LO 5. Analyze the current state of Ukrainian legislation in the field of international family relations and establish its compliance with international and European standards.

LO 6. Resolve conflicts of laws regarding the form of marriage and the right to marriage.

LO 7. Demonstrate knowledge of current issues of international regulation of intercountry adoption and its consequences.

LO 8. Have the skills to resolve conflicts of laws governing legal relations between parents and children.

LO 9. Demonstrate knowledge of doctrinal approaches to the definition of the concept of international inheritance law and its system.

LO 10. Be able to apply the conflict of laws formulas *lex personalis*, *lex nationalis*, *lex rei sitae* and *lex voluntatis* to resolve conflicts of laws governing cross-border inheritance.

LO 11. Analyze and resolve conflicts regarding cross-border fiduciary management of inheritance and recognition of inheritance trusts.

LO 12. Analyze and resolve conflicts of interest regarding cross-border business inheritance, corporate rights and rights of heirs of beneficiaries of offshore companies.

STRUCTURE OF THE DISCIPLINE for full-time students

No.	Topics	Practical studies	Independent work (in hours)
1.	Introduction to international family law	Introduction to international family law	10

2.	Human rights in the field of marriage and family. The impact of the ECHR on law enforcement practice in family cases	Human rights in the field of marriage and family. The impact of the ECHR on law enforcement practice in family cases	10
3.	General characteristics of legal regulation of family relations in private international law.	General characteristics of legal regulation of family relations in private international law.	10
4.	Conflict of laws regulation of marriage and its termination.	Conflict of laws regulation of marriage and its termination.	10
5.	Personal non-property and property rights of spouses in private international law.	Personal non-property and property rights of spouses in private international law.	12
6.	Establishing the origin of the child. Maintenance obligations in private international law. Legal consequences of cross-border surrogacy and other biotechnologies.	Establishing the origin of the child. Maintenance obligations in private international law. Legal consequences of cross-border surrogacy and other biotechnologies.	10
7.	Legal regulation of intercountry adoption and guardianship in the international family law.	Legal regulation of intercountry adoption and guardianship in the international family law.	10
8.	Conflict of laws regulation of inheritance relations. Cross-border inheritance by will and by law. Special types of inheritance in private international law.	Conflict of laws regulation of inheritance relations. Cross-border inheritance by will and by law. Special types of inheritance in private international law.	10

Independent work of students

No.	Topics	Practical studies	Independent work (in hours)
1	Introduction to international family law.	Introduction to international family law.	110
2	General characteristics of legal regulation of family relations in private international law.	General characteristics of legal regulation of family relations in private international law.	
3	Legal regulation of intercountry adoption and	-	

	guardianship in the international family law.		
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Individual work of students

Students' individual work is carried out in the following forms:

- studying new scientific and educational literature and case law of Ukrainian courts and the ECHR;
- work on cases;
- completion of practical tasks, self-testing;
- writing essays and papers;
- preparation of abstracts for scientific and practical conferences and articles;
- preparation of a portfolio of case law of Ukrainian courts in cases with a foreign element;
- participation in student research competitions;
- preparation of a study (project) on a narrow issue with its subsequent presentation to the audience;
- online courses on the platforms of the Hague Conference on Private International Law, etc;
- preparation for practical classes, colloquia, and exams.

Tasks and methodological recommendations for individual work are provided in the Methodological materials for the 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".

Information support of the discipline

Legislation, Conventions, Treaties

1. Convention relative to the Protection of Civilian Persons in Time of War of 12.08.1949 URL: https://zakon.rada.gov.ua/laws/show/995_154#Text

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>
3. Convention on the Issuance of a Marriage Certificate, 1980 URL: https://zakon.rada.gov.ua/laws/show/994_888#Text.
4. Convention on the Conclusion and Recognition of Marriages 1978 URL: https://zakon.rada.gov.ua/laws/show/995_916#Text.
5. Convention on the Law Applicable to Marital Property Regimes, 1978 URL: https://zakon.rada.gov.ua/laws/show/995_923#Text.
6. Convention of the International Commission on Civil Status on the Legalization of Marriage, 1970. URL: https://zakon.rada.gov.ua/laws/show/994_890#Text.
7. Convention of the International Commission on Civil Status on the Recognition of Decisions Relating to Marriage 1967 URL: https://zakon.rada.gov.ua/laws/show/994_886#Text.
8. Convention on Consent to Marriage, Age of Marriage and Registration of Marriages, 1962: https://zakon.rada.gov.ua/laws/show/995_242#Text.
9. The Convention on the Recognition of Divorces and Decisions Relating to Separate Marriage 1970. URL: https://zakon.rada.gov.ua/laws/show/995_925#Text.
10. The Convention on the Recognition of Divorces and Decisions Relating to Separate Marriage 1970. URL: https://zakon.rada.gov.ua/laws/show/995_925#Text.
11. European Convention on the Adoption of Children (Revised) 2011: https://zakon.rada.gov.ua/laws/show/994_a17#Text.
12. Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, 2007: https://zakon.rada.gov.ua/laws/show/995_112#Text.
13. Protocol on the Law Applicable to Maintenance Obligations, 2007: https://zakon.rada.gov.ua/laws/show/973_001-07#Text

14. Convention on the Contact of Children (ETS N 192) 2003:
https://zakon.rada.gov.ua/laws/show/994_659#Text.
15. European Convention on the Exercise of Children's Rights, 1996:
https://zakon.rada.gov.ua/laws/show/994_135#Text.
16. The Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. URL:
https://zakon.rada.gov.ua/laws/show/995_365#Text.
17. Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996: https://zakon.rada.gov.ua/laws/show/973_002#Text.
18. Convention on the Civil Aspects of International Child Abduction, 1980 URL:
https://zakon.rada.gov.ua/laws/show/995_188#Text.
19. The European Convention on the Recognition and Enforcement of Decisions Concerning the Custody of Children and the Renewal of Custody of Children of 1980: https://zakon.rada.gov.ua/laws/show/994_327#Text.
20. The European Convention on the Legal Status of Children Born Out of Wedlock of 1975. URL: https://zakon.rada.gov.ua/laws/show/994_568#Text.
21. European Convention on the Adoption of Children 1967 URL:
https://zakon.rada.gov.ua/laws/show/994_676#Text
22. Convention to Establish Maternity of Children Born Out of Wedlock, 1962:
https://zakon.rada.gov.ua/laws/show/994_910#Text.
23. Convention on the Conflict of Laws Concerning the Form of Wills, 1961:
https://zakon.rada.gov.ua/laws/show/995_424#Text.
24. Washington Convention Providing for a Uniform Law on the Form of International Wills, 1973. URL: http://zakon3.rada.gov.ua/laws/show/995_b13.
25. European Convention on the Establishment of a System for the Registration of Wills, 1972: http://zakon2.rada.gov.ua/laws/show/994_678.
26. Law of Ukraine "On Private International Law" of 2005:
<https://zakon.rada.gov.ua/laws/main/2709-15#Text>

27. The Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" of 2011: <https://zakon.rada.gov.ua/laws/show/3773-17#Text>.

BIBLIOGRAPHY

Basic literature

1. International inheritance in the EU and Ukraine: directions of adaptation of Ukrainian law to EU law. Kyiv: Alerta, 2020. 303 c.
2. Dovgert A. S. Private International Law. Scientific and practical commentary. Kyiv: Odyssey, 2008. 352 c.
3. International Family Law: Principles and Features of Conflict of Laws and Unification Regulation: A Monograph. Kyiv. Alerta, 2017. 433 c.
4. Karmaza O. O. International inheritance law: scientific and practical manual. Kyiv: KNT, 2007. 328 c.
5. Kobzeva TA, Shapiro VS Family law of Ukraine. Sumy: Sumy State University, 2015. 90 c.
6. Private international law: textbook. Edited by E. M. Bilousov, I. V. Yakoviuk. Kharkiv: Pravo, 2020. 408 c.
7. Private international law. Special part: textbook. Edited by A. S. Dovgert and V. I. Kysil. Kyiv: Alerta, 2013. 400 c.
8. Private international law: textbook. Edited by Prof. V. P. Zhushman and Associate Professor I. A. Shumilo. Kharkiv. Pravo, 2012.
9. Okuniev O. Corporate governance in private and family companies. Kyiv: IIB, 2012. 182 c.
10. Fedynyak G.S., Fedynyak L.S. Workshop on Private International Law and International Civil Procedure. Kyiv. Alerta. 2020. 226 c.

Additional literature

1. Kisil V. I. Inheritance relations in modern private international law. *Law of Ukraine*. 2013. № 7. C. 154-182.

2. Kysil V. I. Modern regulation of inheritance relations in private international law. *Essays on private international law*. Kyiv: Alerta, 2014.
3. Lukianov D. V., Shumilo I. A., Lukan M. O. Conflict of laws regulation of cross-border inheritance of copyright. *Bulletin of the National Academy of Law Sciences of Ukraine*. 2020. T. 27, № 2. C. 49-63.
4. Lukianov D.V., Shumilo I.A. Inheritance of copyright: conflict of laws aspect. *Inheritance law: through the prism of judicial practice: a monograph*. Under the general editorship of I.V. Prodoba-Fateeva. Ecus, 2022.
5. Markova O. V. Alimony obligations in private international law. *Public and Private International Law*. 2011. № 3 (60). C. 24-28.
6. Mykhailiv M. Peculiarities of conflict-of-laws regulation of property rights and other real rights in international private law. *Law of Ukraine*. 2013. № 7. C. 71-81.
7. Chevychalova Zh. V. European family law: problems of unification. *Actual problems of law: theory and practice*. 2023. № 45.
8. Chevychalova Zh. V. Surrogacy in the international private law and public law aspects. *Theory and practice of jurisprudence*. Vol. 2 (No. 20) 2021. URL: <https://apir.org.ua/index.php/lais/article/view/chevychalova17> .
9. Cherniak Y.V. Institute of jurisdiction in private international law of the European Union and Ukraine: monograph. Kyiv: Precedent, 2008. 276 c.
10. Cherniak Y.V. Unification of the norms of international civil procedure for the consideration of family disputes: Monograph. Kyiv: Alerta, 2018. 388 c.
11. Shumilo I. A., Kovpyk O. F. Legal and ethical problems of cross-border surrogacy. *Legal scientific electronic journal*. 2020. № 8. C. 182-186.
12. Contractual inheritance in private international law. *International scientific journal "Internauka". Series: "Legal Sciences"*. 2020. № 11. URL: <https://doi.org/10.25313/2520-2308-2020-12>.
13. Shumilo I.A., Pasat M.O., Prokopova K.D. Surrogacy agreement for foreigners in Ukraine: problems and prospects of legal regulation. *International*

scientific journal "Internauka". Series: "Legal Sciences". 2023. № 4.
<https://doi.org/10.25313/2520-2308-2023-4-8793>.

14. Blair M. (ed.), *Family Law in the World Community: Cases, Materials, and Problems in Comparative and International Family Law*, Durham, NC, Carolina Academic Press, 2015. 1058 p.
15. Caravaca S. A. L. (ed.), *The EU Succession Regulation: a Commentary*, United Kingdom, Cambridge University Press 2016.
16. Chevychalova Zh. Conflict issues of legal regulation of surrogacy in private international law. *Law and innovative society*. 2021. № 2 (17). P. 30-36.
17. Estin A.L., *International Family Law Desk Book*, Chicago, IL, American Bar Association, 2012.
18. Garb L., Woods J. (eds.), *International succession*, Oxford, United Kingdom, Oxford University Press, 2015. 943 p.
19. Iasechko S., Zaitsev O., Shumilo I., Mykolaiets V., Holubieva V. Marriage contract as a regulator of non-property relations comparative characteristics of Ukrainian and European legislation. *Ad Alta - journal of interdisciplinary research* 2022. № 12 (2, 31). P. 17-20.

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 Hague Conference on Private International Law URL: www.hcch.net

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

Standardized Electronic Teaching and Learning Complex of the Department of Private International Law and Comparative Law. URL: <https://neik.nlu.edu.ua/moodle/course/view.php?id=967>.

Lecturer's requirements

Students *must*: regularly attend practical classes; systematically and actively work in lectures and practical classes; give full and thorough answers to questions; justify their point of view when discussing the report; fully and convincingly provide arguments when solving problems; analyze the rules of private international law, analyze judicial and law enforcement practice; perform written practical assignments, tests and independent work in a quality manner. Practical classes missed for valid reasons may be made up by prior agreement with the instructor.

Students are *encouraged to*: participate in scientific conferences, competitions of scientific papers, the work of the international law scientific circle, write scientific articles, take additional online courses on the recommended educational platforms. The teacher takes into *account* other educational and scientific achievements of the student that are documented (certificates, diplomas, certificates, etc.).

Students are required to comply with the Code of Academic Ethics of the Yaroslav Mudryi National Law University

(https://nlu.edu.ua/files/norm_doc/kodeks_academichnoyi_etyky.pdf).

The instructor pays special attention to compliance with the plagiarism policy. If signs of violation of the rules on the prevention of plagiarism or independence of writing the work are detected, a decision may be made to cancel the grade for the work.

Attendance at lectures and practical classes is mandatory. During both lectures and practical classes, students have the right to ask the instructor questions at any time on the relevant topic and are invited to actively participate in the discussion. During class, please use gadgets only for educational purposes (e.g., to view lecture presentations, take notes, and keep track of relevant information). In case of emergency, you may leave the classroom without disturbing the teacher and other students.

Control measures of learning outcomes

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

Types of ongoing monitoring:

- quality control of students' mastering the program material of the discipline in practical studies using the following means: oral, written or express survey, completion of test tasks, solving practical problems or tasks, defense of a portfolio of judicial practice in cases with a foreign element, defense of an essay at the initiative of the student, etc. The ongoing monitoring is aimed at checking the student's level of preparation in studying the material. During practical studies, a student can receive a grade on a five-point scale (0, 2, 3, 4, 6);

During the semester, students complete assignments for ***independent work*** (processing data from the Unified State Register of Court Decisions, generalizations of court practice in cases with a foreign element; preparation of abstracts for scientific and practical conferences and articles; completion of online courses on the recommended platforms of international organizations; conducting research

(project) on a narrow issue with its subsequent presentation, etc.) The work is individual and independent, and therefore co-authorship of students and other forms of assistance to each other are not allowed. When performing independent work, the student is obliged to comply with the rules of academic integrity and the prevention of plagiarism. The maximum number of points for independent work is 10.

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.

Skills Rating Scale: National and ECTS:

ECTS grade	Description	National Scale Grade	Estimation on a 100-point scale used at NLU
A	Excellent - Excellent performance, with only a few mistakes	Pass	90 - 100
B	Very good - average level of work with some mistakes		80-89
C	Good - correct work with minor mistakes		75-79
D	Satisfactory - not bad, but with many mistakes		70-74
E	Sufficient – the performance satisfies the minimum criteria		60-69
FX	Unsatisfactory – with the possibility of re-examination	Fail	35-59
F	Unsatisfactory – with compulsory re-study of subject		0 - 34