

Faculty of Law / BUSINESS LAW / INSOLVENCY LAW

<b>Course:</b>	INSOLVENCY LAW			
<b>Course ID</b>	<b>Course status</b>	<b>Semester</b>	<b>ECTS credits</b>	<b>Lessons</b> (Lessons+Exercises+Laboratory)
13156	Mandatory	3	7	4+1+0
<b>Programs</b>	BUSINESS LAW			
<b>Prerequisites</b>	None			
<b>Aims</b>	Familiarizing students with issues of: bankruptcy law and related insolvency proceedings, reasons for opening insolvency proceedings, legal consequences of opening insolvency proceedings, proceedings after the opening of insolvency proceedings, conclusion and suspension of proceedings, personal administration, release from remaining obligations, bankruptcy of banks and insurance companies, through bankruptcy proceedings with an international character.			
<b>Learning outcomes</b>	Learning outcomes - After the student passes this exam, he will be able to: define the basic principles of bankruptcy law, stages of bankruptcy proceedings and basic institutes of bankruptcy law; explain the goals and purpose of bankruptcy law; appoints bankruptcy procedure bodies; explain the legal consequences of opening bankruptcy or other insolvency proceedings and ways of settling creditors in those proceedings; distinguish different ways of solving the insolvency of legal entities and distinguish special procedures in which a personal administration is determined or a release from the debtors remaining obligations is determined; recognizes insolvency proceedings with an international element; states the basic differences in legislative decisions in comparative law; critically evaluates valid bankruptcy law solutions, their theoretical justification as well as their application in judicial practice.			
<b>Lecturer / Teaching assistant</b>	Doc.dr Nikola Dožić			
<b>Methodology</b>	Teaching methods include lectures by teachers and experts from practice, discussions, research and written projects or seminars, individual tasks and activities, including examples from the practice of Montenegrin courts. Practical teaching is carried out during the part of the hours scheduled for lectures (10 hours) and exercises (15 hours) and includes: lectures by guest lecturers, visits to the Commercial Court, familiarization with the judicial practice of Montenegrin courts (in court / or as part of classes at the faculty), analysis of court practice by students.			
<b>Plan and program of work</b>				
Preparing week	Preparation and registration of the semester			
I week lectures	Objectives, concept and content of bankruptcy law; Sources of bankruptcy law; Principles of bankruptcy proceedings			
I week exercises	Objectives, concept and content of bankruptcy law; Sources of bankruptcy law; Principles of bankruptcy proceedings			
II week lectures	Subjects of bankruptcy law; Bankruptcy reasons; Presumption of bankruptcy reason			
II week exercises	Subjects of bankruptcy law; Bankruptcy reasons; Presumption of bankruptcy reason			
III week lectures	Practical teaching - analysis of practical examples (venue: Faculty of Law); Bankruptcy proceedings - Jurisdiction; Participation obligations and coercive measures; Delivery; Public advertising; Decisions; Legal remedies; Objections; Costs of the procedure;			
III week exercises	Practical teaching - analysis of practical examples (venue: Faculty of Law); Bankruptcy proceedings - Jurisdiction; Participation obligations and coercive measures; Delivery; Public advertising; Decisions; Legal remedies; Objections; Costs of the procedure;			
IV week lectures	Bodies of bankruptcy proceedings - bankruptcy judge, bankruptcy administrator and creditors committee			
IV week exercises	Bodies of bankruptcy proceedings - bankruptcy judge, bankruptcy administrator and creditors committee			
V week lectures	Initiation of bankruptcy proceedings - Authorized proponents; Form and content of the proposal; Withdrawal of proposal; Opening bankruptcy proceedings without conducting previous bankruptcy proceedings; Obligation of the bankrupt debtor to provide the necessary data; Security measures; Abolition and modification of security measures and legal prohibition of execution and settlement; Provision of services of general interest;			
V week exercises	Initiation of bankruptcy proceedings - Authorized proponents; Form and content of the proposal; Withdrawal of proposal; Opening bankruptcy proceedings without conducting previous bankruptcy proceedings; Obligation of the bankrupt debtor to provide the necessary data; Security measures; Abolition and modification of security measures and legal prohibition of execution and settlement;			

	Provision of services of general interest;
VI week lectures	Practical classes - visit to the Commercial Court (venue: Commercial Court Podgorica); Accounts of the bankrupt debtor; Creditors claims; Maturity of claims against the bankrupt debtor; Right to set off claims in bankruptcy proceedings; Conversion of bankruptcy debtors claims; interest; Prescription of claims; Conditional claims; Procedural legal consequences of opening bankruptcy proceedings; Continuation of proceedings; Continuation of civil proceedings; Proceedings in case of failure to change the claim; Prohibition of execution and settlement. The right to choose in the case of a bilateral contract; Financial leasing; Fixed jobs; Application of the rules to other jobs with an agreed term; Orders and offers; Lease; Goods in transport;
VI week exercises	Practical classes - visit to the Commercial Court (venue: Commercial Court Podgorica); Accounts of the bankrupt debtor; Creditors claims; Maturity of claims against the bankrupt debtor; Right to set off claims in bankruptcy proceedings; Conversion of bankruptcy debtors claims; interest; Prescription of claims; Conditional claims; Procedural legal consequences of opening bankruptcy proceedings; Continuation of proceedings; Continuation of civil proceedings; Proceedings in case of failure to change the claim; Prohibition of execution and settlement. The right to choose in the case of a bilateral contract; Financial leasing; Fixed jobs; Application of the rules to other jobs with an agreed term; Orders and offers; Lease; Goods in transport;
VII week lectures	Colloquium
VII week exercises	Colloquium
VIII week lectures	Bankruptcy estate;
VIII week exercises	Bankruptcy estate;
IX week lectures	Remedial colloquium
IX week exercises	Remedial colloquium
X week lectures	Determination of claims
X week exercises	Determination of claims
XI week lectures	Practical teaching - analysis of practical examples and court practice (venue: Faculty of Law); Rebuttal of the bankruptcy debtors legal actions;
XI week exercises	Practical teaching - analysis of practical examples and court practice (venue: Faculty of Law); Rebuttal of the bankruptcy debtors legal actions;
XII week lectures	Cashing in and distribution of the bankruptcy estate,
XII week exercises	Cashing in and distribution of the bankruptcy estate,
XIII week lectures	Settlement and conclusion of bankruptcy proceedings
XIII week exercises	Settlement and conclusion of bankruptcy proceedings
XIV week lectures	Reorganization
XIV week exercises	Reorganization
XV week lectures	Practical teaching - analysis of court practice (venue: Faculty of Law); International bankruptcy;
XV week exercises	Practical teaching - analysis of court practice (venue: Faculty of Law); International bankruptcy;
<b>Student workload</b>	
<b>Per week</b>	<b>Per semester</b>
<b>7 credits x 40/30=9 hours and 20 minuts</b> 4 sat(a) theoretical classes 0 sat(a) practical classes 1 excercises <b>4 hour(s) i 20 minuts</b> of independent work, including consultations	Classes and final exam: <b>9 hour(s) i 20 minuts x 16 =149 hour(s) i 20 minuts</b> Necessary preparation before the beginning of the semester (administration, registration, certification): <b>9 hour(s) i 20 minuts x 2 =18 hour(s) i 40 minuts</b> Total workload for the subject: <b>7 x 30=210 hour(s)</b> Additional work for exam preparation in the preparing exam period, including taking the remedial exam from 0 to 30 hours (remaining time from the first two items to the total load for the item) <b>42 hour(s) i 0 minuts</b> Workload structure: <b>149 hour(s) i 20 minuts (courses), 18 hour(s) i 40 minuts (preparation), 42 hour(s) i 0 minuts (additional work)</b>
<b>Student obligations</b>	Students are required to attend classes, participate in debates and take tests. Students who prepare a seminar paper defend it publicly, while other students participate in a debate after the presentation of the paper.
<b>Consultations</b>	Consultations are organised every working day from 10 to 11.

<b>Literature</b>						
<p>Literatura: - Mihailo Velimirović, Stečajno pravo, Beograd, 2010. ; M. Dika (1998). Insolventijsko pravo, Pravni fakultet, 2009; Jakša Barbić, Hrvatsko insolventijsko pravo, HAZU, 2014 - Gordana Ajnšpiler Popović, „Poverioci kao podnosioci predloga za pokretanje stečajnog postupka“, Pravo i privreda, br. 4-6/2011, str. 303-315 - Jasnica Garašić, „Sličnosti i razlike u zakonskom određenju međunarodne nadležnosti za provedbu glavnog stečajnog postupka u hrvatskog i srpskom pravu“, u: VI Tradicionalno savetovanje pravosuđa „Vršac 2009“ –Stečaj I privatizacija, Beograd, 2009, str.185-203; Gordana Ilić-Popov, Nebojša Jovanović, Jovan Jovanović (urednici), Priručnik za polaganje ispita za stečajne upravnike, Agencija za licenciranje stečajnih upravnika, Intermex, Beograd, 2006, str. 143-380 - Nebojša Jovanović, „Osporljivost „izvršnih“ potraživanja u stečaju“, Pravo i privreda, br. 10-12/2010, str. 21-40; Vuk Radović, „Stečaj povezanih društava –osnovni problemi i nedoumice“, Harmonius, br. 1/2014, str. 271-299 - Vuk Radović, „Princip čiste univerzalnosti u međunarodnom stečaju“, Zbornik radova Pravnog fakulteta u Novom Sadu, br. 2/2013, str. 261-278; Vuk Radović, „Pobijanje pravnih radnji bez naknade ili uz neznatnu naknadu u stečajnom postupku“, Anali Pravnog fakulteta Univerziteta u Beogradu, br. 1/2013, str. 73-95; Vuk Radović, „Dileme u vezi sa pojmom neizvršenih dvostranoobaveznih ugovora u stečaju“, Pravo i privreda, br. 5-8/2009, str. 410-432; Vuk Radović, „Lična uprava stečajnog dužnika de lege ferenda“, Zbornik prve međunarodne konferencije zemalja Jugoistočne Evrope –Savremene tendencije u međunarodnom stečajnom pravu –uloga stečajnog upravnika, Beograd, 2009, str. 244-257; Marko Radović, „Položaj založnih („hipotekarnih“) poverilaca u stečajnom postupku“, Pravo i privreda, br. 4-6/2014; Marko Radović, „Pravni tretman kamata u našem stečajnom pravu“, Pravo i privreda, br. 4-6/2012, str. 285-304; Mirjana Radović, „Stečajnopravne posledice neovlašćenog otuđenja predmeta izlučnog prava“, u: Svetislav Taboroši (urednik), Razvoj pravnog sistema Srbije i hamonizacija sa pravom EU (prilozi projektu 2010), str. 72-86; Branko Radulović, „Subordinacija zajmova vlasnika u stečajnom postupku –ekonomska logika, uporedna rešenja i primena u Republici Srbiji“, u: Vuk Radović (urednik), Usklađivanje poslovnog prava Srbije sa pravom Evropske unije (2014), Pravni fakultet Univerziteta u Beogradu, 2014, str. 27-47; Branko Radulović, „Unapred pripremljeni planovi reorganizacije u Republici Srbiji –uporedno pravna i empirijska analiza“, u: Vuk Radović (urednik), Usklađivanje poslovnog prava Srbije sa pravom Evropske unije 2013), Pravni fakultet Univerziteta u Beogradu, 2013, str. 56-106</p>						
<b>Examination methods</b>						
<p>Forms of knowledge testing and assessment: The following are evaluated: - Colloquium in the form of a test (enables the acquisition of up to 40 points). - Practical teaching and seminar work with a defense of up to 20 points (seminar teaching is carried out in classes intended for exercises); - Final exam in the form of a test - (enables the acquisition of up to 40 points). - The student has passed the exam if he cumulatively collects at least 50 points on all forms of knowledge testing. and the grade is determined according to the scheme below).</p>						
<b>Special remarks</b>						
None						
<b>Comment</b>						
None						
<b>Grade:</b>	F	E	D	C	B	A
<b>Number of points</b>	less than 50 points	greater than or equal to 50 points and less than 60 points	greater than or equal to 60 points and less than 70 points	greater than or equal to 70 points and less than 80 points	greater than or equal to 80 points and less than 90 points	greater than or equal to 90 points