



**FACULTY
OF LAW**

Masaryk University

Juridical Acts and Procedural Law





Negotium

- Juridical act, legal act, *negozio*, *Rechtsgeschäft*,...
- vs. *otium*



Types of *negotium*

- *regarding property X regarding person*
- *formal X informal*
- *abstract X causal*
- *inter vivos X mortis causa*
- *onerous X lucrative*
- *unilateral X bi(or multi)lateral*
- *iuris civilis X iuris honorarii*



Contents of *negotium*

- *Essentialia*
- *Naturalia*
- *Accidentalia*
 - *condicio*
 - *suspensiva*
 - *resolutiva*
 - *dies*
 - *a quo*
 - *ad quem*
 - *modus*
 - *simplex*
 - *qualificatus*

Validity of *negotium*

- Subject
- Object
 - possible and allowed (not *contra legem, in fraudem legis, contra bonos mores*)
- Expression of will
 - formal X informal, expressed X implied, *Qui tacet consentire videtur, ubi loqui potuit et debuit.*
- Accordance of will and its expression
 - Error (next slide)



Error

- *Error probabilis*
- *Error essentialis*
 - *in persona*
 - *in negotio*
 - *in corpore*

 - *in qualitate*
 - *in substantia*

Limited capacity to act legally

- Age: *Impuberes (infantes+infantia maior)*, *Puberes (minores XXV annorum+above 25)*
 - *tutela impuberum, cura minorum*
- Sex (*tutela mulierum, virgines Vestales, ius 3/4 liberorum*)
- Psychological incapacity (*cura furiosi*)
- Physical incapacity (*cura debilium*)
- Prodigality (*cura prodigi*)
- *Infamia/turpitude*
 - *+cura bonorum, cura ad actum/ad hoc*



Civil procedure

- Legis actiones
- Formulary systém
 - In iure
 - LITIS CONTESTATIO
 - Apud iudicem
- Cognitio extra ordinem



Types of *actiones*

- [with name] *X utiles X in factum conceptae*
- *in rem X in personam*
- *rei persecutoriae X poenales*
- *in simplum X in multiplum*
- *perpetuae X temporales*
- *iuris civilis X iuris honorarii*
- *stricti iuris X bonae fidei*
- *ficticiae*
- *aestimatoriae*



Are There Any Questions?

- ... if not, thank You for Your attention