



The Bar Examination Manual

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INTRODUCTION

The manual for taking the bar exam in Kosovo was established within the project "Strengthening the rule of law in northern Kosovo", which was implemented by Advocacy Center for Democratic Culture (ACDC), with the support of US Embassy in Kosovo.

This guide aims to provide to students of law and young lawyers from northern Kosovo, the most important information of the Bar Examination in Kosovo. Manual contains basic information about the bar examination, conditions that applicants must meet, the procedure for taking the bar exam, as well as the structure of the exam.

Of course, considering that this is not a comprehensive manual for the bar exam, we refer to potential candidates the manual drawn up by the Association of Serbian lawyers of Kosovo. A copy of the manual can be founded at the office of the NGO ACDC.

On this occasion, we express our special gratitude to the US Embassy in Kosovo for supporting the project, and therefore for the development of this guide. Also we express gratitude to the attorneys from northern Kosovo who participated in the implementation of project activities which enabled the preparation of this manual.

ABOUT THE BAR EXAM

The Bar exam is the exam that any lawyer must pass in order to engage in judicial, prosecutorial or law profession. The bar examination consists of a written and oral exam.

Exam is organized by Ministry of Justice of Kosovo and it is taking part in front of a Commission which is proposed by the Minister, appointed by the Assembly of Kosovo.

1. Commission consist legal experts, who have at least 12 years of experience in the judicial system.
2. The exam is organized every three (3) months, four (4) times per year.
3. Fee for the bar exam is an amount which is determined by the Ministry of Justice. Currently, fee for taking the exam is 100euros. The fee for re-taking it is 75euros.

Conditions to apply for the bar exam

Law on Bar Examination prescribes the conditions that are necessary for taking of the bar exam. The candidate should meet following conditions:

1. To be a citizen of Kosovo;
2. Completed four-year studies at the law faculty or master studies in law school;
3. At least one (1) year working experience on legal matters in court, public prosecutor's office or law office; or at least two (2) years of legal experience in other institutions or other organizations. Also the bar exam can be taken by a candidate who has no professional work experience , but he/she has done professional practice in court, public prosecutor or lawyer's office;
4. A candidate who finished law studies on abroad must do the certification of diploma in the Department of Education, Science and Technology.
5. Graduated lawyers who have passed the professional exam for work in public administration and those who have passed the professional exam for the magistrate, can take the bar exam as an additional exam at the reduced program, with the recognition of prior exams passed.

Application for taking the bar exam

Applications for taking of the bar exam shall be submitted to the Ministry of Justice of Kosovo. In the application the applicant must indicate on which of the official languages wants to take the exam and whether if he or she took exam before.

Also, in addition to the requirements for the bar exam, the candidate should attach evidence on fulfillment of conditions referred to in Article 6 of the Law on the Bar Exam. Accordingly, a candidate for the bar exam should submit the following documents:

- 1.** The application for taking the bar exam, which is available on the website of the Ministry of Justice of Kosovo;
- 2.** Notarized copy of the Diploma;
- 3.** Confirmation of work experience after graduation;
- 4.** Notarized copy of the decision of the Ministry of Education, Science and Technology of assessment and recognition of diplomas acquired abroad.

The entire documentation shall be submitted to the Ministry of Justice, Office of freelancers (8th floor). Applications for the bar exam must be submitted no later than 3 weeks before the date of the exam.

Taking of the bar exam.

The bar examination consists of written and oral exam.

The written exam, the first part is taken in solving practical cases from the criminal and civil legal authorities. For each of these two tasks, a candidate can win a maximum of fifteen (15) points. In order to pass the written part of the exam, the candidate should be marked with at least nine (9) points from both assignments.

The written part of the exam lasts five (5) hours. During the time of the written exam, the candidate may use only the texts of laws, which does not include the comments on law.

If the candidate successfully passes the written part of the exam, is entitled to take the oral exam. The oral part of the exam consist the following subjects;

- 2.1.** Civil Law (substantive and procedural), family, hereditary and obligatory;
- 2.2.** Commercial law;
- 2.3.** Criminal law (material and procedural);
- 2.4.** Labor law and administrative law;
- 2.5.** Constitutional law, the organization of the judicial system in Kosovo, based on a system of the European Union and human rights.

In order to pass the oral exam, the candidate must achieve at least six (6) points in each subject.

Candidates can achieve a maximum of eighty (80) points, while the minimum score to pass the exam is forty-eight (48) points.

If a candidate is not satisfied with his evaluation on written or the oral part of the examination , he/she have the right to appeal within three (3) days of the publication of the exam results . Commission will decide on the appeal within five (5) days.

Exam re-entry

The candidate who did not achieve a satisfactory result from one (1) or two (2) subjects must undergo the exam re-entry. The candidate has an obligation to re-take the exam if from two (2) subjects in the oral part has not achieved the satisfactory results. The candidate should sign for taking an exam re-entry within two (2) to six (months), otherwise it shall be considered that the candidate did not pass the exam.

The Law on the Bar Exam stipulates that a candidate who needs to take a remedial oral exam in criminal law and criminal proceedings or civil law and have previously passed the written part of the exam, when taking a remedial exam does not have to re-take the written part of the exam.

Finally, a candidate who does not pass the remedial exam, can not to retake the bar exam before the expiration of a period of twelve (12) months.

Program for taking the Bar exam:

a) Structures and principles of the constitution and organization of the judiciary

I. Constitution as the highest legal and political act

1. Definition of the constitution;
2. Types of constitutions;
3. The role of Constitution in the legal system;
4. Adoption and Amendment of the Constitution;
5. The best known constitutions in the world.

II. Principles of constitutionality and legality in constitutional systems

1. The constitutionality and legitimacy as a legal political process;
2. The principals of constitutionality;
3. The principles of legality;
4. The principles of rule of law;
5. The rule of law and legal state;
6. The principle of distribution of power and mutual control;
7. The protection of constitutionality and legality.

III. Declaration and formalization of independence of Kosovo

1. Declaration of independence on 17th February 2008;
2. The Ahtisaari package and the laws that derive from it;
3. The constitution the Republic of Kosovo, 2008.

IV. Constitution of the Republic of Kosovo

1. The concept and structure of the Constitution;
2. The Preamble;
3. The basic provisions;
4. The human right and freedoms;
5. The economic relations;
6. The territorial organization of the Republic;
7. The Reform of the local government.

V. The institutions of the Republic of Kosovo

1. The Assembly of the Republic

- 1.1 The organization and structure of the Assembly
- 1.2 Responsibilities of the Assembly
- 1.3 The legislative process in the Assembly
- 1.4 The adoption of the law by the Assembly
- 1.5 The double majority for the adoption of the law
- 1.6 The Relations between the Assembly and the Government
- 1.7 The Parliamentary Control of Government
- 1.8 The Relations between the Assembly and the President

2. President of the Republic

- 2.1 The Election of the President;
- 2.2 The Authorizations the President;
- 2.3 The role of the president in foreign policy;
- 2.4 The attitude of the President towards the Assembly and the Government

3. Government of the Republic

- 3.1 The Election of the Government;
- 3.2 The Functions of Government;
- 3.3 The role of the Prime Minister in the management of the Government;
- 3.4 The attitude of the Government and the Assembly of Kosovo.

4. Judicial system

- 4.1 The Constitutional principles for the organization and functioning of the judiciary
- 4.2 The Types of organization and structure of the courts;
- 4.3 The functions of the courts;
- 4.4 The selection, appointment and discipline of judges

5. Public Prosecutor's Office;

6. Ombudsman;

¹⁸ The Program of taking the bar exam is taken from the administrative instruction on taking the bar exam, 01 Br. AU-152-126 / 09th

7. Constitutional Court

7.1 The organization and structure of the Constitutional Court;

7.2 The Jurisdiction of the Constitutional Court;

7.3 The Procedures before the Constitutional Court;

7.4 The role of the Constitutional Court and the protection of freedom and constitutional rights of citizens.

8. Independent Agencies of the Republic of Kosovo

9. Revision of the Constitution

10. Final Provisions

11. Transitional provisions

VI. DRAFTING THE CONSTITUTION AND LAWS - CLINICS FOR THE CONSTITUTION AND LAWS

1. The significance of making constitutions and laws;

2. The Principles of drafting the constitution and the law;

3. The legal techniques and terminology development;

4. The stages of development;

5. Public debates with citizens;

6. Procedures for review and adoption of the Constitution and the laws;

7. The Amendments to the Constitution and laws;

8. The Interpretation of the Constitution and the law;

9. The Implementation of the Constitution and the law;

10. The Protection of the Constitution and the law.

LEGAL SOURCES OF THE CONSTITUTION

The Declaration of Independence adopted by the Kosovo Assembly on 17 February 2008;

The Constitution of the Republic of Kosovo 2008;

System laws of the Assembly of Kosovo;

The Package of President Ahtisaari;

The International human rights treaties; Rules of The Procedure of the Assembly of Kosovo;

The Rules of the Government of Kosovo (2007/1);

The Manual for the preparation of the bar exam;

The UNMIK Regulation 2001/9;

The UNMIK Regulation 2001/19

The Law on the Constitutional Court of Kosovo (in the process of adoption);

The Statute of the municipality;

Courts Act (in the process of adoption);
The Law on Public Procurement (in the process of adoption);
The Law on the Government of the Republic of Kosovo (in the process of adoption);
The Local Government Act (the process of adoption)

b) CRIMINAL CODE

A. GENERAL PART

I. CRIMINAL

- The Definition,
- The Method of execution,
- The Execution time,
- The Place of execution.

II. ILEGALITY AND EXCEPTIONS

- The Minor offenses,
- The Self-defense,
- The Extreme necessity.

III. EXEMPTION FROM CRIMINAL LIABILITY

- The order of higher authorities,
- The Mental insanity,
- The absence of causation,
- The Error of fact,
- The judicial error,
- The Age.

IV. CRIMINAL RESPONSIBILITY

- The Intent,
- The Carelessness,
- The Conscious negligence,
- The attempt and inappropriate attempt.

V. Complicity

- The complicity of in the execution - encouraging
- The Rise
- The Criminal association,
- The limits of criminal responsibility and punishment for the complicity

VI. PENALTIES

- The Purpose of punishment,

- The main sentence,
- The Alternative punishments,
- The Additional penalties.

VII. UNLAWFUL SEIZURE OF PROPERTY

- The grounds for confiscation
- The means of confiscation

VIII. STATUTE OF LIMITATIONS

- The Limitations on criminal prosecution
- The Obsolescence of the commission of the sentence

B. SPECIAL PART

XIII. CRIMINAL OFFENCES AGAINST KOSOVO AND ITS POPULATION

- A general overview,
- The Unauthorized crossing of the borders, Article 114,
- The Incitement to hatred, disunity, or national, racial, religious and ethnic tolerance, Article 115

XIV. CRIMINAL OFFENSES AGAINST THE INTERNATIONAL LAW

- A general overview,
- The Smuggling of migrants, Article 138,
- The Trafficking in human beings, Article 139

XV. CRIMINAL OFFENCES AGAINST LIFE AND BODY

- A general overview,
- The Murder, Article 146,
- The Illegal abortion, Article 152,
- The Minor injuries, Article 153

XVI. CRIMINAL OFFENSES AGAINST HUMAN RIGHTS AND FREEDOMS

- A general overview
- The Coercion, Article 160,
- The Violation Inviolability, Article 166,
- The Violations during voting, Article 180

XVII. CRIMINAL OFFENSES AGAINST THE RIGHT OF EMPLOYMENT

- A general overview
- The violation of the right to employment, Article

182,
-The Endangering safety, Article 186

XVIII. CRIMINAL OFFENCES AGAINST THE INTEGRITY AND REPUTATION

- A general overview
- The offence, Article 187,
- The disclosure of personal and family circumstances, Article 189

XIX. CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY

- A general overview,
- The Rape, Article 193,
- The Degradation of sexual integrity, Article 196,
- The enforcement of prostitution, Article 201

XX. CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY

- A general overview,
- The unlawful removal of children, Article 210,
- The Mistreatment or abandonment of children, Article 211

XXI. CRIMINAL OFFENCES AGAINST PUBLIC HEALTH

- A general overview,
- The Malpractice, Article 219
- The Failure to provide a medical assistance, Article 220

XXII. CRIMINAL OFFENCES AGAINST THE ECONOMY

- A general overview,
- The Illegal trade, Article 246,
- The Illegal production, Article 247.

XXIII. CRIMINAL OFFENSES AGAINST PROPERTY

- A general overview
- The Theft, Article 252,
- The Deception, Article 261,
- The Acceptance of stolen goods, Article 272,
- The Smuggling of goods, Article 273.

XXIV. CRIMINAL OFFENCES AGAINST ENVIRONMENT, ANIMALS, PLANTS AND CULTURAL HERITAGE

- A general overview,
- The Illegal deforestation, Article 285.

XXV. CRIMINAL OFFENCES AGAINST GENERAL SECURITY OF INDIVIDUALS AND PROPERTY

- A general overview
- Causing general danger, Article 291.

XXVI. CRIMINAL OFFENSES AGAINST SAFETY OF PUBLIC TRANSPORTATION

- A general overview,
- The Endangering of public transport Article 297,
- The Failure to provide assistance to an injured person in the public traffic Article 301.

XXVII. CRIMES AGAINST THE ADMINISTRATIVE RIGHTS

- A general overview,
- The False statements, Article 307,
- The Disruption of the testimony, Article 309.

XXVIII. CRIMES AGAINST PUBLIC ORDER AND LEGAL ACTIONS

- A general overview,
- The Obstructing officials in performing official duties, Article 316,
- The Assault of a public official in performing their duties, Article 317,
- The Forgery of documents, Article 331.

XXIX. CRIMINAL OFFENCES AGAINST THE OFFICIAL DUTY

- A general overview,
- The Bribery, Article 34.
- The UNMIK Regulation 2004/02 on the prevention of money laundering related offenses
- The Liabilities of banks and financial institutions, Article 3,
- The responsibility of non-governmental organizations, Article 4,
- The responsibility of political parties and registered candidates, Article 5,
- The obligations of business organizations, Article 8,
- The Transactions of immovable property, Article 8,
- The Criminal acts and the jurisdiction of the courts, of Article 10.

The General overview is consisting of the general characteristics of criminal acts, the subject of the offense, the protected object and prosecution of perpetrators of such criminal acts.

Legal sources:

1. Provisional Criminal Code of Kosovo, promulgated by UNMIK Regulation no. 2003/25;
2. UNMIK Regulation no. 2004/19 on Amending the Criminal Code of Kosovo;
3. UNMIK Regulation no. 2004/02 on the prevention of money laundering and related crimes;
4. Criminal Law on Juvenile Justice, UNMIK Regulation no. 2004/8

LAW OF CRIMINAL PROCEDURE PART ONE: GENERAL PROVISIONS

I. BASIC PRINCIPLES

- The Initiation of criminal proceedings, Article 6,
- The principle of equality of arms, Article 7 of paragraph 2.

II. JURISDICTION OF COURTS

- The Jurisdiction of Basic Courts, Article 21,
- The Territorial jurisdiction, Article 27,
- The lack and conflict of jurisdiction, Article 37, 38 and 39.

III. Derogation

- The reasons for derogation, Article 40
- The right to request procedure of exemption, Article 42,
- The Competence for an exemption, Article

IV. PUBLIC ATTORNEY

- The basic rights and duties of public prosecutor, Article 47

V. SUBMISSION OF REQUESTS FOR PROSECUTION, PRIVATE LAWSUITS AND SUBSIDIARY CLAIM

- A proposal for prosecution, Article 54, 55 and 56
- The Private prosecution, Articles 55, 56, 59, 61 and 67, paragraph 1,
- The Subsidiary prosecutor, Article 62, 63, 65 and 67 paragraph 2.

V. DEFENCE

- The right to defense, Article 69, paragraph 1,
- Who can be a representative of the defense, Article 70,
- The Mandatory defense, Article 73,

VI. The injured party

- The rights of the injured party, Article 80 and 82

X. TERMS

- The Computation of time limits, Article 95

VII. COSTS OF CRIMINAL PROCEEDINGS

- What include the costs of criminal proceedings, Article 99, paragraph 2,
- The Exemption from the obligation for reimbursement, Article 102, paragraph 4.

XII. Legal Property Claims

- The right to submit a claim, Article 108 and 109

XIII. ADOPTION AND PUBLICATION OF DECISIONS

- The types of decisions, Article 119,
- Making decisions, Article 120,
- The Publication of the decision, Article 123

XIV. Delivery of THE CASE

- Delivery of items which do not anticipate personal service, Article 126
- Delivery of items that anticipate personal service, Article 127

XV. ACCESS TO DOCUMENTS

- The right of the accused and the defense to review the documentation

PART TWO: EVIDENCE

XVIII. BASIC PROVISIONS RELATED TO THE EVIDENCE

Inadmissible evidences, Articles 153 and 155

XIX. WITNESSES

- The Privileged witnesses, Article 159,
- The Examination of witnesses during the investigation, Article 164, during the trial, Article 361 - 370.

PART THREE: PRE-TRIAL

XXIV. CRIMINAL CHARGES

- Filing a criminal complaint, Article 199,
- The General duties and powers of the police, Article 200 and 201,
- The Responsibilities and powers of the public prosecutor, Article 208 and 209.

XXV. PROVISIONAL ARREST AND POLICE CUSTODY

- The rights of arrested persons, Articles 214, 215 and 216

XXVI. BEGINNING AND DURATION OF THE INVESTIGATION

- The Initiation of the investigation, Article 221,
- The Suspension of investigation, Article 223
- The Termination of the investigation, Article 224,
- The duration of the investigation, Article 225

XXVII. INVESTIGATIVE ACTIONS

- Examination of the defendant, Article 231, 232, 233, 234 and 235,
- The possibility of irregular examinations, Article 238,
- The request of the defendant or the injured party to collect evidence, Article 239
- The court hearing and temporary confiscation, Article 240,
- The Things that can be temporarily confiscated, Article 247,
- The Inspection and reconstruction, Article 254,
- The Identification of persons and belongings, Article 255.

XXIX. CONCEALED AND TECHNICAL MEASURES OF SURVEILLANCE AND INVESTIGATIONS

- The Type of measures, Article 268
- Against whom such measures can be adopted, Article 257,
- Measures ordered by the public prosecutor, Article 258, paragraph 1,
- Measures ordered by the judge of the pre-proceedings, Article 258, paragraph 2,
- The form and content of the order for the adoption of concrete measures, Article 259, paragraph 1

XXX. MEASURES FOR ENSURING THE PRESENCE OF DEFENDANT AND PREVENTION OF EXECUTION OF CRIMINAL ACTIONS AND ENSURING A SUCCESSFUL CONDUCT OF CRIMINAL PROCEDURE

- The types of measures, Article 269,
- Detention, Article 281, paragraph 1,
- Duration of detention, Article 284 and 285,

- The abolition of detention, Article 286.

XXX. COOPERATIVE WITNESS

- Who can be a cooperative witness, Article 298

XXXI. INDICTMENT AND CHARGES

- The content of the indictment and types of indictment, Article 304 and 305,
- Rights of the accused at the hearing and confirmation of the indictment, Article 309,
- Decision of the judge on the confirmation of the indictment, Article 316,
- Appeal against the decision rejecting the indictment, Article 317.

PART FOUR: MAIN TRIAL

- Reasons for excluding the public, Article 329,
- Disrupting the order of the trial, Article 336,
- Termination and completion of the main trial, Article 345, 346 and 347,
- The content of the minutes of the trial, Article 351,
- Shifting the order of evidence, Article 360, paragraph 3
- The Amendment and extension of the indictment, Article 376 and 377,
- Closing speech, Article 378, 379, 380 and 381,
- The reasons for the rejection of the indictment, Article 384.

XXXV. JUDGMENT

- The refusal of the indictment, Article 389,
- The decision acquitting the accused of the indictment, Article 390,
- The decision on proclaiming the accused guilty, Article 391,
- Text of the judgment, Article 396

PART FIVE: PROCEDURE FOR REMEDIES

XXXVI. APPEAL AGAINST THE JUDGMENT OF THE COURT OF FIRST INSTANCE

- The right to appeal, Article 399,
- Notification obligations regarding the right to appeal, Article 400,
- The content of the complaint, Article 401,

- The Grounds for appeal, Article 402
- Limits for the consideration of the appeal, Article 425,
- The appellate court decision on the appeal, Article 420.

XXXVII. APPEALING A COURT DECISION OR JUDGMENT

- The right to appeal, Article 431

XXXVIII. EXTRAORDINARY REMEDIES

- Revision of the criminal procedure, Article 439
- The Extraordinary mitigation of punishment, Article 448,
- A request for protection of legality, Article 451

PART SIX: SUMMARY PROCEEDINGS, THE ADOPTION OF CRIMINAL ORDERS AND DELIVERY OF JUDICIAL WARNING

XXXIX. Summary procedure

- Acts to launch the simplified procedure and their content, Articles 462 and 465,
- Detention in summary proceedings, Article 463,
- The refusal of the proposal of the indictment or private complaint, Article 468

XL. PROCEDURE FOR ISSUING THE ORDER

- The Adoption of a criminal order, the right of opposition and the effect of opposition, Article 478 and 479.

XLI. IMPOSITION OF JUDICIAL ADMONITION

- The content of the judgment imposing detention on remand, Article 481.

PART SEVEN: SPECIAL PROCEEDINGS

XLII. PROCEDURES REGARDING PERSONS WHO HAVE COMMITTED CRIMINAL ACTION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

- The Judgment which imposed measures, Article 486, paragraph 1.

XLIII. PROCEDURE OF CONFISCATION

- The confiscation of things when the accused was found not guilty or if the procedure is canceled, Article 489 and 498,
- Investigation into the material benefit gained by committing criminal acts, Article 490.

XLIX. PROCEEDINGS FOR COMPENSATION, REHABILITATION AND THE EXERCISE OF OTHER RIGHTS OF PERSONS WHO HAVE BEEN CONVICTED OR ARRESTED WITHOUT JUSTIFICATION

- The right to compensation, Article 534, 537 and 538,
- The right to rehabilitation, Article 539, paragraph 1, 2 and 3,
- The right to exercise other rights, Article 542, paragraph 1

XL. PROCEEDINGS FOR ISSUING WANTED NOTICES AND PUBLIC ANNOUNCEMENTS

- The Conditions for an order for disclosure of warrants, Article 554, paragraph 1, and
- Legal sources:

Provisional Criminal Procedure Code of Kosovo, UNMIK Regulation no. 2003 /26, UNMIK regulation no. 2004/2 on the prevention of money laundering and related criminal activity

REGULATION NO. 2004/08 - CRIMINAL LAW ON JUVENILE

FIRST PART

I. GUIDING PRINCIPLES

- The goal of the justice system for juveniles, article 1, paragraph 1
- The rights of juveniles deprived of their liberty, Article 1 paragraphs 5 and 6.

II. DOMAIN OF USE

- The application of the provisions ZMD, Article 3.

PART TWO: APPLICABLE MEASURES AND PENALTIES

IV. MEASURES AND PENALTIES APPLICABLE TO JUVENILES

- Measures and penalties to be applied to juveniles, Article 6,
- Measures that may be imposed on a young adult for a criminal offense committed while under the age of sixteen,

Article 8,

- Measures and penalties may be imposed on an adult for a criminal offense committed at the age of sixteen, Article 9,
- Measures and penalties may be imposed on a young adult for a criminal offense committed as a minor, Article 10

V. DISSUASIVE MEASURES

Purpose of dissuasive measures, Article 13,

- Conditions for imposing of dissuasive measures, Article 14t

VI. CORRECTIVE MEASURES

- The purpose, type and duration of the measures, Article 16 and 17

VII. FINES AND ORDER TO PERFORM COMMUNITY SERVICE

- Fines, Article 27,
- Tasks to perform community service, Article 28

VIII. IMPRISONMENT OF MINORS

- The purpose of the juvenile prison sentence, Article 29,
- The duration of the prison sentence imposed on a minor, article 31,
- Obsolescence of the execution of prison sentences for juveniles, Article 33.

THIRD PART: PROCEDURE

X. GENERAL PROVISIONS

- The right of juveniles to defense, Article 40,
- Separation and merger procedures for minors and adults, Article 44

XI. THE COMPOSITION OF TRIAL CHAMBER

- The composition of trial chamber, Article 49
- The territorial jurisdiction of the court, Article 52.

XII. PREPARATORY PROCEEDINGS

- The beginning of the preparatory proceedings, Article 55,
- The obligation of the juvenile judge during the preparatory proceedings, Article 57, paragraph 21
- Termination of the preparatory proceedings, Article 5

XIII. PROVISIONAL ARREST, POLICE DETENTION AND CUSTODY

- Duration of temporary arrest and police custody, Article 63, paragraph

- 2,
- Detention, Article 64

XIII. THE MAIN TRIAL

- Pre-conditions for conducting a trial, Article 68,
- The main hearing without presence of public, Article 68,
- Decision of the court for minors, Article 71.

XIV. REMEDIES

- The right to appeal, time limits for submitting complaints and appeals effect, Article 75,
- The appellate court decision on the appeal, Article 76.

PART FIVE: TRIALS INVOLVING CRIMINAL OFFENSES COMMITTED AGAINST CHILDREN

- The Judgment of adults for criminal offenses committed against children, Article 141.

Legal sources:

1. Provisional Criminal Procedure Code of Kosovo, UNMIK Regulation no. 2003/26;
2. Juvenile Justice, UNMIK Regulation no. 2004/08;
3. UNMIK Regulation no. 2004/2 on the prevention of money laundering and similar criminal acts.

LAW ON EXECUTION OF CRIMINAL SANCTIONS

FIRST PART- GENERAL PART

I. GENERAL PROVISIONS

- Sanctions which are enforceable pursuant to the provisions of this Act, Article 1 and 2.

II. EXECUTION OF IMPRISONMENT, PROLONGED PRISON SENTENCES AND A FINE

- The competent court for execution of the above mentioned sentences, Articles 13 and 14,
- The Basis and duration of delay penalties, Article 19,

- A method for delaying the execution of the sentence, Article 20-23,
- The effect of a request for postponement of the execution of the sentence, Article 24,
- Postponement of the execution of punishment associated with the extraordinary legal remedies, Article 28 and 29

III. EXECUTION OF FINES

- The Jurisdiction and procedure for execution of a fine, Article 145

Legal sources:

Law on Execution of Criminal sanctions- Official Gazette UNMIK. 2004/46.

C) CIVIL LAW

GENERAL PART

I. Principles of Civil Law:

- Equality of the parties and their will,
- Free initiative of the parties,
- Circulation of subjective civil law,
- Pecuniary penalties

II. Subjects of civil law:

- The types of subjects of civil law,
- The Individuals-acquisition and loss of status,
- The Legal capacity of natural persons,
- The Legal capacity of natural persons,
- The Delinquent capacity of natural persons,
- The Legal entities - the acquisition and loss of status,
- The difference between legal and business skills between individuals and legal entities.

IV. OBJECTS OF CIVIL LAW RELATIONS:

- The origin of subjective rights and their contents,
- The division of subjective civil rights (absolute and relative)
- Type of absolute civil rights depending on the subject,
- The difference between absolute and relative rights depending on the

current relationship between rights and obligations,

- The establishment, modification and termination of civil rights of the subject,
- Acquisition of a subjective civil rights (original and derivative)
- Universal and individual succession,
- Legal facts,
- Assumptions and legal functions.

V. Legal Affairs:

- The meaning and conditions for the creation of valid legal activities
- The types of legal affairs: unilateral and bilateral, with loads and good constructive work, formal and non-formal, commutative and aleatory, between living persons (in vivo) and in case of death (mortis causa)
- Invalid legal transactions, types,
- Invalidity of legal affairs, the reasons for the nullity,
- The reasons for the cancellation of the legal affairs,
- The Opposition to legal matters,
- The legal consequence of invalid legal affairs,
- The assumption convalidation of invalid legal affairs,
- The Changes in legal transactions (conditions, tasks and deadlines).

VI. Representation:

- The contract (with the authority);
- Legal representation;
- Representation in court;
- Representation of legal entities (prescribed).

VII. Prescribing:

- The Meaning, general and specific period of time;
- Importance, termination and rest periods;
- Preclusive deadlines

VIII. Violation of the law and the protection of civil subjective rights:

- The Infringement of civil subjective rights;
- The Judicial protection;
- The Self-defense.

PROPERTY RIGHTS

I. Basic principles that characterize the property rights:

- The principle of absoluteness,
- The principle of a limited number of real rights,

- The principle of publishing.
- The principle of establishing property rights.

II. Belongings:

- The Conditions that must be met to be considered a matter of the facility,
- Division of the important things in civil law,
- Fruits.

III. Possession:

- The meaning and importance of the possession,
- The object of possession,
- Possession of the division depending on the type of (legal and illegal, in good faith and in bad faith, fair and flawed, possessing an independent (autonomous) and joint possession, directly or indirectly owning,
- The legal position of the possessor in good faith and bad faith,
- The acquisition and loss of possession,²⁴
- The Characteristics of proceedings in disputes regarding obstruction of possession,
- The Provisional measures in disputes regarding obstruction of possession,
- The Self-defense.

IV. Ownership:

- The meaning and scope of property rights,
- The subjects of property rights,
- Other rights of the owners of residential building according to the law on state property,
- The Joint tenure, common property and the right of ownership of part of the property,
- The acquisition of property rights (according to the law, legal affairs, through the legacy of the government's decision)
- The Acquired (property, deposit, redistribution of land, nationalization, expropriation, building on another's land)
- The Derivative way (the legal basis and acquisitions)
- Type of action for the protection of property rights (Actio reivindicatio, Actio publiciana and Actio negatoria)
- The Loss of property rights.

V. The right of priority in purchase-meaning and cases:

V. Easement:

- The Personal servitude (meaning, types and terms)
- The actual easement - the meaning and classification depending on

the content and scope,

- The acquisition of servitude (by law, the decision of the state bodies, possession)
- The loss of servitude,
- Types of complaints from case law relating to the acquisition, loss and verification of the existence of servitude.

VI. Law on Pledges:

- The Pledge,
- The type of pledges (standard, possession or purchase stock)
- Conceiving and setting up the inventories,
- Agreement on the stock,
- The Rights and obligations of the parties with respect to collateral,
- Elimination of inventories,
- Court withdrawing from the pledger of collateral in the event of non-compliance.

VII. Mortgage:

- The subject of mortgages,
- The Insurance required by the mortgage,
- The Termination of the mortgage,
- The Execution of the mortgage collateral through the courts (trial).

FAMILY LAW

I. Consanguinity:

- The types of consanguinity,
- computing the degrees of lineal consanguinity

II. Engagement:

- Rights and responsibilities for compensation in case of withdrawal from the engagement,
- The fate of exchanged gifts in the event of termination of the engagement

III. Matrimonial law:

- Conditions for entering into marriage and the validity of marriage,
- Barriers and obstacles marriage,
- Place and the procedure for official marriage,
- The conditions for entry into the religious and its registration,
- Conditions for entering into a marriage of foreign citizens under Kosovo law on marriage and the Kosovo citizens in foreign countries,
- Forms of marriage annulment,
- To the absolute annulment of marriage,
- Relatively annulment of marriage,
- The right to sue for annulment,
- The effects of annulment of marriage,
- Grounds for divorce,
- The right to sue for divorce,
- The possibility of further proceedings by the heir,
- Amicable divorce,
- Result annulment and dissolution of marriage, particularly with regard to child support,
- Characteristics of the procedure in marital disputes
- Individual property of a spouse,
- Common property, disposal and management aspects of the division of joint property.

IV. Cohabitation: The legal effects of common-law marriage:

I. Relationships between parents and children:

- The assumption of marital paternity,
- Denial of marital paternity,
- Denial of extramarital paternity,
- The right to parenthood, and the denial of an extension of parental care.

V. Adoption:

- Legal conditions for approval relating to adoptive and adoptive parents,
- The competent authorities for a decision and the procedure of adoption, 26
- Rights and obligations between adopters and adoptive parents,
- Fine - annulment of adoption and impact.

VI. Guardianship:

- Type of guardianship depending on the subject and purpose of guardianship (custody of minors, against adult persons incapable and

guardianship in special cases).

VII. Legal obligations regarding child support:

- Between spouses,
- Between parents and children,
- Types of alimony depending on the person who enjoys such a right,
- Determining the amount of alimony obligation for the legal,
- The subject and territorial jurisdiction of the courts to decide on alimony.

VIII. Property relations of the members of the family:

- The Asset management (in particular immovable property, registration in the Register of Immovable Property Rights)
- The Contractual relations between members around a common property.

X. Protection against domestic violence:

- The Domestic violence on the basis of UNMIK Regulation 2003/12,
- The Protection measures,
- The Types of guarantees for the protection from domestic violence,
- The body responsible for issuing orders,
- The consequences of violation of the order.

EXECUTIVE PROCEDURE

I Entities in the enforcement procedure.

II The executive documentation:

III The object of execution:

IV Procedural material conditions of the decision on execution.

V. Opposition to the debtor against the decision on execution:

- The Legal grounds for opposition,
- The Deadlines for filing objections,
- The User conflict.

VI. Third person argument:

- Legal basis,
- Procedure
- User conflict.

VII. Extraordinary remedies in enforcement proceedings:

VII. Legal terms and conditions for the execution of the opposite:

VIII. The legal basis for the termination and suspension of execution:

IX. Means of execution:

- Cash paid for claims,
- The payment of non-monetary claims.

X. Excluding articles of execution:

- Movable,
- Inanimate objects,
- Monetary claim.

X. Procedure of security:

- The right to a lien on real estate,
- Previous measures,
- Temporary measures.

Contentious procedure

I. Characteristics contentious procedure, the differences compared to litigation.

II. Participants in civil proceedings:

III. Principles litigation process:

IV. The envisaged procedure regarding remedies:

V. The decision on a preliminary issue, and instructions for dispute:

VI. Special procedures:

VII. Regulating sheet figures:

- Seizure of the capacity for action,
- Maintenance in the health institution engaged in neuropsychiatry activity,
- Declaring a missing person dead and explanation of death.

VIII. Regulation of family relations:

- Extension of the right to parental care,
- Cancellation and return rights to custody,
- Permission for the conclusion of marriage

IX. The procedures for the regulation of property relations:

- Determining the hereditary estate,
- Determination of compensation for expropriated immovable property,
- The division of common objects and property,
- Determination of boundaries,
- Drafting and verifying the contents of the document (legal testament).28

Legal sources:

The Constitution of the Republic of Kosovo;

UNMIK Regulation no. 1999/10 on the abolition of discriminatory laws in conjunction with the Housing and Property Rights.

UNMIK Regulation no. 1999/24 and no. 2000/59 on applicable law in Kosovo. The law on the relationship between property and legal rights ("Official Gazette of SFRY" no. 6/80);

Law on turnover of immovable property ("Official Gazette of SFRY", no. 45/81. 29/86; 28/88).

The Law on Expropriation ("Official Gazette of Kosovo" No.21 / 78 and 46/86);

The Law on Construction Land (Official Gazette of Kosovo "No.14 / 80 and 42/86); The law on joint ownership ("Official Gazette of Kosovo" no. 43/80 and 22/87);

The Law on the Establishment of a register of immovable property rights, regulation UNMIK. 2003/13;

Pledges Act, Regulation No.2001 / 15;

The Law on the Establishment of the Office for pledge, UNMIK Regulation no. 2001/32;

Mortgage Law, UNMIK Regulation no. 2002/21;

Law establishing the registry of property rights, UNMIK Regulation no. 2002/22; Law on Forests in Kosovo, UNMIK Regulation No.2003 / 6;

Cadastral Law, UNMIK Regulation no. 2004/4; Water Law, UNMIK Regulation No.2004 / 41;

Law on agricultural land soil, UNMIK Regulation No.2006 / 37; Law on Copyright and other rights, UNMIK Regulation No.2006 / 46

Law on Regular Courts ("Official Gazette SAPK No.21 / 78);

Law on Contested Procedure ("Official Gazette of SFRY" No. 4/77, 36/80, 69/82, 58/84, 74/87, 57/89, 20/90, 27/90, 35/91, "Official Gazette SFRY "No.27 / 92, 24/94); Law on Execution Procedure ("Official Gazette of SFRY" No.20 / 78);

Law on Non-Contested Procedure ("Official Gazette of Kosovo" No.42 / 86);

International Convention on acceptance of foreign arbitrary decisions; Law on resolving the conflict of laws applying legal provisions of foreign countries ("Official Gazette of SFRY" No. 9/79 and 72/81;)

LAW OF OBLIGATIONS

I. The principles of obligation law:

- Contractual Obligations
- Participants in the Obligations; autonomous continuous decision-making;
- Conscientiousness and integrity;
- The obligation of fulfilling obligations (pacta sunt servanta);
- Appropriate attention to the fulfillment of contractual obligations;
- Prohibition of violation of the law;
- Prevention of causing harm to the consumer.

II. Sources debentures (debentures establishment):

- The contract;
- The term of the contract;
- The general conditions for the conclusion of the contractual relationship;
- Contractual abilities. Compatibility of will;
- Contracts negotiated away from business premises;
- Distance Contracts;
- General conditions of the concluded contract - subject of the contract

- Lack of consent;
- Form of the contract;
- Earnest and changing opinions. representation;
- Types of representation;
- Interpretation of the contract;
- The invalidity of the contract;
- Nullity of agreements and contracts are invalid (absolute and relative annulment);
- Ineffectiveness of general conditions of the contract;
- A binding mutual agreements;
- Liability for material defects in the fulfillment of obligations;
- Responsibility for legal shortcomings in the fulfillment of contractual obligations;
- Opposition to non-fulfillment of the contract;
- Breach of contract for failure to comply;
- The right to recall and transformation of consumer contracts;
- Breach of contract due to change of circumstances (clausula rebus sic stantibus).
- Impossibility to fulfill the contract;
- Contract for the benefit of the third persons.

III. The cause of the damage:

- Term;
- Basis of Liability;
- Liability based on the criticism;
- Strict liability;
- Responsibility for another person;
- Liability due to dangerous objects or dangerous activities;
- Liability for damage caused by the animals, which are the cause of Responsibility of the building. Responsibility for motor vehicles;
- Liability for defective products;

- Liability for false advertising;
- Special cases of liability: as a result of terrorist acts, refusing to provide necessary assistance, due to the violation of the obligation to enter into a contractual relationship;
- Compensation for material damage;
- The amount of compensation for damage;
- Compensation for material damage in case of death, bodily injury and damage to health;
- Compensation for material damage;
- Types of non-pecuniary damage;

IV. Unjust enrichment:

V. Control of someone else's work performed without a warrant:

- Term;
- Obligations and rights of the works manager;
- Execution of someone else's work contrary to the prohibition, execution of illegal work;
- Approval of works without order- Liability for damages caused by several people.

VI. The unilateral expression of the will:

VII. Securities:

- Term;
- The realization of rights through securities
- Transfer of rights to securities;
- Fulfillment of obligations on securities

VIII. Effects commitments:

- The rights of the creditor and the debtor's rights;
- Liquidated damages. Interest in case of late payment of the debt;
- Countering the legal actions of the debt

IX. Termination of obligations:

- Fulfillment - who can make filling. According to which fulfillment can be achieved;

- The fulfillment of the replacement - according to which fulfillment can be achieved; things done, the calculation of your fulfillment, time of meeting, a place of meeting;
- The delay of the debtor, the delay of the creditor;
- Deposit and selling goods that are the subject of debt;
- Compensation, debt relief, recovery, confusion, timeouts and denunciation, death

X. Obsolescence:

- Term;
- The statute of limitations;
- The types of obsolescence;
- Suspension of limitation;
- Termination of obsolescence.

XI. Different types of commitments:

- Financial commitments;
- The obligation regarding several cases;
- Joint and several liabilities;
- Divisible and indivisible obligations

XII. The handover of the contract:

- Change the debtor and the creditor;
- Download rainbow; Borrowing.

XIII. Some types of contracts:

- Sales contract;
- Sale by separate bargaining (services) (sold with pre-emption, trial purchases, sales based on a sample or model, with specification of sales, sales from reserving ownership rights over the sold object);
- Contract on gift;
- Order sales;
- Loan Agreement;
- Mortgage Guarantee;

- Service contract;
- Lease agreement;
- Utilization of borrowings;
- Partnership Agreement;
- The contract of lifelong care.

Legal sources:

UNMIK Regulation no. 2001 on the Constitutional Framework for Provisional Self

Kosovo;

UNMIK Regulation No.1999 / 10 on the abolition of discriminatory laws regarding the restriction of traffic immovable property in Kosovo;

UNMIK Regulation no. 199/25 and 2000/59 on applicable law in Kosovo;

Law on Obligations, October 1978

The Contracts 0 -a Regulation No.2004 / 45, adopted on 28.07.2004 in principle, has not yet been declared, in the process of declaring;

Mortgage Law - UNMIK Regulation no. 2002/21; Pledges Act - Regulation No.2001 / 5;

Law on Establishment of the Office for registration pledge- UNMIK Regulation No.2001 / 32; Law establishing the registry of property rights, UNMIK Regulation no. 2002/22; Law on copyright and related rights, UNMIK Regulation No.2006 / 46;

Cadastral Law, UNMIK Regulation no. 2004/4, as amended by 2007/32;

Act on Games of Chance, UNMIK Regulation No.2005 / 5;

Patent Law Office of UNMIK. 200/56, as amended by 2007/10; The Law on Road Transport, UNMIK Regulation no. 2004/1, as amended by 2007/35;

Law on roads, UNMIK Regulation No. 2004/1, as amended by 02 / L-121, has not yet been declared;

GRADUAL CIVIL LAW

CIVIL PROCEDURE

I The principles of civil procedure:

- The principle of availability and ex officio;
- The principle of mutual test page (contradiction);
- The principle of instructing parties, the principle of judicial economy;
- The principle of orality and of facts presentation;
- Disclosure principles.

II. Principles of courts:

- The respective jurisdiction, territorial jurisdiction (general and specific) and Functional jurisdiction in civil proceedings

III. The jurisdiction of courts in the international disputes: IV. The objectivity of judges, suduje derogation from the procedure:

- The reasons and the procedure for exemptions.

V. Parties in civil proceedings and their representatives:

- The term hand. The chance to be a party;
- Procedural opportunities;
- Actual and procedural legitimacy;
- The legal representative and his / her legal - procedural character of the Civil Procedure;
- Power of attorney;
- The form and content of presentation;
- Consequences of representation by an unauthorized person

VII. Language of the case:

VIII. Submissions:

- Delivery of documents;
- Method of delivery;
- The significance of the proceedings;
- Regular delivery;
- Submission in special cases (change of address, the recipient of documents, personal service of documents).

X. The claim:

- The concept and content of the claim;
- The claim elements that maintain the identity claim
- Legal, substantive and procedural effect of filing a court claim;
- Delivery of the lawsuit to the defendant;
- Changing the claim, the type of conditions and effects;
- Participation of a third party in the litigation proceedings;
- The mediator;
- Concept and types;
- The conditions for mediation mediator in civil proceedings;
- Actions that may take a mediator in connection with the statement of claim;
- Types of complaints;
- Against the lawsuit, the conditions for submitting against lawsuits and proceedings;
- Submitting the lawsuit to the mediator to take action;
- The effect of the judgment in relation to the mediators (chief mediator);
- Common litigation- concept and types;

XVI. The proceedings before the court of first instance:

- Preparation of the trial;

- Preliminary consideration of the complaint;
- Delivery of a lawsuit in order to obtain a response to the complaint;
- Response to a complaint;
- Preparatory meetings;
- Mediation and judicial compromise;
- Meritorious litigation completion of the procedure during the preparatory session of the trial;
- The absence of the defendant at the preparatory session or at the first session of the trial;
- Judgment due to absence;
- Statement on the Ratification of the complaint;
- Disputing the claim;
- Material and procedural contradictions and opposition to compensation requests;
- The main trial;
- Conditions for the conduct of the trial, the opening of the session, the course and conclusion;
- Preliminary issues, the concept and the way of solving;
- Suspension of the trial;
- Suspension of the proceedings, the effect of the adjustment procedure.

X. Meetings:

- Concept and types;
- Time limits, the concept, types and calculating;
- Return to the previous situation, conditions and effect

XI. Testing:

- Term;
- The subject of the study;
- Facts that are not tested (uncontested and publicly known legal requirements);
- The facts for which evidence has not passed the administrative procedure (non-

payment of court fees). The facts cannot be tested abroad, the obligation imposed by the court;

- The division between indirect and direct facts;
- The obligation to establish the truth;
- Free evaluation of evidence;
- The obligation to obtain evidence;
- Consequence of failure to ensure evidence;
- Payment of proving;
- A crime scene investigation on the spot;
- Documents;
- Witnesses;
- Experts;
- Providing evidence;
- Conditions, procedure jurisdiction- Examination of parties;

XVI. J udicial decisions:

- Types of decisions;
- Judgment;
- The concept of judgment;
- Contents of the judgment;
- Types of judgment based on the content (is binding verdicts convicting, declarative-verified and transformed- constituent);
- Based on the inclusion of the claim (complete judgment, partial judgment);
- Indirect judgment and final judgment;
- The adoption and promulgation of the judgment;
- Making judgments;
- Updating and correction of the judgment;
- The validity of the judgment;
- Term;

- The essential (material) and formal validity;
- Cancellation of the sentence and the right to appeal;
- Its Executive effect of the appeal.

XII. Solutions:

- The concept and importance;
- The decision that ends the litigation proceedings on the merits way;
- The implementation of judgment mutatis mutandis in solutions

XIV. Remedies:

- Regular legal remedies;
- The appeal against the verdict;
- The content of the appeal;
- The reasons for opposition to the judgment;
- Proceedings based on complaints;
- Deadlines for review of the judgment;
- Appeal court decision rendered on appeal;
- The appeal against the decision;
- Judgments which can be appealed;
- Legal effect of the appeal and suspended the effect of the difference between the complaints regarding the appeal against the verdict;
- Method based on complaints and enforcement mutatis mutandis the rules for appeal against the verdict;
- Exceptional remedies;
- Review of the judgment;
- Conditions for approval of revisions in legal disputes over property, and in legal disputes not related to property;
- Reasons for requesting a revision of the judgment;
- Authorization to decide based on the audit;
- Method based on the review;

- Judicial decisions based on the audit;
 - An audit solutions;
 - Judgments which may be revised;
 - Conditions for approval of audit solutions;
 - Implementing rules mutatis mutandis applicable to audit solutions;
 - Legal grounds for retrial;
 - Authorization to decide based on the request for retrial;
 - Calculation of time limits;
 - Procedure;
 - Decisions based on the proposal;
 - The relationship between the audit and the proposal for the withdrawal of the proceedings;
 - A request for protection of legality;
 - Decision which can be appealed, the grounds, and the authorization procedure
- (Such remedy is questionable - under the new law does not consider the extraordinary remedy).

XV. Costs of the proceedings:

- Term;
- The exemption from litigation costs;
- Preliminary exemption from costs of proceedings and the release of the final costs of the proceedings.

XVI. Special civil proceedings:

- Civil proceedings concerning labor relations;
- Procedure regarding trespassing;
- The procedure for issuing an order for payment;
- Procedures in smaller disputes;
- Procedure dispute concerning economic and commercial issues

XVII. Arbitration proceedings:

- The concept of the decision, an agreement on the election of local arbitration;
- The procedure for the selection of an arbitrator;
- The procedure for resolving disputes utilizing arbitrage;
- Arbitration decision is based on the principle of righteousness;
- Adoption of the award, integral parts of the decision;
- Legal effect of the arbitration award;
- Cancellation of the award, the jurisdiction of the state court, the reasons for cancelling.

XVIII. International Arbitration:

- Concept and types of international arbitration;
- International Convention on international arbitration;
- The scope of activity of arbitration;
- Basis and jurisdiction of arbitration;
- Rules and procedures for initiating the arbitration;
- The legal nature of arbitrage;
- Agreement through arbitrage;
- The validity and effect of the arbitration agreement;
- The jurisdiction of international arbitration;
- Disputes, which should be referred to arbitration solving;
- Assessment by arbitration;
- Items arbitration proceedings;
- The applicable law (the law of the merits) for the settlement of disputes;
- Settlement of disputes pursuant to Rule justice;
- The procedural rules for arbitration proceedings;
- Arbitral Awards;
- The effects of arbitration decisions;

- Annulment of the decision rendered meritorious arbitration;
- Reasons for annulment, jurisdiction and procedure of annulment;
- Recognition of a decision by the arbitration;
- The procedure for recognition of the decision by the arbitration;
- The execution of the decision by the arbitration.

Legal sources:

- Code of Civil Procedure, "Official Gazette of SFRY", no. 4/77, 36/80, 69/82, 74/87, 57/89, 20/90, 27/90, 35/91, "Official Gazette of FRY no. 27/97, 31/93, and 24/94;
- Code of Civil Procedure, which is in the process of adoption, first; reading in the Assembly of Kosovo 27.08. 2008;
- The International Convention on the Recognition and execution of decisions;
- Law on Regular Courts "Official Gazette of Kosovo" no. 21/78;

LAW OF SUCCESSION

I General institutions:

- Inheritance, the concept and the presumption of inheritance;
- Purchase of inheritance;
- Preparation of inheritance;
- Time and place of opening of inheritance;
- Equality in inheritance
- Agreement on future inheritance;
- Opportunities inheritance;
- Basis reference to the inheritance;
- The term inheritor;
- The difference between the inheritor and the sole inheritor;
- Legal inheritance in general;
- Dispositions in case of death.

II. An inheritance based on the law:

- Circle of inheritors;
- The order of succession;
- Relations in the order of decision-making;
- The right to representation;
- The right to increase and reduce the hereditary part;
- Hereditary situation of children, equal treatment of the decedent;
- Adding inheritance works for children;
- The inheritance rights of the adoptee and the adoptive parents;
- The rights of spouses;
- Cases where the spouse is not entitled to inheritance;
- Inheritance common-law spouse;
- Emergency part of the inheritance;
- Necessary and available part of the inherited property;
- Calculation of the necessary property;
- Assets that is isolated from legacy;
- Possibility of reducing the testament;
- Calculation of donations and legacy of the hereditary share.
- Legal transactions related to heritage
- General transmission and distribution assets;
- The conditions for the validity of the transfer;
- Transmission and distribution facility;
- Turn off the transferred assets from the inherited property;
- Cases in which transfer is considered part of the donation;
- Reservation rights in cases of transfer and sharing;
- Spousal rights of the transferor;
- The debts of the transferor;

- Termination of the contract;
- The real successor after the termination of the contract;
- A succession based on a will
- The concept of probate;
- General requirements for the validity of a testament;
- Form (last will);
- Types of probate;
- Contents Testament;
- Testamentary inheritance;
- The execution of the testament;
- Revocation of the will.

III. Nullity and off aid successor

IV. Creditors of the testator

- Responsibility for the decedent's heirs and the debts and testamentary inheritance.

V. Transfer of inherited property to successors:

- The opening of succession;
- Waiver of the succession;
- The division of inherited property.

Legal sources:

- Law of Succession and Regulation No.2005 / 7, 04.02.2005,
- Law on Extra-Judicial Procedure, "Official Gazette of Kosovo" 42/86
- References: Law on Succession, university textbook of choice.

d) COMMERCIAL LAW

I Companies:

1. The definition of commercial society
2. The types of companies
 - a. Individual business,

- b. General Partnership,
 - c. Limited Partnership,
 - d. A limited liability company,
 - e. Joint Stock Company.
3. Manage Company
 4. Extracting and merge the company with limited liability and joint stock companies,
 5. The dissolution and liquidation of commercial companies,
 6. The establishment, organization and authorization Registration Office companies

II. Public enterprise, social enterprise and the privatization process:

- The privatization of social enterprises through the regular ``spin off``;
- The privatization of social enterprises through a special ``spin off``;
- Incorporation and corporate regulation of public companies;
- Liquidation of social enterprises;
- Reorganization of the social enterprises;
- Proceeding before the Special Chamber of the Supreme Court of Kosovo on issues related to the Kosovo Trust Agency.

III. Banking, liquidation and reorganization of legal entities:

- Initiation of bankruptcy proceedings;
- Guardian and the Creditors Committee;
- Assets under bankruptcy;
- Liquidation;
- Reorganization.

V. Banking business and insurance business:

- Request, licensing procedure
- The corporate form and structure of banks and financial institutions;
- The corporate form and structure of insurance companies;
- Authorizations and instruments of the Central Bank of the Republic of Kosovo for the regulation of the banking and insurance sectors;
- Financial transactions;
- a. Payment orders,

- b. Transfer of receivables and payables, legal responsibility of banks,
- d. credentials,
- e. Agreement on cash deposits,
- f. Contract on Accreditation. - The insurance contract. V. Market competition:
 - Prohibited agreements and exemptions;
 - Vertical agreements;
 - Abuse of dominant - Prohibited Practices;
 - Legal sanctions.

VI. Foreign investment:

- Basic guarantees for foreign investment;
- Expropriation and compensation;
- Re [of disputes related to foreign investments;
- Bilateral investment agreements.

VII. Concession:

- Concept and types of concessions;
- Pre-selection of bidders;
- A request for proposals;
- Negotiations for the entry of the concession contract
- The concession contract;

VIII. Industrial intellectual property:

1. The term of a patent
 - 1.1 Inventions that can be patented;
 - 1.2 The process of patenting;
 - 1.3 Effects of Patent;
 - 1.4 Patent License;
2. The concept of industrial design

2.1 Protection of designs;

2.2 The rights to the design;

2.3 Registration procedure design 3 3.1 Registration of the trademark;

3.2 Trademark rights;

3.3 License trademark.

X. Commercial / Trade Agreements:

1. A sales contract;

2. License Agreement;

3. Deposit Agreement;

4. Storage contract;

5. Guarantee Agreement

6. Agreement on commission;

7. Agreement on a commercial agency;

8. The brokerage agreement;

9. Agreement on freight handling

10. Treaty ``commission trade ``

11. Treaty ``franchise ``

12. Treaty ``lease "

13. Agreement on the transfer of know-know

14. Treaty of management consulting

XI. Amicable settlement and economic disputes:

1. Arbitration;

1.1 The Arbitral Tribunal

1.2 Arbitration Agreement;

1.3 The arbitration procedure;

1.4 Legal remedies against arbitrary decisions;

1.5 Recognition and enforcement of foreign arbitral awards.

Legal sources:

- 1.** Regulation no. 2001/6 on Business Organizations;
- 2.** Law on Business Organizations (to be promulgated);
- 3.** Administrative Instruction no. 2002/22 on implementation of UNMIK regulation no. 2001/6 on Business Organizations
- 4.** Law no. 2003/4 on liquidation and reorganization of legal persons in bankruptcy and UNMIK Regulation No. s. 2003/7 on the promulgation of the law no. 2003/4;
- 5.** Regulation No. 2002/12 on the Establishment of the Kosovo Trust Agency;
- 6.** Regulation No. 2002/13 on the Establishment of a Special Chamber of the Supreme Court
- 7.** Regulation No. 7. 2005/48 on the reorganization and winding up of companies and their assets at the administrative authority of the Kosovo Trust Agency;
- 8.** Law of Obligations;
- 9.** Regulation No. 1999/21 on licensing, supervision and regulation of banks;
- 10.** Regulation No. 2001/25 on Licensing, Supervision and Regulation of companies and insurance brokers
- 11.** Decree no. 2001/26 on financial transactions;
- 12.** Law no. 2004/44 competition, declared Decree no. 2004/44;
- 13.** Law no. 02 / L-33 on Foreign Investments,
- 14.** Law no. 02 / L-44 on the procedure for granting a concession, declared Decree no. 2006/27;
- 15.** Law no. 2004/49 on patents, declared Decree no. 2004/56;
- 16.** Law no. 02 / L-45 on Industrial design promulgated Decree no. 2006/17;
- 17.** Law no. 02 / L-54 on trademark promulgated Decree no. 2006/38;
- 18.** Regulation No. 2000/68 on contracts for the sale of goods;
- 19.** The Code of Civil Procedure;
- 20.** Arbitration Act (to be promulgated);

21. Law on Mediation (procedure).

e) LABOUR LAW

I SOURCES OF LABOR RIGHTS

1. External sources;

2. Internal sources;

II. LABOUR RELATIONS The companies

1. Meaning of employment;

2. Prohibition of forced and compulsory labor;

3. Prohibition of all forms of discrimination;

4. The right to organize and collective agreement;

5. A collective agreement;

6. Protection against acts of discrimination against trade unions;

7. Protection from acts of intervention.

III. Establishing a working relationship:

1. The process of establishing a business relationship;

2. The types of employment;

3. An employment contract.

II. Termination of employment:

1. Termination of the employment contract;

2. Termination of employment contract due improper behavior of the employee;
3. Termination of the employment contract due unsatisfactory performance of their duties;
4. Termination of the employment contract based on the force of law;
5. The process of termination of the employment contract;
6. Termination of the employment contract due to economic, technological and structural changes in the enterprise.

III. Payments and Fees:

1. Determination and payment of salaries;
2. Determination and payment of fees.

IV. Working time:

1. Full-time;
2. Part-time employment;
3. Overtime.

V. vacation and absence:

1. Holidays;
2. Maternity leave;
3. Absence for family reasons;
4. Sick leave.

VI. The protection of employment rights:

1. Internal protection;
2. Protection from external

Labor inspection:

1. Organization and scope of activities of the labor inspection;
2. Authorization of labor inspection.

VIII. LABOUR RELATIONS IN PUBLIC SERVICES

I. Scope of application of the rules in public services:

1. Public servants;
2. Employment Agency;
3. Individuals appointed in managerial functions;
4. The leading principles in public services;
5. Requirements regarding employment.

II. Independent Supervisory Council:

1. Establishment and composition;
2. Functions;
3. Appeals;
4. Authorizations.

III. Commission Senior Public Appointments Committee (SPAC)

1. Establishment and composition;
2. Authorization.

IV. Code of conduct in the public service:

V. Employment of Public Servants:

1. A process for employment;
2. Requirements for employment.

VI. Behavior and Discipline:

1. Penalties and disciplinary proceedings;
2. Protecting the rights of public servants.

VII. Termination of employment in the public service:

III. SAFETY IN THE WORKPLACE

I. The meaning and importance:

1. Duties and responsibilities of employers;
2. The rights and responsibilities of employees;
3. Protection of young people, women and persons with disabilities;
4. Special field of insurance in the workplace and their arrangements;
5. Control of safety at work.

IV. PENSION AND DISABILITY INSURANCE

1. The meaning and importance;
2. The right to a pension based on years of service;

3. The rights based on disability in the workplace.

V. LEGAL RESOURCES

UNMIK Regulation no. 2001/27 on established labor law;

UNMIK Regulation no. 2001/36 on the Kosovo Civil Service;

Administrative Instruction no. 2003/2 on the implementation of Decree no. 2001/36;

Law on workplace safety and health protection of workers and the working environment;

UNMIK Regulation on Pensions in Kosovo;

Law no. 2002/9 on Labor Inspection;

General collective agreement

f) Administrative law

MATERIAL PART

I. General Knowledge:

1. Subject of administrative law;
2. Sources of administrative law;
3. The system of administrative law.

II. The organization of state power and public administration:

1. The forms of state authority;
2. The main functions of public administration;
3. Area of activity of public administrative bodies.

III. General knowledge of the administrative act:

1. Purpose;
2. Classification of administrative acts;
3. Legal administrative act;
4. Material Act;
5. The initiative for the adoption of the act.

IV. Work Inspection Administration:

1. Overview of control work in administration;
2. The meaning of control;
3. Types of control;
4. Internal Control;
5. Institutional control;
6. Hierarchical control;
7. External control;
8. Parliamentary control;

9. Judicial Inspection;
10. Ombudsman;
11. Kosovo's Auditor-General.

FORMAL ADMINISTRATIVE LAW

I. The meaning, importance and implementation of administrative law:

1. The term of administrative proceedings;
2. Types of administrative proceedings;
3. The general ratio of administrative proceedings and special administrative proceedings;
4. The ratio of administrative proceedings and other legal proceedings;
5. The importance of the administrative proceedings;
6. Scope of administrative procedural law;
7. The concept of administrative issues.

1. Administrative Jurisdiction:

- a. The obligation to make decisions;
- b. Determining jurisdiction;
- c. The respective jurisdiction;
- d. The territorial jurisdiction;
- e. Non-waiver of jurisdiction;
- f. Preliminary testing;
- g. Wrong application incompetent authority;
- h. Delegation of authority;
- i. Prohibition of delegation of powers to lower authorities;
- j. Criteria for the delegation;
- k. Delegation of authority;
- l. Authorizations delegated authority;
- m. The conclusion of outsourcing;
- n. replacement;
- o. Resolving conflicts of jurisdiction.

2. The process of guaranteeing the impartiality of public administration:

- a. Legal obstacles;
- b. Declaring legal obstacles;
- c. The request interested parties to exclude a public official due to the existence of legal obstacles;
- d. Decisions regarding exclusion;
- e. Effects of exclusion;

III. Administrative Procedure:

1. Opening of administrative proceedings;

2. The opening of administrative proceedings by the public administration Authority (mostly) on request of the parties;
3. The ambiguity of the stakeholders required to launch administrative proceedings;
4. Applying an interested party for the opening of administrative proceedings;
5. Applying for initiating administrative proceedings
6. Send the request to initiate administrative proceedings mail;
7. Registration required;
8. Verification of the request for initiation of administrative proceedings
9. Other written documentation submitted by interested parties;
10. Previous verification of some issues prior administrative proceedings;
11. Opening of administrative proceedings on the initiative of the public;
12. The simultaneous review of several requests for initiation of administrative proceedings;
13. Submission of applications;
14. Oral statements;
15. Act of reconciliation (addressing in the administrative proceedings).

1. Investigations:

1. The principles of objectivity;
2. The subject of the investigation procedure;
3. Verification of evidence;
4. The burden of proof;
5. The obligation of interested parties to submit evidence;
6. Methods of presenting information and evidence;
7. Failure to submit evidence;
8. Assistance from other bodies;
9. Early presentation of evidence;
10. Costs of obtaining evidence;
11. Expertise and other measures;
12. Investigation stakeholders;
13. A written statement;
14. Oral statements;
15. The exemption from the obligation to hear the parties;
16. Forwarding;
17. The decision mediation.

2. The completion of the administrative procedure:

1. Reasons for completion;
2. Final Award;
3. Waiver;
4. Inability;
5. Non-payment tariff or other obligations;
6. The overall timeline for the conclusion of the administrative proceedings;

3. Administrative activity:

1. An administrative act;
2. Types of administrative acts;
3. The content of administrative acts;
4. Explanation acts;
5. The method of reasoning;
6. Entry into force of the act;
7. Retroactivity;
8. Deferred effect;
9. The promulgation of laws;
10. The invalidity of acts;
11. Absolutely not-valid administrative act;
12. Consequences absolutely not-valid administrative act;
13. Relatively not-valid administrative act;
14. The consequences of relatively not-valid administrative act;
15. Administrative act with inaccuracies and errors;
16. Conclusion;
17. Revocation and repeal of the act;
18. Correction of administrative acts;
19. Derogation from the obligation of notification;
20. Notification of administrative act;
21. The content of the notice;
22. Time periods for notification of documents;
23. The method of notification.

4. Execution:

1. Time of execution;
2. An act cannot be the executed;
3. The legality of the execution;
4. Appeal for execution;
5. Publication of execution;

5. The time limits for the application of an administrative act:

1. General Timeframes;
2. Calculation of time limits;
3. Extension of time limits;
4. Re-establishment of a timetable;
5. Review of the request for re-establishing.

6. Administrative appeal:

1. The consequences of administrative appeal;
2. The entity which is being appealed;
3. Limited in time limits for administrative appeal;
4. The time limit for making a decision on appeal;
5. The appeal proceedings;
6. The formal requirements of the appeal;
7. Rejection of the appeal;
8. Informing the interested parties to consider the appeal;
9. The decision of the body reviewing the appeal.

IV. The administrative acts of discretionary nature:

1. General principles;
2. Judicial and administrative inspection of acts of discretionary nature.

V. Extraordinary remedies in administrative procedures:

1. Repeat administrative proceeding;
2. Amendment and annulment of the decision on administrative conflict;
3. A request for protection of legality;
4. Amendment and annulment of the final decision with the consent or at the request of the parties;
5. Cancellation of the suspension of the decision on the basis of the law on monitoring;
6. Declaring a decision null and void;
7. Extraordinary annulment of the decision.

VI. The meaning of formal and substantive administrative conflicts:

1. The purpose and characteristics of the administrative proceedings;
2. Administrative act as a subject of administrative conflict;
3. The grounds on which an administrative act may be challenged;
4. Responsibility for resolving administrative conflicts;
5. Types of administrative conflict;
6. The parties to the administrative conflict (the prosecutor, the respondent interested side).

VII. The concept and the subject of a lawsuit in an administrative conflict:

1. The time limit for filing a complaint;
2. Content and effect of the application;
3. Open the administrative conflicts due to inaction of the administration;
4. Change and cancellation of the administrative act by the defendant body;
5. Actions court in connection with the complaint;
6. Pre-trial proceedings based on complaints;
7. Rejection of the complaint for formal reasons;

8. Regular process for the resolution of administrative conflicts.

VIII. Completion of administrative conflicts:

1. Reasons for the annulment of an administrative act in an administrative conflict;
2. The judgment in an administrative conflict;
3. Remedies for administrative conflict;
4. An appeal in the administrative conflict;
5. Extraordinary remedies in administrative conflict;
6. Repeat the administrative proceedings;
7. The request for extraordinary examination of court decisions;
8. A request for protection of legality;
9. A binding character of judgments;
10. Application of the provisions of the Law on Civil Procedure (Article 60 LAS).

Sources of law:

Law on Administrative Procedure Code of Kosovo No. 02 / L-28;
Law on General Administrative Procedure, Official Gazette of SFRY 47/86;
The law on administrative conflicts (ZAS), Official Gazette of the SFRY, 4/77;
UNMIK Regulation no. 2001/19, as amended by Regulations 2005/53,
2006/19, 2006/26, 2007/18 and 2008/3 on the Executive Branch of the Provisional
Institutions
Self-government in Kosovo;
Other UNMIK regulations administrative authorities

VIOLATIONS

I. THE CONCEPT OF OFFENCE

1. Establishing a foul.
- PRINCIPLES for misdemeanors

I. EXECUTION OF OFFENCE

1. Operation;
2. Non-operating.

II. TIME AND PLACE OF A PERFORMED OFFENCE

III. RESPONSIBILITY FOR VIOLATIONS

1. Readiness;
2. Negligence.

IV. PROCEDURES FOR IRRESPONSIBILITY

1. Force;
2. The threat;

3. Violence;
4. Self-defense and defense of extreme necessity.

V. SANCTIONS FOR BREAKING

1. Punishment;
2. Protective measures.

VI. UNTIMELINESS in misdemeanor proceedings

1. Relative;
2. Absolute.

VII. Jurisdiction COURTS

1. Matters;
2. Territorial.
3. ACCUSED AND DAMAGED PARTIES
4. SUBMISSIONS AND MINUTES
5. DEADLINES
6. BACK TO THE PREVIOUS CONDITION
7. COSTS OF THE PROCEEDINGS
8. The legal and property claim.

VI. START I misdemeanor proceedings

1. Content of the request;
2. Termination of the proceedings.

VII. MEASURES FOR ENSURING THE PRESENCE OF DEFENDANT

1. Subpoena;
2. Adoption of the accused before the court
3. Deposit;
4. Detention

VIII. PROTECTION OF THE DEFENDANT

I. Article 6 of the European Convention on Human Rights.

1. CRIME SCENE INVESTIGATION AND EXPERTISE
2. TRIAL SITE AND FACES
3. ORAL SESSION
4. RESOLUTION
5. The decision in summary proceedings.

V. REGULAR LEGAL REMEDIES

1. The appeal;
2. Refusal.

VI. EXTRAORDINARY REMEDIES

1. A request for extraordinary examination of the final decision;

2. The request for protection of legality;
3. A request for a retrial.

VII. PERFORMANCE SOLUTIONS

1. Compensation for groundless punishment.

VIII. SPECIAL PROCEDURES

IX. PROCEEDINGS AGAINST MINORS

1. Penalties

X. EDUCATIONAL MEASURES

1. Warning;
2. Additional supervision.

XI. CONSIDERATION OF OPINIONS OF THE COMPETENT AUTHORITY

XII. Enforcement of decisions relating to minors

Legal sources:

III. Act of violation - Official Gazette in 1979.

IV., The relevant provision is essential laws governing offenses

- a. Laws, regulations UNMIK
- b. Decrees,
- c. Municipal regulations.

g) INTERNATIONAL LAW AND EUROPEAN LAW ON HUMAN RIGHTS

-I-. INTERNATIONAL LAW

1. Sources of international law

1. International conventions and agreements;
2. Customary international law;
3. The general legal principles;
4. Legal acts of international organizations;
5. Unilateral declarations and actions;
6. The decisions of international courts;
7. International soft law;
8. Methods of implementation of international law in domestic legislation.

2. The subjects of international law

1. State;
2. International organizations;
3. Nation;
4. "Sui generis" entities;
5. Individuals;
6. The disputed cases;
- 6.1 Multinational companies
- 6.2 Non-governmental organizations

3. The basic principles of international law

- a. Sovereignty and equality of sovereignty;
- b. Non-interference in internal affairs;
- c. Self-determination of nations;
- d. Non-use of force in international relations;
 - a. Self-defenses country
 - b. Utilization of force through the approval of the United Nations;
- e. Solving conflicts through peaceful means;
- f. Legal accountability for violations of international law.

II. Universal International Protection Rights of Man

1. The bodies of the United Nations and human rights

1. The Charter of the United Nations and human rights;
2. Fashionable bodies General Assembly
3. Higher Commissioner for Human Rights;
4. Fashionable Body Veda, Economic and Social;
5. The Universal Declaration of Human Rights - soft law
6. International Covenant on Civil and Political Rights;
7. International Covenant on Economic, Social and Cultural Rights;
8. Measures to implement the agreement
9. Convention on the Protection of Rights of Women;
10. Convention on the Protection of Rights of Children;
11. Convention against Abuse
12. The method of implementation of international law in domestic legislation.

2. Regional International Protection of Human Rights

1. The European System of Human Rights;
2. The General Assembly of Human Rights;
3. The Committee of Ministers;
4. The European Court of Human Rights;
5. The jurisdiction of the European Court;

6. The problem of defining minorities;
7. Convention on the Protection of National Minorities;
8. European Charter on minority languages or REGIONAL

3. Basic Principles of Interpretation of Judicial Decisions

- a. Principles of Positive protection;
- b. Principles Efficiency and Implementation;
- c. The principles of Discretion Rights and Free Estimates;
- d. The principles of the Fourth Instance;
- e. The principle of proportionality;
- f. The division of rights;
- g. Absolute Rights;
- h. The relative rights;
- i. Reducing Rights;

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Zejnullah Gruda ``International Protection of Rights čoveka`` book I- III 2001

-III-. EUROPEAN LAW

1. Sources of European Law

1. In the European Union and the Agreement on nuclear energy (Including amendments);
2. The Treaty on European Union;
3. Treaty of Paris (1951)
4. Treaty of Rome (1957)
5. Treaty of Maastricht (1997)
6. Treaty of Amsterdam (1997)
7. Treaty of Nice (2000)
8. The general principles of law;
9. The legal acts adopted by the European Union;
10. The general principles of law;
11. Legal acts adopted by the European Union;
 - 11.1 Regulations;
 - 11.2 Directive;
 - 11.3 Decision;
 - 11.4 Recommendations;
 - 11.5 Opinion;
12. Relations between European law and domestic law;
13. Direct the implementation of primary and secondary European law;
14. Legal responsibility of Member States for failure to implement European law.

2. The main body of the European Community

- Advice,
- Composition,
- Authorization,
- Decision-making process and legal procedures,
- Parliament:
 - Composition,
 - Authorizations,
 - Decision-making procedures.
- Commission:
 - Composition,
 - Authorizations.
- The European Court of Justice and the first instance court
 - Composition,
 - Legal Proceedings.
- Principles of Legal System of the European Union
 - Legitimacy
 - Legality
 - Subsidiarity
 - Proportionality

3. The regulation of internal markets

1. Customs Union;
2. Free movement of goods;
3. Free movement of labor;
4. Free of organization;
5. Free movement of capital and cash flows.

Literature:

Blerim Raka, Arta Ibrahim – European Studies, Tetove 2004

Relevant normative acts

1. Charter of the United Nations;
2. Statute of the International Court of Justice;
3. The Montevideo Convention on Rights and Duties of States;
4. The Vienna Convention on the Rights of the agreement;
5. Declaring the principles of international law in connection with the good relations and cooperation between countries in accordance with the Charter of the United Nations;
6. The Agreement on the European Community;

7. Agreement on nuclear community;
8. Treaties on European Union;
9. The Constitution of the Republic of Kosovo.

LITERATURE

1. Law of Bar Exam, n. 04/L-141
2. Administrative instructions of program and manner of taking bar exam, n. 01 AU-152-126/09
3. Brochure of Bar Examination, http://www.kgjk-ks.org/repository/docs/2.-What-is-Bar-Exam-ENG_113681.pdf