

- Faculté de droit
- www.unine.ch/droit

Law and Economics (4DR2431)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 2 ph	Voir ci-dessous	4
Master en droit	Cours: 2 ph	Voir ci-dessous	4
Master of Law en innovation	Cours: 2 ph	Voir ci-dessous	4

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Automne

Equipe enseignante

KËLLEZI, Pranvera, chargée d'enseignement

Contenu

The course discusses classic and current thinking in law and economics, combining theoretical presentation and case analysis with active discussion and interaction with students to stimulate critical thinking. The course begins with an introduction to the fundamentals of law and economics. The course then examines the various applications of economic analysis of law to the main areas of law such as property, contract and tort law, corporate law, financial markets law, intellectual property, competition law, criminal law and civil law. These include the economic analysis of criminal law (crime, punishment, individual and corporate criminal liability); contracts and disclosure rules in corporate law and financial markets, based on concepts such as asymmetric information and agency theory; the impact of property rights and transaction costs on freedom of contract and state intervention; the economic analysis of civil liability, using the emerging regulation of artificial intelligence as an example; the efficient functioning of markets and the application of game theory to antitrust law and leniency programmes; the impact of technology on property rights and the functioning of markets; the prohibition of trade in certain products such as drugs and cannabis; the functioning of markets in which monetary payment is not appropriate for products such as blood or human organs, and the analysis of the impact of these rules on the behaviour of individuals, integrating both classical rational choice theory and the insights of behavioural economics. The topics will be illustrated with examples from Swiss, American and European law.

Forme de l'évaluation

Students can choose between :

- the "classic" 15-minute oral open book exam, preceded by preparation time, taken at the end of the semester, which focuses on the course material, and which can be taken in English or French. Active participation in class discussions may be rewarded with a bonus of 0.5 or 1 point added to the final grade;

- the alternative assessment method, which involves a written report of around 10 to 15 pages, followed by an oral presentation, the length of which is set by the teacher, given in class by the student on a specific theme agreed with the teacher. The report and the oral presentation can be made in English or French. Active participation in class discussions may be rewarded with a bonus of 0.5 or 1 point added to the final grade. The alternative mode may be taken alone or, if authorised by the teacher in charge, in groups of 2 students.

2. The written work and the presentation are assessed together. A mark of 4 or above entitles the student to the ECTS credits specified in the syllabus.

3. The written report must be sent to the teacher in charge one week before the oral presentation. If the written report is judged to be inadequate but could be improved, the student is invited to make the necessary corrections within a maximum of five days.

At the end of the oral presentation and any corrections made to the written report, the lecturer communicates the mark orally to the student and forwards it to the Faculty secretariat, which sends the student a report containing the mark and the ECTS credits obtained.

If the written report is judged to be so inadequate that corrections would not make it acceptable, or if it is still inadequate at the end of the additional five-day period, the alternative mode is deemed to have failed. The student must then sit the oral examination.

Failure of this oral examination is final.

Students must register for the course on the University's IT platform within the required deadline (art. 33 of the Faculty of Law's Study and Examination Regulations of 17 June 2004, RSN 416.330, hereinafter referred to as the "REE"): REE). Registration for the course on Academia is a compulsory prerequisite for subsequent registration for the alternative mode of assessment or the 'classic' (oral) examination. Students who choose the alternative assessment method must register for the examination session immediately following the end of the course (continuous assessment option) so that the result obtained can appear on their transcript of records.

In the event of absence for valid reasons accepted by the Dean's Office (e.g. illness, accident, death of a close relative within the meaning of art. 36 para. 1 and art. 37 para. 2 REE), the teacher will set a new assessment date for the student, taking into account the duration of the justified absence, as long as this is still possible before the end of the semester.

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Documentation

Course materials (outline, power point presentations, preparatory readings) are available online on Moodle, according to the instructions given during the course.

Pré-requis

None.

Forme de l'enseignement

The teaching approach will combine the transmission of theoretical knowledge with the analysis of concrete cases. This method will be complemented by active discussions and dialogues with the students, with the aim of stimulating their capacity for critical analysis and thinking, inspired by the Socratic method. The course materials (outline, power point presentations, preparatory readings) are available online, on Moodle, according to the instructions given during the course.

Learning objectives

At the end of the course, students should be able to :

- Applying economic concepts to legal rules
- Describe and explain the methods developed by economists to understand the effects of legal rules on the behaviour of legal subjects.
- Integrate economic reasoning methods into the analysis of legal rules, dispute resolution and negotiation
- Analyse an issue, give an oral presentation and write a brief contribution on the subject (alternative mode)

Transferable skills

- Synthesising analyses based on different methodological approaches
- Critically evaluate a situation
- Improve reasoning and communication on complex problems
- Improving decision making
- Promoting intellectual curiosity
- Stimulate creativity
- Improving the ability to debate, communicate and persuade