

Course Overview

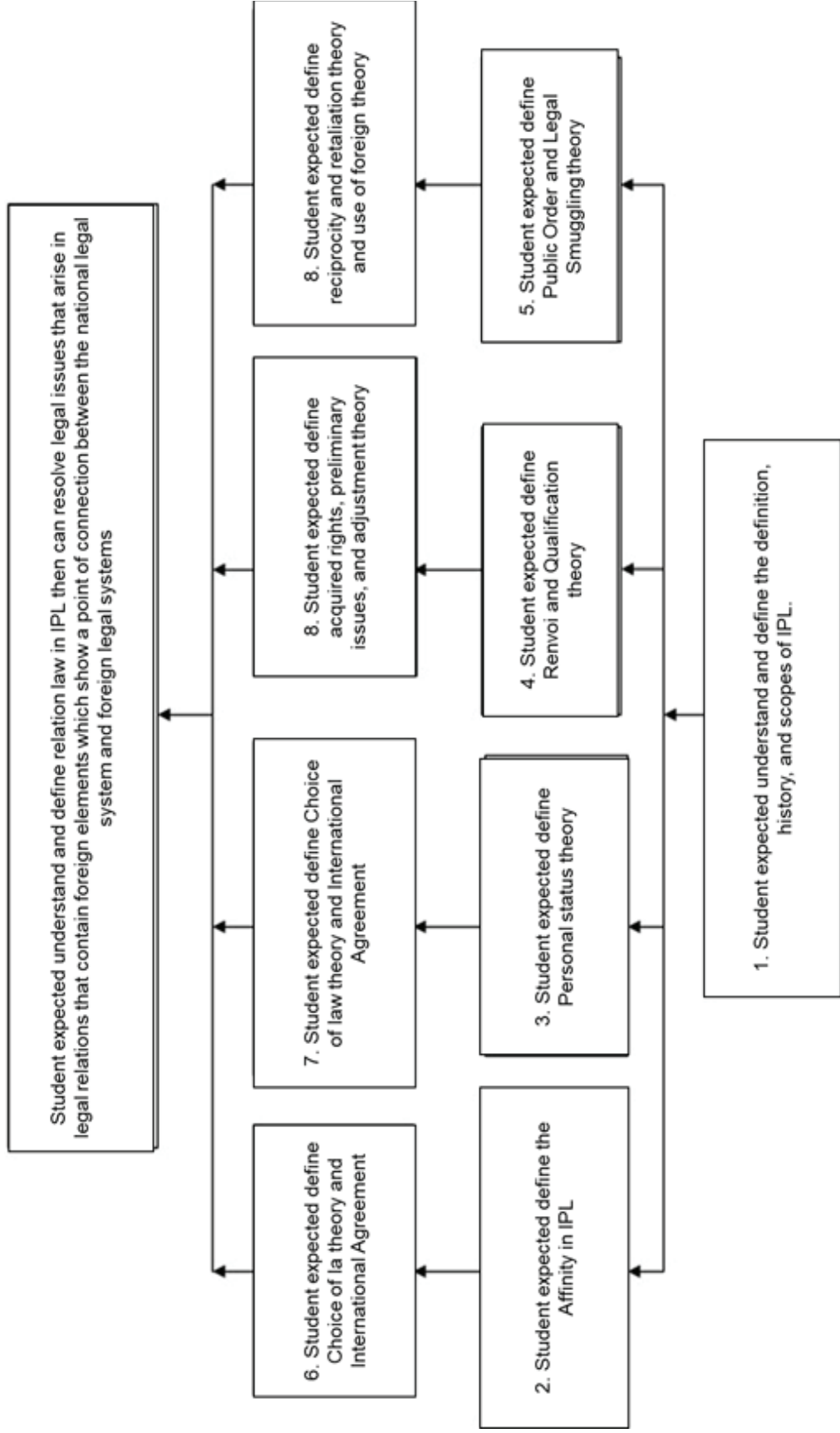
International Private Law is a legal system that determines law when there are two or more system of law, which may apply in one connection of law. International Private Law object is civil law relations that are cross-border. International terms in International Private Law, must be understood as instruction that connection law of the people discussed have international aspects or foreign aspects, not international in the sense of relations between countries as understood in public international law. Therefore, the rules of International Private Law is a mere rule of national civil law.

This module discuss about Indonesia International Private Law which means discuss rules of Indonesia civil law for **determining** the applicable law in cross-border civil law relationships country. Therefore, the applicable law for a legal Civil law relation could be our own national law or the law of another country. To provide context and a comprehensive understanding of civil law for international community in Indonesia, this module provides an overview about the history of the International Private Law science development in general, history of Indonesia International Private Law development that occurred before and after the independence era, as well comparison with the provisions of the International Private Law in various **countries**.

This module begins with material regarding (1) definition, history and scope of International Private Law, then discuss about (2) affinity in International Private Law to recognize the problem regarding of International Private Law. Furthermore, studied about (3) personal status which includes the principles of citizenship, domicile, and *habitual residence* followed by an explanation of (4) *renvoi* (remission & transmission) theory and qualifications. Discussion regarding exceptions to foreign law is explained in (5) public order theory and legal smuggling theory. Then, it is discussed about theory (6) legal option and international treaty law which is the common International Private Law theory accepted by most countries. Then, exposed theory (7) acquired rights, (8) preliminary issues, (9) adjustment, as well as (10) mutual and reciprocity. As one of important aspect, that is about procedural process in resolving issues of International Private Law, also explained about theory (11) international private law procedural.

With a comprehensive discussion, International Private Law subject intend to give knowledge and ability to student for **understanding** and **identifying** International Private Law problem. Further, student expected to determine the suitable law when faced to a civil law relationship to which two or more legal systems may apply. For the material or competencies expected to be achieved by students after studying the module can be seen in the following competency map.

Competency Map
International Private Law/HKUM4304/3 credits



For **understanding** the module until you could identify, analyze, and determine the applicable law in an international private law problem, you need **to follow the following**.

1. Read carefully for each presented material in ninth module along with examples to easier you to understand the material.
2. Make a summary and notes regarding each material in each module. Do the existing formative tests, then adjust it with the answer key. If possible, discuss the results in group. Expected, you could understand, analysis, and better in problem solving the case.
3. Find supporting materials, like judgments court in international private law disputes, for example regarding issues **of** divorce, child rearing, adoption, default, or look for example's **of** contracts with foreign elements, such as sales and purchase contracts, franchises, and etc. Then, do an analysis based on International Private Law theories, with by yourself nor the group.

Good luck and success !.