

**The Academy of Economic Studies of Moldova**  
**Faculty of Law**  
**Department of Law**

**COURSE CURRICULUM**  
**BUSINESS LAW**

**(Faculty Mondial Economy and International Economic Relations)**

**Bachelor Degree**

**Author : Olesia PLOTNIC Ph.D.Hab,**  
**associate professor**

**APPROVED:**

**Chief of department \_\_\_\_\_ A.Armeanic**

**At de meeting of Law Department**

**from, \_\_\_\_” \_\_\_\_\_ 2018**

**Chisinau – 2018**

## I. PRELIMINARY

**BUSINESS LAW** is a legal discipline which studies the whole legal norms regulating the entrepreneurial activity of natural and legal persons, the legal status of the entrepreneurs and the norms regulating the relations between entrepreneurs and the state.

The "Business Law" curriculum is elaborated in accordance with the study plan of the **Faculty Mondial Economy and International Relations** and is intended for students who undertake their bachelor studies. The objective of the discipline is to help students study the legal alphabet and understand the essence of the legal regulations that organize and organize the civil and commercial circuit in order to benefit from them in the future activity.

Designed for students of the Faculty Mondial Economy and International Relations, Business Law discipline contributes to the formation of a specialist in the field of economics by acquiring knowledge in the field of law and forming general competences necessary for any specialist to deal with the multitude of normative acts and regulated social relations. The knowledge gained in this discipline is not based on previously acquired legal knowledge, but rather studies that are only a starting point in the study of law.

For this reason, the discipline is elaborated in such a way that it starts with selected themes from the general theory of law, constitutional law, administrative law, and only in the second part continues with subjects specific to civil law, civil procedural law and especially business. The discipline allows the study of topics of great importance for the entrepreneurial activity, referring in particular to the legal status of the natural and legal entrepreneurs, the legal regime of various types of entrepreneurial activities (business) and other legal phenomena contributing to the development of the business environment, an environment that needs to be known to future economists.

The accumulation of knowledge in the field of law by a graduate of the university faculties contributes to the consolidation of the state based on the rule of law and will help them in the process of affirmation in the labor market, whether it will manage its own business or whether it will engage as an employee.

<b>Level</b>	B bachelor	<b>Code</b>	F.03.O.022.23	<b>Year</b>	III	<b>Semester</b>	I
<b>Credits</b>	4	<b>Language</b>	ENG	<b>Final evaluation (E – exam, V- verification)</b>			E
<b>Direct Contact hours</b>		60	<b>Individual learning hours</b>	60	<b>Total hours</b>		120

<b>Faculty</b>	<b>Faculty Mondial Economy and International Economic Relations</b>
<b>Specialization</b>	<b>Mondial Economy and International Economic Relations</b>
<b>Department</b>	<b>Law</b>

<b>Total number of hours (per semester) of direct contact</b> (T-theory course, S-seminar, L-laboratory activities, P-project or practical activities)				
<b>Total</b>	<b>C</b>	<b>S</b>	<b>IW</b>	
120	30	30	60	

<b>Formative course category</b> ( <i>F-fundamental, G-general, H-socio-humanitarian, S- specialty</i> )	<b>F</b>
<b>Optionality of the course</b> ( <i>O- obligatory, A - optional, F- free choice</i> )	<b>O</b>
<b>Maximum number of students involved in the course</b>	<b>250</b>

Access conditions	obligatory	International Trade
	recommended	Consumer Law

<b>Foundation</b>	Business Law course aims to familiarize students with concepts on entrepreneurship, legal terms of the organization and development of the business, legal language learning, and the acquiring the principles of law governing business environment. The student acquires the knowledge necessary economist trade operators use applicable law. As a fundamental subject, the course of Business Law is also meant to complement the basic knowledge base necessary for economics students in understanding and coagulation the economic disciplines, specialization field, making it to get more accurate the legal issues of economic nature.				
<b>Objectives/ learning outcomes</b>	<p><b>Knowledge competences:</b> Knowledge and understanding of specific business legal relationship; knowledge and understanding by students of the principles, concepts and specific legal institutions of business environment.</p> <p><b>Driving skills competences:</b> fostering team spirit and free initiatives; promoting equity, equality and good faith in business specific legal relationship.</p> <p><b>Information management competence:</b> use of research methods and interpretation of legal rules; solving specific business test cases; drafting of specific documents, such as statue of commercial entity, the contract of sale - purchase contracts of intermediates, etc.</p> <ul style="list-style-type: none"> <li>• <b>Ethical Skills:</b> Provide students with the mechanisms for determining the commercial nature of legal relationship; use of mechanism of resolving practical cases pertaining to the achievement or loss of the entrepreneur quality including its operation / entrepreneurial activity performance.</li> </ul> <p><b>Research competence:</b> highlight and explain of problems that may arise in specific legal relationship within business environment practice; interpretation of concepts and theories met in doctrine.</p>				
<b>Course contents</b>	<b>Name of topics</b>	<b>Hours</b>	<b>Including</b>		
			<b>Lectures</b>	<b>Practice / seminar</b>	<b>Individual Work</b>
	<b>1 General notions about the state</b> <i>1. The concept of the legal relationship.</i> <i>2. Prerequisites for the appearance of the legal relationship.</i> <i>3. Structure (elements) of the legal relationship.</i>	8 h	2h	2 h	4 h
	<b>2. General notions about law</b> <i>1. Origin of law</i> <i>2. The concept of law</i> <i>3. Functions of law</i>	8 h	2h	2 h	4 h

	<b>3. The notion of Business Law</b> <i>1. The emergence and development of business law</i> <i>2. The notion of business law</i> <i>3. The subject and method of business law</i> <i>4. Principles of Business Law</i>	8 h	2h	2 h	4 h
	<b>4. Legal norms of business law</b> <i>1. The notion and features of the legal norm</i> <i>2. The structure of the legal norm</i> <i>3. Classification of the legal norm</i>	8 h	2h	2 h	4 h
	<b>5. Sources of the business law</b> <i>1. The concept of the source of law</i> <i>2. Characteristics of sources of law</i> <i>3. The action of normative acts in time, space and people</i>	6 h	2h	2 h	2 h
	<b>6. The legal relation of business law</b> <i>1. The concept of the legal relation.</i> <i>2. Prerequisites for the appearance of the legal relation.</i> <i>3. Structure (elements) of the legal relation.</i>	7 h	4h	2 h	1 h
	<b>7. Entrepreneurial activity. The right to pursue entrepreneurial activity</b> <i>1. Definitions and defining elements.</i> <i>2. Characteristics of entrepreneurial activity.</i> <i>3. Types of entrepreneurial activity.</i> <i>4. Subjects of entrepreneurial activity.</i> <i>5. Prohibited activities.</i> <i>6. Activities considered state monopolies and natural monopolies. Activities subject to licensing.</i> <i>7. Liberal professions.</i>	8 h	2h	2 h	4 h
	<b>8. Legal regulation of entrepreneurial activity</b> <i>1. General Considerations</i> <i>2. Intervention of the state in the entrepreneurial activity;</i> <i>3. Licencing the entrepreneurial activity</i> <i>4. Consumer rights and their protection in entrepreneurial activity;</i> <i>5. Accounting organization: accounting cycle; primary documents, accounting accounts; accounting records; inventory; financial reports.</i>	7 h	2h	2 h	3 h

	<p><b>9. The legal regime of the patrimony of commercial companies</b></p> <p>1. The notion and composition of patrimony</p> <p>2. Goods and their classification according to different criteria.</p> <p>3. Embedded goods of commercial companies.</p> <p>4. The notion and functions of social capital.</p> <p>5. Formation and modification of the share capital.</p> <p>6. The enterprise as a unique patrimony complex.</p>	8 h	2h	2 h	4 h
	<p><b>10. The Natural Person - as a subject of business law</b></p> <p>1. Natural Person as entrepreneur</p> <p>2. Owner of the entrepreneurial patent.</p> <p>3. Individual entrepreneur</p>	8 h	2h	2 h	4h
	<p><b>11. Legal entities operating for profit</b></p> <p>1. The notion of a legal entities operating for profit</p> <p>2. Classification of legal entities operating for profit</p> <p>3. Elements of legal entities operating for profit</p> <p>4. The governing bodies legal entities operating for profit</p> <p>5. Establishment and operation of legal entities operating for profit</p> <p>6. Identity attributes of the legal entities operating for profit</p>	6 h	2h	2 h	2 h
	<p><b>12. Limited Liability Companies (LLC)</b></p> <p>1.The notion of LLC</p> <p>2. The organizational structure of the LLC.</p> <p>3. The particularities of the reorganization and liquidation of LLC</p>	8 h	1h	2 h	5 h
	<p><b>13. Joint-stock company</b></p> <p>1.The definition and particularities of the joint stock company</p> <p>2. Establishment of the joint stock company</p> <p>3. The governing and controlling bodies of the joint stock company</p> <p>4. The functioning of the joint stock company</p> <p>5. Termination of the activity of the joint stock company</p>	8 h	1h	2 h	5 h
	<p><b>14.Cooperative societies</b></p> <p>1. The notion and essence of cooperative societies</p> <p>2. Cooperative management bodies</p> <p>3. Establishment of cooperatives. Types of cooperatives</p> <p>4. Cooperative of production</p> <p>5. Cooperative of business</p>	6 h	1h	1 h	4 h

	<b>15.State and Municipal enterprises</b> <i>1.State Enterprise</i> <i>2. Municipal Enterprise</i>	<i>8 h</i>	<i>1h</i>	<i>1 h</i>	<i>6 h</i>
	<b>16. Termination of entrepreneurial activity</b> <i>1. The notion and stages of the termination of the entrepreneurial activity</i> <i>2. Dissolution</i> <i>3. Liquidation</i> <i>4. The liquidator of the legal entity and its functions</i> <i>5. Exclusion of the legal entity from the register</i>	<i>8 h</i>	<i>2h</i>	<i>2 h</i>	<i>4 h</i>
	<b>TOTAL</b>	<b>120 hours</b>	<b>30 h</b>	<b>30 h</b>	<b>60 h</b>
<b>Main Bibliography</b>	<ol style="list-style-type: none"> <li>1. Ciobanu N., Dreptul afacerilor, Editura CEP USM, Chişinău, 2014.</li> <li>2. Militaru I. N., Dreptul afacerilor, Editura Universul Juridic, Bucureşti, 2013.</li> <li>3. Băieş S., Roşca N., Dreptul afacerilor, Tipografia Centrală, Chişinău, 2011.</li> <li>4. Cărpenaru Stanciu D., Drept comercial român, Editura Universul Juridic, Bucureşti, 2011.</li> <li>5. Nemeş V., Drept comercial român, Editura Universul Juridic, Bucureşti, 2011.</li> <li>6. Turcu I., Tratat teoretic şi practic de drept vol.III, Editura C.H.Beck, Bucureşti, 2009.</li> <li>7. Popa S., Dreptul comercial, Editura Universul juridic, Bucureşti, 2009.</li> <li>8. Piperea Gh., Drept comercial, vol. I, Editura C. H. Beck, Bucureşti, 2008.</li> <li>9. Rusu V., Focşa Gh., Drept comercial, Editura Bons Offices, Chişinău, 2007.</li> <li>10. Duşcă A.-I., Popa N., Dreptul Afacerilor, Editura Sitech, Craiova, 2006.</li> <li>11. Comentariul la Codul Civil al Republicii Moldova, Editura ARC, Chişinău, 2005.</li> <li>12. Гаврилов Э.П., Синельникова В.Н., Предпринимательское право, Издательство Юрайт, Москва, 2015.</li> <li>13. Попондопуло В.Ф. Коммерческое (предпринимательское) право, Издательство «НИМП» Москва, 2009.</li> </ol>				
<b>Teaching technologies</b>	Modes of work organization with students are: <ul style="list-style-type: none"> <li>• Collective and individual work.</li> <li>• Methods of teaching: lecture – research – evaluation of case of studies, investigation, analysis, definition of main concepts, good to use tables, schemes of material systematization, educational instruments, projector, calculator etc.</li> </ul>				
<b>The way of the final evaluation</b>	Choose of one of following methods of evaluation: written papers (descriptive and/or test and/or problem solving etc.) portfolio, project or verbal examination by tests etc.				
<b>Final grade</b>	Two tests during the semester			<b>30%</b>	

<b>(percentage expressed in %)</b>	Current success (formative assessment)	<b>20%</b>
	Individual study	<b>10%</b>
	The result exam / verification (final assessment)	<b>40%</b>

### INDIVIDUAL WORK

<b>Nr.</b>	<b>The expected product</b>	<b>Implementation Strategies</b>	<b>Assessment criteria's</b>	<b>Deadline</b>
<b>1.</b>	<b>Reports</b>	<ul style="list-style-type: none"> <li>- Selection of relevant normative acts;</li> <li>- Selection of the relevant bibliography;</li> </ul>	<ul style="list-style-type: none"> <li>- The depth of the study;</li> <li>- Diversity of sources;</li> <li>- Interpretation of legal rules;</li> </ul>	At least one week before the exam;
<b>2.</b>	<b>Analysis of a court decision</b>	<ul style="list-style-type: none"> <li>- Analysis of the factual circumstances of the situation solved by the court's decision;</li> <li>- Analysis of the legal rules applicable to the judicial case;</li> </ul>	<ul style="list-style-type: none"> <li>- Ability to analyze the situation;</li> <li>- The correctness of choosing the applicable legal rules;</li> <li>- Ability to critically analyze the legal situation;</li> </ul>	In the seminars for which the topic is discussed;
<b>3.</b>	<b>Making a claim for legal action</b>	<ul style="list-style-type: none"> <li>- The description of the facts that led to the infringement;</li> <li>- Selecting the legal rules on the basis of which the claimant bases his / her application;</li> </ul>	<ul style="list-style-type: none"> <li>- The logic of exposing the facts;</li> <li>- The correctness of the choice of legal rules;</li> <li>- To what extent is the demand convincing;</li> </ul>	In the seminars for which the topic is discussed;
<b>4</b>	<b>Informative note</b>	<ul style="list-style-type: none"> <li>-The legal rules on which the consultant bases its opinion;</li> <li>- The procedure for examining the case for which the consultation is requested,</li> <li>- The national bodies responsible for handling the case.</li> </ul>	<ul style="list-style-type: none"> <li>- The capacity to expose the situation for which legal advice is requested,</li> <li>- The correctness of choosing the legal rules governing the case for which consultancy is requested;</li> </ul>	In the seminars for which the topic is discussed;
<b>5</b>	<b>Portofolio</b>	<ul style="list-style-type: none"> <li>- Drawing up of draft documents included in the portfolio;</li> </ul>	<ul style="list-style-type: none"> <li>- The accuracy and accuracy of the documents included in the portfolio;</li> <li>- The legality of acts drawn up by the author;</li> </ul>	In the seminars for which the topic is

		- Attaching model documents issued by public authorities;		discussed;
<b>6</b>	<b>Study of specialized literature, normative acts and preparing for the seminars</b>	- Taking notes; - Asking questions;	- Correctness of the theoretical answer formulation; - Knowledge of theoreticians in the field; - Substantiating opinions expressed in literature;	In the seminars for which the topic is discussed;

**Themes for the reports:**

1. General notions about the state.
2. General notions of law.
3. The notion of business law.
4. Legal Rule of Business Law.
5. Sources of business law.
6. The Legal Relationship of Business Law.
7. Legal regulation of entrepreneurial activity.
8. Legal status of the individual entrepreneur.
9. Establishment of profit-making legal entities.
10. Establishment and operation of human societies.
11. Establishment of Limited Liability Societies.
12. Establishment of joint stock companies.
13. Organization and operation of limited liability companies.
14. Attributes of identifying a legal person for profit.
15. Reorganization of profit-making legal entities.
16. Dissolution and liquidation of joint stock companies.
17. Protection of fair competition in the legislation of the Republic of Moldova.
18. The legal regime of investments in entrepreneurial activity.
19. The legal status of the company's patrimony.
20. Proceed with the insolvency process and the legal effects of the opening decision.
21. Applying the plan's procedure to the insolvent person and its legal effects.
22. The Insolvency of the Individual Entrepreneur.
23. Legal status of the manager of the legal person for profit.