



Traita De La Mitoyenneta Des Murs Haies Et Fossa S

**Franklin Kutu,Dominique Mougenot
(Judge)**

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Enseigner et apprendre les fondements du droit des biens relève certains garde-fous du droit. D'abord il existe en ce domaine une importante jurisprudence et un ancrage fort dans un contexte factuel constaté avec précision. L'ancrage qui ne doit toutefois point occulter de complexes analyses théoriques. Ensuite et l'exception de quelques matières telles la copropriété forcée d'immeubles ou groupes d'immeubles bâtis la norme législative est stable. Confinant dans certains cas l'obsolescence et la connaissance efficace du droit passe alors nécessairement par l'étude d'une série de grands arrêts de principe et ce matériel fondamental belge oblige dans une approche forcément bilingue. Enfin très souvent bien que les tensions humaines soient extrêmes en la matière les enjeux conomiques sont relativement modestes et un calcul de rentabilité s'opère inévitablement. Au départ de ces constats le présent manuel a été conçu en deux tomes. D'une part cet ouvrage contenant l'étude des diverses classifications de biens et celle des droits de propriété et de copropriété et d'autre part un second livre venant reprendre l'examen des droits réels principaux portant sur la chose d'autrui : usufruit, usage et habitation, servitude, superficie et emphytéose. Quant à la méthode nous avons opté pour une présentation de la matière en deux niveaux de lecture : au-delà d'un exposé des notions et mécanismes de base sont repris des développements qui soit permettent l'approfondissement de questions plus complexes ou controversées avec renvois des articles ou ouvrages ciblés soit consistent en la relation brève mais éclairante de cas de jurisprudence sélectionnés et relativement récents. Notre projet est de servir ainsi les intérêts des étudiants et des praticiens et qui sait de susciter l'une ou l'autre vocation voire la passion chez ceux qui en ont probablement pas rêvé de mur mitoyen ou d'accession immobilière.

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