

DRT

DPRI2152 **Obligation Law**

[30h+15h exercises]

This course is taught in the 1st and 2nd semester

Teacher(s): Patrick Wéry
Language: french
Level: 2nd cycle course

Aims

The aims of this course - which is one of the basic courses in the training of law students - are to provide them with an understanding and some knowledge of the fundamental mechanisms of the law of obligations.

Main themes

The course focuses on the sources of obligations, their effects, their transmission and their cancellation (art. 1101 -1386 of the Belgian civil code). Only the main topics of obligation law are taught during the course. Specific questions are examined in an interdisciplinary way. Students are asked to read the course book by themselves in order to gain a complete view of the subject matter. The small number of students taking this course allows more active teaching methods to be used, and students can participate in the course by asking questions directly to the tutor.

Content and teaching methods

After an introduction aiming to situate the law of obligations among other legal fields and to define the concept of obligation, the course focuses on the heart of the matter.

It starts with the study of the juridical act. The contract is the most important subject: classification of contracts; the conclusion of the contract and its conditions of validity; the organic principles of contract law - sanctity of contract, consensualism, the autonomy of will and good faith; the interpretation of the contract; the content of the contract between the parties; third parties and the contract; remedies for non-performance (judicial, contractual and self-help); the suspension of the contract and its termination.

The study of contract law proceeds with a general theory of the unilateral juridical act.

After that, the course turns to the study of tort law and quasi-contracts (negotiorum gestorum, restitution of payments not due and enrichment without cause).

Then the law of evidence is studied.

The course ends with an examination of the general regime of obligations: payment and payment with subrogation; Paulian action, oblique action, direct action; modalities of obligation; transmission of the obligation; the reasons why the obligation ends.

Methods:

Although this is mainly a lecture course, the tutors ask the students to participate through preliminary reading, and by considering questions raised by the tutors or other students during the course.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

There are various casebooks for this course.