

Faculty of Law



DPRI2102 Law of obligations

[90h+16h exercises] 7.5 credits

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

Teacher(s): Bernard Dubuisson, Patrick Wéry
Language: French
Level: Second cycle

Aims

This course covers fundamental aspects of the law of obligations. It helps to train students in legal reasoning and the critical analysis of positive law.

Main themes

The law of obligations is the branch of law that covers the general theory of the relationship between creditors and debtors. The principal sources of the subject can be found in Articles 1101 to 1386a of the Civil Code. The main chapters of this general theory are as follows: - introductory aspects: the notion of obligations, origins, position in the legal system, links with the economic system, evolution; - contractual obligations: the notion of contract, formulation, effects, non-fulfilment regulations, evidence, interpretation, contract groups; - torts and quasi-torts: foundations of civil liability, civil wrongs, causal relations, damage, causes of exemption, particular regulations, compensation for damage; - unilateral quasi-contracts and commitments; - general regulations of obligations: protection of the debtor, protection of the creditor, transfer of obligations, termination of agreements, negative prescription.

METHODS: This part of the course is taught in the form of lectures (while Law of Obligations Part II takes the form of discussion groups). Teaching makes regular use of references to numerous documents from legal practice. These can be found in a booklet, which is available, together with the syllabus, from the study programmes department (Office for courses).

Content and teaching methods

CONTENT:

After an introduction that aims to situate the law of obligations within the different disciplines of law and to define the notion of obligation, the course then embarks on the core of the subject. It starts with the study of legal transactions. Contracts make up the greatest part (types of contracts; formulation of contracts and aspects of validity; structural principles of the law of contract - agreement - laws, the principles of consensus, contractual freedom and goodwill; interpretation of a contract; effects of the contract between the parties involved and on a third party; penalties for non-fulfilment (legal, contractual and private legal arrangements); the suspension of a contract; the end of a contract). This is then followed by a general theory of unilateral transactions. The study of the origins of obligations examines liability under the Aquilian Act and in relation to quasi-contracts (business management, payment and receipt of funds made in error). This is followed by the law of evidence. Finally, the general regulations on obligations are examined from different angles: straightforward payments and subrogated payments; heritage protection measures (Pauline action, oblique action, simulation action, direct action); obligation conditions; active and passive termination of obligations; the causes of the termination of obligations.

METHODS:

Although the course is mainly taught in the form of lectures, teachers expect a certain amount of active participation from students during the course. This may take various forms: preparatory reading or questions asked by either teachers or students.

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

The syllabus is handed out at the beginning of the term.

Other credits in programs

DROI21	Première licence en droit	(7.5 credits)	Mandatory
---------------	---------------------------	---------------	-----------