

DROIT CIVIL - DROIT DES PERSONNES - PLAN DE COURS

LE MINEUR PEUT TOMBER À L'EXAMEN, SPÉCIALITÉ DE LA PROF

23 heures de CM : soit 8 séances
7,5 heures TD : Soit 5 séances
Examens : 2 au 13 décembre

Une note de contrôle continu le **mercredi 20 novembre de 8h00 à 9h00** : base de deux notes, une note d'interrogation écrite en amphitheatre avec des questions de cours, 1H, au clair avec les sources, structure importante, rigoureux et clair, seulement de quoi écrire (pas de feuille) . Une deuxième note en TD, quand chargé de TD décide (il ne nous le dit pas), temps limité (30 min) restituer en TD l'un des exercices préparé pour la séance.

CETTE NOTE peut être bonifiée si on s'implique bien en TD, jusqu'à + 2 points.
Pas d'ordinateurs autorisés en séances de TD
Droit Civil obligé en TD.

Powerpoints de la séance sur Moodle avant le cours
Pas de raison de : prendre des photos

Première séance de TD : tout ce qui est en rouge est à faire. Analyser les arrêts pour être capable de les expliquer, potentiellement ramassé par le chargé de TD.

LES PERSONNES PHYSIQUES

Partie I. L'EXISTENCE DE LA PERSONNE HUMAINE

Titre I. L'existence juridique in utero

Acquérir une **personnalité juridique**, c'est devenir un **sujet de droit**, c'est-à-dire être **créancier de droit** et **débiteur d'obligation**. Droit et devoir.

La personne physique ou morale (groupements comme les sociétés commerciales, sociétés civiles, associations, syndicats ou fondation) est dotée d'une personnalité juridique.

La **personne physique** c'est l'être humain, on le distingue de l'**être vivant** qui englobe les **animaux et les végétaux**. L'être vivant est une **sous-catégorie juridique** avec des réglementations spécifiques.

On oppose la catégorisation de la **personne aux choses**, les choses sont régies par des règles de droit spécifique appartenants au **droit des biens**. L'ensemble de notre droit privé repose sur cette summa divisio entre les personnes et les choses.

Droit Civil Succesbions

Sophie Gaudemet, Yves Lequette

A red circular graphic with a gradient, partially overlapping the right side of the grey bar.

Droit Civil Succesbions:

Traité pratique de droit civil français: Successions Marcel Planiol, Georges Ripert, 1928 *Traité de droit civil comparé: Les successions* Ernest Roguin, 1912 **Traité théorique et pratique de droit civil: Des successions (avec P. A. Wahl) 1899** Gabriel Baudry-Lacantinerie, 1899 **Traité élémentaire de droit civil: Régimes matrimoniaux. Successions. Donation et testaments** Marcel Planiol, 1910 *Droit civil* Christian Jubault, 2005

Le destin des g n rations est ainsi inscrit par n cessit dans le temps Les uvres d une g n ration forgent le patrimoine transmis par succession la g n ration suivante Le droit des successions et le droit des lib ralité s tudient techniquement non pas au plan collectif mais dans des rapports individuels le ph nom ne de la transmission gratuite des biens et des obligations d une personne au profit de proches que la loi d signe droit des successions ou que la volont choisit express ment droit des lib ralité s Un livre premier examine les conditions de la succession conditions qui s analysent du c t du d funt preuve du d c s date et lieu de cet v nement et du c t des successibles le meurtrier serait par exemple indigne de succ der sa victime Un livre second analyse la d volution de l option successorale Les conditions de la succession tant remplies il convient en effet de d terminer qui succ de dans les droits et les obligations du d funt tordre de d volution ob it la loi ou ob it au jeu de lib ralité s testament donations Ces derni res permettent de transmettre un bien particulier Comme la loi elles permettent aussi de transmettre l option successorale c est dire le droit m me d accepter ou de renoncer la succession dans son ensemble Un livre troisi me tudie alors l exercice de l option successorale L option successorale tant transmise par la loi ou par une lib ralité il convient d exercer l option successorale Le successible peut ne rien faire la loi comporte des solutions pertinentes pour g rer les successions non r clam es Le plus courant est cependant que le successible accepte la succession ou y renonce L acceptation transmet le patrimoine activement mais aussi passivement passif qui appelle une attention particuli re Un livre quatri me envisage enfin l indivision et le partage Si le d funt ne laisse qu un seul successible l exercice de l option successorale termine la transmission successorale Toutefois tr s souvent il y a plusieurs h ritiers L acceptation de plusieurs ouvre une indivision successorale les biens et les dettes du d funt sont alors d tenus indistinctement par les h ritiers ce qui demande des r gles de gestion sophistiqu es Un partage permet de mettre fin l indivision et d achever le r glement successoral

Droit civil : Les successions. Les libéralités epub 3. 4e éd. François Terré, Yves Lequette, Sophie Gaudemet, 2014-01-14

Lorsqu une personne d c de son patrimoine n est pas d truit mais se transmet Le l gislateur d signe les personnes parents proches conjoint qui sont en principe appel es recueillir la succession C est la d volution l gale Cette d signation ne s impose pas au d funt De son vivant il peut prendre des dispositions pour la combattre ou l infl chir en instituant un ou plusieurs l gataires au moyen d un testament ou encore en se d pouillant de certains de ses biens par des donations N anmoins en pr sence de descendants ou d un conjoint cette libert n est pas totale C est la r serve h r ditaire Une fois connues les personnes appel es recueillir la succession il faut proc der la mise en uvre de cette d signation Qu elle soit op r e par la loi ou par un testament

celle-ci ne s'impose pas au successible Il dispose d'une option Quels en sont les termes Quelles sont les conséquences qui s'y attachent Comment le passif du défunt est-il acquitté Comment ses biens sont-ils appréhendés Comment en cas de pluralité d'héritiers sont-ils partagés Autant de questions qui relèvent du règlement successoral Les lois du 3 décembre 2001 et du 23 juin 2006 ont profondément renouvelé un droit qui depuis 1804 n'avait connu que des formes ponctuelles L'équilibre entre les trois piliers de la discipline la famille la propriété l'acte juridique en a été sensiblement modifié D'olla n cessit d'une dition enti rement refondue Comparative Succession Law Kenneth G C Reid, Marius J de Waal, Reinhard Zimmermann, 2020-10-09 This third volume in a series on Comparative Succession Law concerns the entitlement of family members to override the provisions of a deceased person's will to obtain money or assets or more money or assets from the person's estate Some countries notably those in the civil law tradition such as France or Germany confer a pre-ordained share of the deceased's estate or of its value on certain members of the deceased's family and especially on the deceased's children and spouse Other countries notably those in the common law tradition such as England Canada or Australia leave the matter to the discretion of the court the amount awarded depending primarily on financial need Whichever form it takes mandatory family provision is both a protection against disinheritance and also therefore a restriction on testamentary freedom The volume focuses on Europe and on countries influenced by the European experience In addition to detailed treatment of the law in Austria England and Wales France Germany Hungary Italy the Netherlands Norway Poland Scotland and Spain the book also has chapters on Australia and New Zealand South Africa the United States Canada the countries of Latin America and the People's Republic of China Some other countries are covered more briefly and there is a separate chapter on Islamic law The book opens with accounts of Roman law and of the law in medieval and early modern Europe and it concludes with a comparative assessment of the law as it is today in the countries and legal traditions surveyed in this volume *Droit civil* Philippe Malaurie, 1983

Comparative Succession Law Kenneth Reid, Marius de Waal, Reinhard Zimmermann, 2015-08-27 Intestate Succession is the second volume in the Comparative Succession Law series which examines the principles of succession law from a comparative and historical perspective This volume discusses the rules which apply where a person dies either without leaving a valid will or leaving a will which fails to dispose of all of the person's assets Among the questions considered are the following What is the nature of the rules for the disposal of the deceased's assets Are they mechanical or is there an element of discretion Are particular types of property dealt with in particular ways Is there entitlement to individual assets as opposed to money Do the rules operate in a parentelic system or a system of some other kind Are spouses treated more favourably than children What provision is made for extra-marital children for adopted children for step children Does cohabitation give rise to entitlement How are same-sex couples treated Broader questions also arise of a historical and comparative nature Where for example do the rules in intestate succession come from in particular legal systems Have they been influenced by the rules in other countries How are the rules explained and how are they justified To what extent have

they changed over time What are the long term trends And finally are the rules satisfactory and is there pressure for their reform As in the first volume this book will focus on Europe and on countries which have been influenced by the European experience such as Australia New Zealand South Africa the United States of America Quebec and the countries of Latin America Further chapters are devoted to Islamic Law and Nordic law Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed this book will provide a wider reflection on the nature and purpose of the law of intestate succession

Droit civil François Terré, Yves Lequette, Sophie Gaudemet, 2024-01-25

Droit civil Paul Esmein, 1957 *Succession Law, Practice and Society in Europe across the Centuries* Maria Gigliola di Renzo Villata, 2018-03-19 This book presents a broad overview of succession law encompassing aspects of family law testamentary law and legal history It examines society and legal practice in Europe from the Middle Ages to the present from both a legal and a sociological perspective The contributing authors investigate various aspects of succession law that have not yet been thoroughly examined by legal historians and in doing so they not only add to our knowledge of past succession law but also provide a valuable key to interpreting and understanding current European succession law Readers can explore such issues as the importance of a father's permission to marry in relation to disinheritance as well as inheritance transactions and private dynastic and cross border successions Further themes addressed by the expert contributors include women's inheritance rights the laws of succession for the prince in legal consulting and succession in the Rota Romana's jurisprudence

Leçons de droit civil: v. 2. Successions, libéralités Henri Mazeaud, 1977

Intestate Succession Kenneth G. C. Reid, Marius Johannes De Waal, Reinhard Zimmermann, 2015

Intestate Succession is the second volume in the Comparative Succession Law series which examines the principles of succession law from a comparative and historical perspective This volume discusses the rules which apply where a person dies either without leaving a valid will or leaving a will which fails to dispose of all of the person's assets Among the questions considered are the following What is the nature of the rules for the disposal of the deceased's assets Are they mechanical or is there an element of discretion Are particular types of property dealt with in particular ways Is there entitlement to individual assets as opposed to money Do the rules operate in a parentelic system or a system of some other kind Are spouses treated more favourably than children What provision is made for extra marital children for adopted children for step children Does cohabitation give rise to entitlement How are same sex couples treated Broader questions also arise of a historical and comparative nature Where for example do the rules in intestate succession come from in particular legal systems Have they been influenced by the rules in other countries How are the rules explained and how are they justified To what extent have they changed over time What are the long term trends And finally are the rules satisfactory and is there pressure for their reform As in the first volume this book will focus on Europe and on countries which have been influenced by the European experience such as Australia New Zealand South Africa the United States of America Quebec and

the countries of Latin America Further chapters are devoted to Islamic Law and Nordic law Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed this book will provide a wider reflection on the nature and purpose of the law of intestate succession *Leçons de droit civil: v. 2. Successions libérales* Henri Mazeaud,1963 *Cours de droit civil* Philippe Malaurie,1991 *Manuel du droit civil de la Suisse Romande* Virgile Rossel (Swiss politician),1886 *Droit civil* Philippe Malaurie,1983 *Traité élémentaire de droit civil belge: Les successions. 1946* Henri De Page,1940 **Droit civil** Sophie Gaudemet,Yves Lequette,2013 Il n est pas simple d exposer aussi complétement que clairement une mati re qui touche au droit de la famille pour ce qui est de la vocation successorale et au droit des biens pour ce qui concerne les op rations de liquidation de la succession Lorsqu une personne d c de son patrimoine n est pas d truit mais se transmet Mais si le l gislateur d signe les personnes qui sont en principe appel es recueillir la succession cette d volution l gale ne s impose pas au d funt Il peut de son vivant instituer un ou plusieurs l gataires par testament ou se d faire de certains de ses biens par des donations dans la limite de la r serve h r ditaire Enfin le r glement de la succession suppose le partage des biens entre les h ritiers et ventuellement le r glement du passif du d funt Autant de questions qui rel vent du r glement successoral

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