

Contract and property with an environmental perspectives

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20527764&lokasi=lokal>

Abstrak

This book includes the conference proceedings of a conference in September 2019. The Institute for Property Law of the University of Leuven had the opportunity to welcome numerous authoritative legal scholars to debate on the impact of sustainability challenges on the crossroads between contract and property. While environmental issues, and more broadly sustainability, are often conceived as a matter of public law, if a matter of law at all, in recent years, also private law aims to join in. More fundamentally, environmental law could challenge the main division in private law, the division between contract and property. Fundamental rules of traditional private law, with strong historical roots, such as the privity of contracts, the closed system of property rights, the praedial rule with regard to servitudes, etc. are under pressure. The contributions of this book therefore are situated at the point of encounter of at least three fields of law: environment, contract and property. Very often, a fourth field of law joins this encounter: the constitutional protection of ownership plays a major role in the described challenges. The contributions in this book are on the one hand, careful analyses of national laws, and on the other hand, more general views on the interplay between property law and sustainability: -Property Law, Contract Law and Environmental Law: Shaking Hands with the (Historical) Enemy - Vincent Sagaert - Sustainable Obligations in (Dutch) Property Law - Bram Akkermans - Contractual Regulation of Property Rights: Opportunities for Sustainability and Environmental Protection - Siel Demeyere - Towards Sustainable Real Estate in a Circular Economy - Benjamin Verheye - Quebec Private Law, Destined to Preserve the Environment? - Gaële Gidrol - Mistral - Real Burdens in Scots Law: An Environmental Perspective - Andrew J M Steven - Positive and Negative Obligations of Landowners in South African Law: An Environmental Perspective - Elsabé van der Sijde - The Introduction of Conservation Covenants in English Law - Christopher Pulman and Nicholas Hopkins - The 'obligation réelle environnementale' in French law - Blandine Mallet-Bricout - Environmental Duties in the German Land Register - Christine Godt - Nordic Perspectives on Contract and Property Law with an Environmental Perspective: Examples from Norway Berte-Elen Konow