



*IMOLA III and comparative law: a synergy
towards the future*

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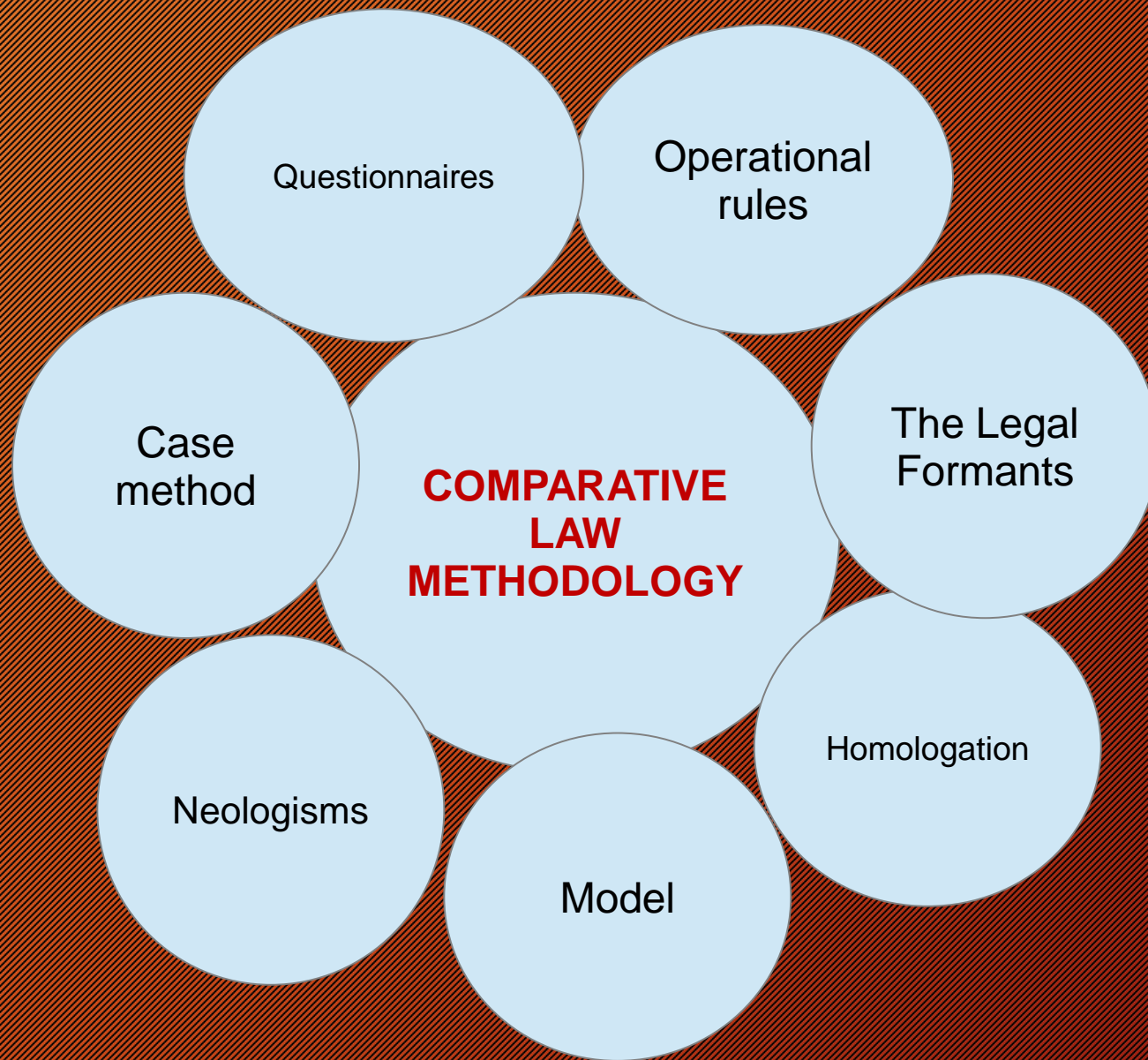
Unitn Team

Comparative law

The current scientific
debate on
comparative law
methodology



Comparative law methodology and IMOLA projects



The legal formants

R. Sacco, Définitions savantes et droit appliqué dans les systèmes romanistes, in *Revue Internationale de Droit Comparé*, vol. 17, 4, 1965, p. 827 ss.

R. Sacco, *Legal Formants: A Dynamic Approach to Comparative Law*, in *The American Journal of Comparative Law*, Vol. 39, No. 1 (Winter, 1991).

The legal formants

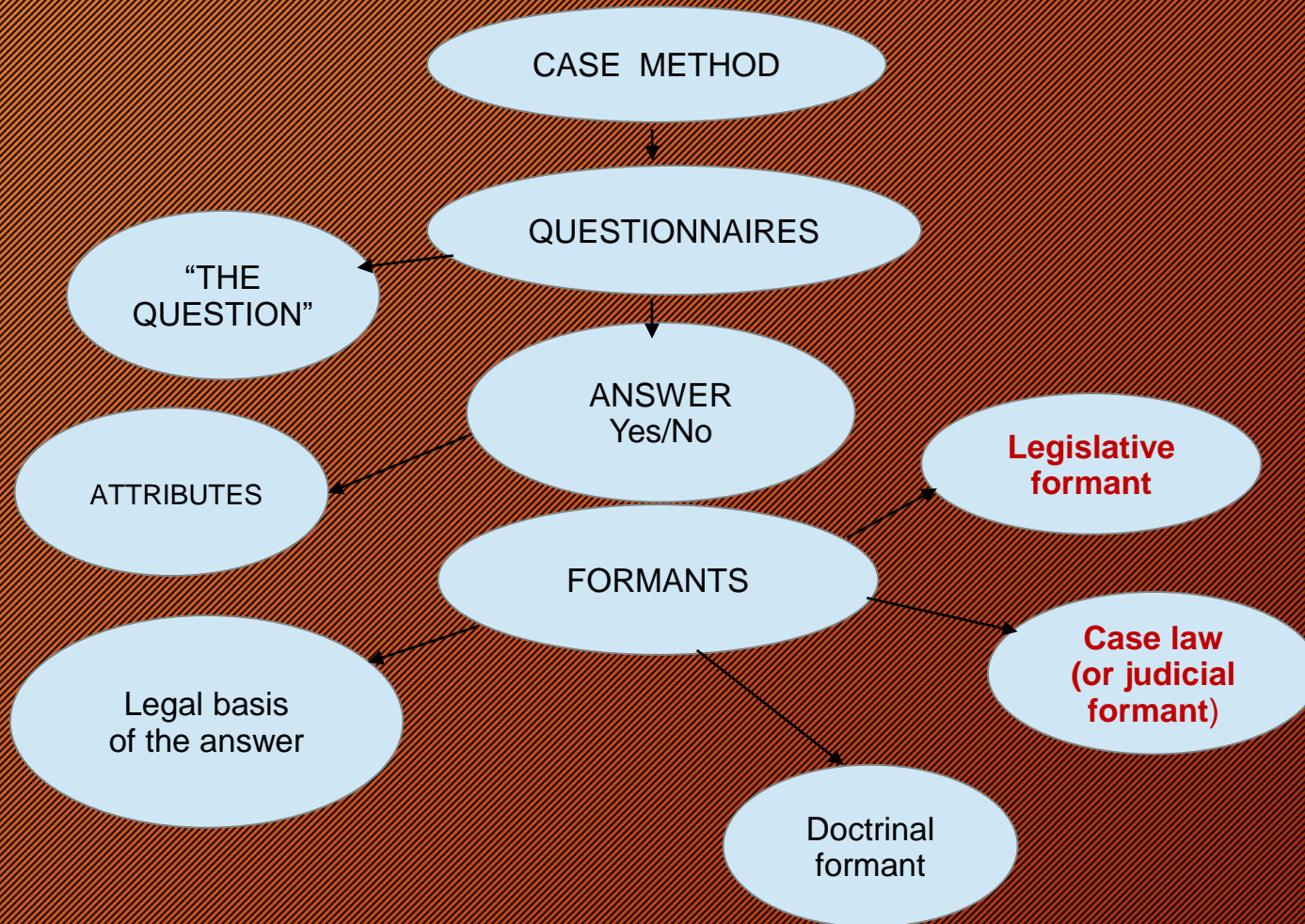
Formants are groups of norms sharing the same characteristics in providing solutions to a specific legal problem (or legal matter, question of law).

As the solution to a question of law can be found in legislation (legislative formant), in case law (judicial or case law formant) and in the work of scholars (doctrinal formant), these groups of rules are the three main formants.

The legal formants and the land registry

With regard to the land registry system the legal formants are the legal basis (legal ground) of an inscription in the land registry, observed from a comparative law perspective.

IMOLA III and the COMPARATIVE METHODOLOGY



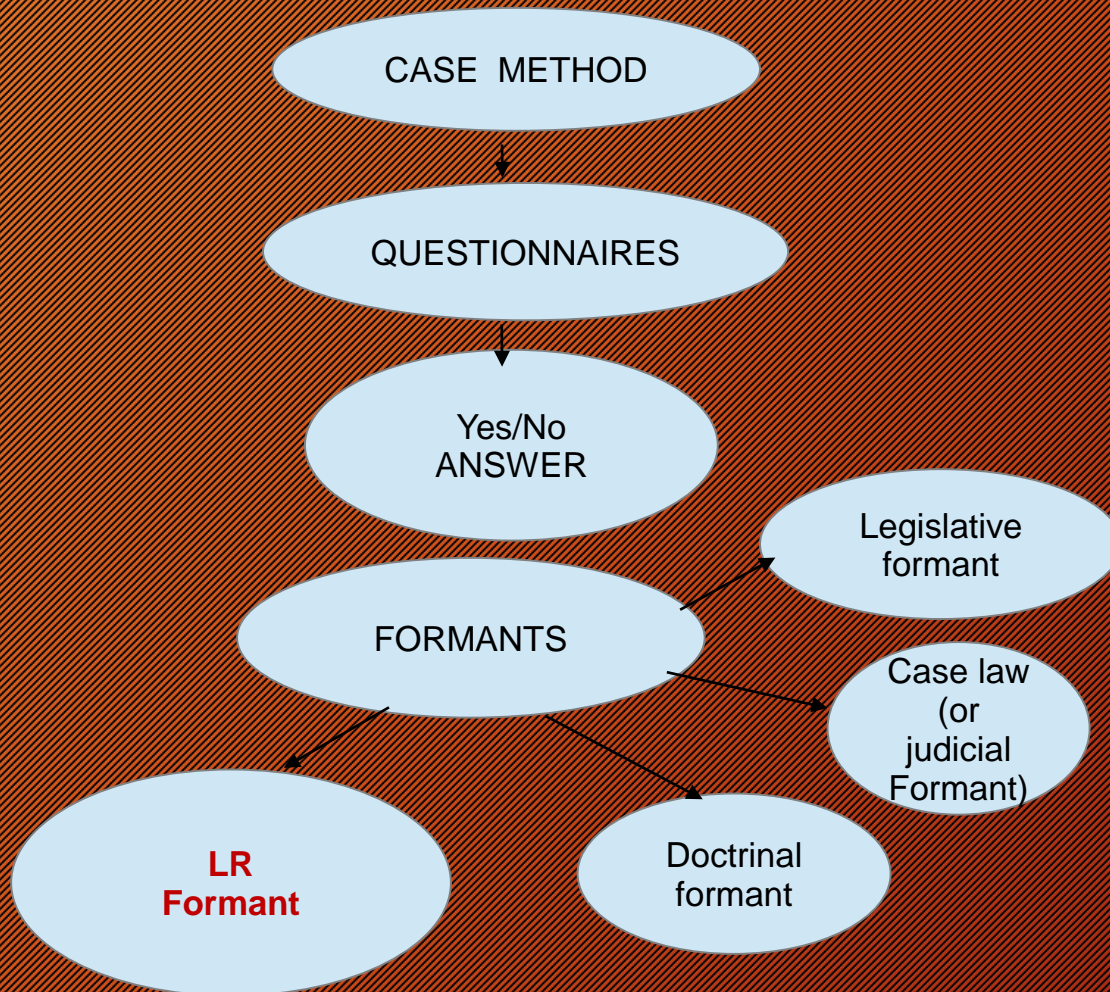
ITALY: REAL SERVITUDE

QUESTIONS ON FORMANTS / ATTRIBUTES	yes	no	n.a.	Explanatory note (English) FORMANTS
<p>- Is the presence of both the dominant and the servient land a necessary element for the creation of a real servitude and for its transcription in the land registry?</p>	<p>X* YES, unless the servitude is created for a public use.</p>			<p>LEGISLATIVE FORMANT: YES Code Civil Art. 1027 <i>A real servitude is a burden upon a land for the benefit of <u>another land</u> belonging to a different owner.</i> <i>But</i> JUDICIAL FORMANT + PRAXIS → NO if the servitude is created for a <u>public use</u></p>

The Land Registry (LR) formant

LR formant to be investigated as the legal ground of the answer when no other formants are at the basis of the registration (verification by subtraction)

The Land Registry formant (LR)



Towards the future

The digitalization process



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a real synergy*

Thank you for.....

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