

PRINCIPES GENERAUX DU DROIT CONSTITUTIONNEL

Introduction : Il existe une distinction entre droit privé et public. Le droit privé c'est le droit qui régit les rapports entre les particuliers, le droit public, le droit entre les particuliers et l'Etat et les collectivités territoriales.

LE DROIT PRIVE

Nous y trouverons le **droit civil** (le droit des personnes) (ex : pour le mariage, le régime matrimonial, le divorce, l'adoption, mais aussi les problèmes de voisinage), les litiges au droit civil sont portés devant les juridictions civiles que sont les juges de proximité (inférieur à 4000 euros), les juges d'instances (de 4000 à 10000 euros) et les tribunaux de grande instance (pour les droits de familles et toutes les actions civiles supérieures à 10000 euros).

Juridiction civile → Cour d'appel → Cours de cassation

On y trouve **le droit du travail** qui régit les rapports entre les employeurs et les salariés. C'est dans le code du travail qu'on y trouve notamment les procédures de licenciement, etc... Ces litiges sont portés devant le conseil des prud'hommes, ils sont composés de juges élus par les employeurs et les salariés. Ce sont ne sont pas des magistrats professionnels.

Le droit commercial qui régit les rapports entre les commerçants, les actes de commerce et le redressement et la liquidation judiciaire des entreprises

Les litiges sont portés devant les tribunaux de commerce, avec des juges élus par des commerçants.

Le droit rural qui régit les rapports entre les bailleurs et les preneurs (locataires).

Le droit de la sécurité sociale qui régit les rapports entre la sécurité sociale et les usagers. Il y a deux tribunaux, il est porté devant le tribunal de contentieux d'incapacité (ex: invalidité 20%) et un tribunal de contentieux social (non remboursement sécurité sociale).

Le droit pénal assure la répression des infractions pénales que sont les contraventions, les délits ou crimes.

LE DROIT PUBLIC

Le droit qui régit les états :

↳ le droit international public qui régit les rapports entre états.

↳ Le droit public interne qui régit les rapports au sein de l'état. Ce droit public interne se subdivise en 3 branches : le droit administratif qui régit les rapports entre les administrations et les particuliers. Il relève du conseil d'administratif (le conseil d'état).

↳ Le droit public financier dont le rôle est de régir les finances de l'état et les finances des collectivités territoriales. Ils sont jugés par des juridictions financières que sont la cour des comptes et les chambres régionales des comptes.

Tribunal administratif → conseil administratif (appel) → conseil d'état

LE DROIT CONSTITUTIONNEL

Rôle : encadrer le pouvoir politique et le statut de l'état

Droit Dingeneacutereence Le

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