

Léon ODHIMULA LOFUNGUSO Kas'ONGENYI

L'ÉTAT DE DROIT EN DROIT CONGOLAIS



*Preface de Célestin DIMANDJA Eluy'a Kondo
Postface MBOSO N'KODIA PWANGA Christophe*

Droit Constitutionnel Congolais Iii Droitcongolais

Günther Philipp

Droit Constitutionnel Congolais Iii Droitcongolais:

Traité de droit administratif de la République Démocratique du Congo Jean-Marie Mboko DJ'Andima,Félix Vunduawe te Pemako,2021-02-02 Comme un appel l dification d une r elle d mocratie et d un tat de droit en R publique D mocratique du Congo le pr sent Trait de droit administratif pose le fondement du droit public congolais en g n ral travers ses bases id ologiques et historiques ses principales sources d inspiration intellectuelle et ses sources formelles en temps normal dans le cadre de la l galit ordinaire et en circonstances exceptionnelles dans le cadre de la l galit d exception Plus sp cialement ce trait aborde l organisation de l administration publique Administration d tat centrale et d concentr e Administration territoriale d centralis e et Administration parastatale les modalit s police administrative et service public et les moyens humains juridiques et mat riels de son action la responsabilit des pouvoirs publics et le contr le de l Administration citoyen politique administratif et juridictionnel La pr sente dition est jour des derni res rvolutions l gislatives r glementaires et jurisprudentielles Les r serves d'interpr tation dans la jurisprudence de la Cour constitutionnelle congolaise

Alexandre-Chancel Funga Lufe Motema,2022-04-19 Le pr sent ouvrage traite de l usage de la technique de d claration de conformit sous r serve d interpr tation par la Cour constitutionnelle de la R publique d mocratique du Congo S ins rant dans le th me g n ral des techniques juridictionnelles applicables dans le r glement du contentieux constitutionnel congolais il expose dans un premier chapitre le cadre th orique ou conceptuel de la formulation des r serves par le juge constitutionnel Dans un deuxi me chapitre cette recherche fait tat de la pratique congolaise de la d claration de conformit sous r serve qui ouvre au profit du juge constitutionnel une troisi me alternative d cisionnelle au del des alternatives classiques que sont le prononc des d cisions de d claration de constitutionnalit ou d inconstitutionnalit pure et simple des textes d f r s au contr le De nationalit congolaise RDC Alexandre FUNGA LUFE MOTEMA est avocat au barreau pr s la cour d appel de Kinshasa Matete et assistant la Facult de Droit de l Universit p dagogique Nationale Dipl m du Coll ge des Hautes tudes de Strat gie et de D fense 2021 il est auteur de quelques publications dans le domaine des contentieux de droit public **La**

Position du droit international dans l'ordre juridique congolais et l'application de ses normes Joseph Kazadi Mpiana,2013-04-04 La R publique d mocratique du Congo est unanimement pr sent e comme un tat de tradition moniste avec primaut du droit international Cependant aux termes d une analyse critique tant du point de vue de la th orie que de la pratique l auteur offre une nouvelle approche qui accr dite mieux la th se dualiste La primaut du droit international en droit congolais n est nullement constitutive d un rapport hi rarchique mais se traduit par une pr f rence pas absolue de la norme internationale au d triment de la norme interne Cette approche dualiste s tend galement au droit d riv des organisations internationales Au moment o le juge congolais s internationalise notamment par le biais de l application du statut de Rome de la Cour p nale internationale et au regard de l entr e en vigueur en droit congolais du droit d coulant de l OHADA une tude approfondie sur les rapports entre le droit international et le droit congolais s av re indispensable En plus de la r ussite de sa

lecture réaliste des normes constitutionnelles de la RDC en matière de traits et d'actes normatifs des organisations internationales l'ouvrage de Joseph Kazadi Mpiana offre un apport de poids pour la jurisprudence congolaise dans l'application du droit international **La cour constitutionnelle congolaise face au contrôle de constitutionnalité des actes juridictionnels. Changement de position dans sa manière de juger** Obed Kongolo, 2022-12-07 Document de l'année 2022 dans le domaine Droit public Droit constitutionnel Droits fondamentaux langue Français résumé Dans son audience du 18 novembre 2022 la cour constitutionnelle congolaise a rendu plusieurs arrêts parmi lesquels celui qui a annulé le jugement sous n° 069 AERH 1976 rendu par le tribunal de commerce de la Gombe en date du 05 août 2022 L'annulation de ce jugement du tribunal de commerce a suscité tant d'interrogations sur la toile en ce sens que beaucoup soutiennent que la cour constitutionnelle a agi en dehors des compétences qui lui sont attribuées De ce fait dans ce présent travail l'auteur analyse cette division de la haute cour congolaise en la faisant confronter avec les normes juridiques en vigueur en matière de contrôle de constitutionnalité Die Demokratische Republik Kongo Kalala Ilunga Matthiesen, Ilunga Matthiesen Kalala,

Decentralization and Constitutionalism in Africa Charles M. Fombad, Nico Steytler, 2019-09-10 This collection of essays assesses the efforts of African governments to constitutionalise decentralisation be it in the form of federalism local government or traditional authorities Since the end of the Cold War jurisdictions across Africa have witnessed an ostensible return to multi-party democracy within the paradigm of constitutionalism and the rule of law Linked to the democratisation process many countries took steps to decentralize power by departing from the heavily centralized systems inherited from colonial regimes The centralization of power typically characterized by the personalization and concentration of power in the hands of leaders and privileged elites in capital cities mostly resulted in repressive regimes and fragile states As decentralisation is a response to these challenges this volume analyses the dynamic relationship between the efforts to implement decentralization and presence or absence of constitutionalism This volume examines a variety of forms and degrees of decentralization found across Africa It advances a new understanding of trends and patterns and facilitates the exchange of ideas among African governments and scholars about the critical role that decentralisation may play in democratization and constitutionalism in Africa Militär und Militärfürherrschaft in Schwarzafrica Günther Philipp, 1979

Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich, 1894 Schmollers Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft, 1894 **Schmollers Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reiche**, 1894 Annuaire officiel Belgium. Ministère des affaires africaines, 1840

Eglises et Etat en République démocratique du Congo Jean-Pacifique Balaamo Mokelwa, 2008-04-01 Il importe de se pencher sur la question religieuse au Congo dans le nouvel espace politique d'origine coloniale Dans l'histoire contemporaine la question religieuse a bouleversé les sociétés politiques traditionnelles africaines Cette étude fait merger le socle juridique sur lequel reposent les relations Eglise et Etat en RDC Elle contribue à clarifier la compréhension plus générale du problème de la r

gulation tacite des religions dans ce pays

Le régime consensualiste dans la constitution congolaise du 25 octobre 2015 Anatole Collinet Makosso,2017-01-15 Dans un ouvrage bien structuré et riche de droit constitutionnel appliquant l'auteur nous fait d'abord découvrir l'esprit de la constitution congolaise du 25 octobre 2015 avant de présenter partir d'un commentaire détaillé article par article les diverses institutions. Cet ouvrage est à la fois un guide et une référence pour la mise en place de ce régime consensualiste pour tous ceux qui croient au destin de l'Afrique en général et du Congo en particulier.

Manuel simplifié de logique adaptée au droit Frederick Babu,2025-06-24 Manuel simplifié de logique adaptée au droit offre une exploration approfondie des techniques essentielles qui régissent le raisonnement juridique. Il présente une analyse structurée. Il claire également les principes méthodologiques de l'argumentation démontrant comment le juriste fonctionne et structure ses discussions avec précision et cohérence. C'est un outil nécessaire pour quiconque souhaite maîtriser les subtilités du raisonnement juridique et affiner ses compétences argumentatives.

PROPOS DE L'AUTEUR Avocat et professeur des universités, Frederick Babu dispose d'une expertise solide dans divers domaines du droit. Auteur de plusieurs publications scientifiques, il a également signé deux ouvrages marquants témoignant de sa maîtrise et de son engagement dans la réflexion juridique.

La protection des droits de l'homme par le juge constitutionnel congolais Marcel Wetsch'Okonda Koso,2016-08-15 Depuis son institution en 1968, la Cour suprême de justice a exercé les attributions de juge constitutionnel, y compris celles de juge des libertés. L'objet de ce livre consiste à dresser le bilan à la fois quantitatif et qualitatif de cette juridiction en matière de protection de ces dernières. La première partie passe en revue les attributions de la Cour ainsi que son organisation et son fonctionnement, et la deuxième partie s'intéresse à la jurisprudence en matière de protection des droits de l'Homme.

Corruption and Constitutionalism in Africa Charles M. Fombad, Nico Steytler, 2020-03-12 This is an open access title available under the terms of a CC BY NC ND 4.0 International license. It is offered as a free PDF download from OUP and selected open access locations. This collection of essays focuses on the critical issue of corruption that lies at the heart of the crisis of constitutionalism in Africa. Most anti-corruption measures over the years have been inadequate, serving merely as symbolic gestures to give the impression something is being done. The African Union's declaration of 2018 as the African anti-corruption year belated though it may be, is an open recognition by African governments of the impact corruption will have on the continent unless urgent steps are taken. The key objective of this volume is to draw attention to the problem of corruption, the complexity of the situation with all its multi-faceted social, political, economic and legal dimensions, and the need for remedial action.

Les institutions constitutionnelles des États d'Afrique francophone et de la République malgache Gérard Conac, 1978-12-31T23:00:00+01:00 L'influence du constitutionnalisme en Afrique Noire n'est pas facile à apprécier. Certes, les constitutions ne sont qu'un moment parmi d'autres dans le processus de construction nationale et d'institutionnalisation des Etats, les idéologies, les organisations, les leaders, les influences extérieures interviennent pour limiter

leur port e ou selon les cas exploiter leurs virtualit s dans la vie politique et juridique de l Afrique ind pendante Mais s il est vrai qu il serait illusoire d interpr ter les textes en dehors de leur environnement socio politique il est utile de suivre avec r alisme les volutions constitutionnelles dans la mesure o elles correspondent des remises en cause des techniques des m canismes et des conceptions du pouvoir Le constitutionnalisme n gro africain ne semble pas appeler p rir m ri par l preuve il devient plus s lectif et plus pragmatique Soumis de nouvelles attractions id ologiques et subissant l influence du milieu il continue chercher sa voie Ses manifestations doivent tre interpr t es avec prudence Si certaines sont provoqu es par des r flexes de d fense de pouvoirs fragiles et menac s d autres correspondent un effort d innovation et un incontestable esprit d imagination Paradoxalement on peut dire que le fait constitutionnel africain est d autant plus int ressant pour le politiste qu il est plus mouvant Aussi sensible que fragile il enregistre les mutations politiques qui peuvent intervenir tant sur le plan interne que sur le plan international A l observateur averti qui sait percevoir leur signification les changements constitutionnels peuvent fournir des indices parfois tr s r v lateurs des aspirations et des rapports de forces des strat gies politiques des orientations id ologiques C est dans cet esprit qu a t pr par le pr sent ouvrage Les auteurs se r f rent principalement aux Etats francophones mais ils donnent fr quemment des informations sur les autres Etats Dans une perspective comparative ils pr sentent un bilan clair et tr s précis de l volution constitutionnelle de l Afrique Noire depuis son mancipation politique

Les pouvoirs constitutionnels du président de la République sous la Constitution congolaise du 18 février 2006 Me Clémentine Tsongo Mughole, 2017-07-10 Les principes constitutionnels en mati re de fonctionnement de diff rents r gimes institu s par la Constitution ontils jou leur r le au fil des ans En RDC le changement n est pas perceptible quant au fonctionnement r el des institutions Peu importe le r gime parlementaire institu par les lois fondamentales de 1960 ou le r gime mi figue mi raisin de la Constitution du 1er ao t 1964 dite de Luluabourg ou encore du r gime voulu pr sidentiel de la Constitution du 24 juin 1967 dont les modifications post rieures eurent le privil ge de remporter la prouesse de l exaltation du pouvoir personnel du chef de l Etat et m me dans le r gime dit semi pr sidentiel institu par la Constitution du 18 fvrier 2006 la constance de cette observation est rest e gale elle m me Par exemple le chef de l tat demeure la pierre angulaire du r el fonctionnement ou non des institutions politiques l o la Nation reste un projet fragile Et pourtant la supr matie constitutionnelle est le trait le plus vident des r gimes qui ont r ussi se consolider La pr minence du chef de l Etat entraîne la concentration s opposant ainsi la s paration des pouvoirs Par voie de cons quence l autoritarisme finit par tre institutionnalis et la suppression de toute forme des droits et libert s fondamentaux en devient ainsi la r gle

Sur les sentiers de la culture congolaise Sylvestre Ngoma, Dr. Macaire Munzele, Norbert Mputu, **L'ONU et l'affaire du Congo** Claude Leclercq, 1964-01-01T00:00:00+01:00 Tout le monde a encore l esprit les rebondissements de l affaire congolaise qui a co t la vie au secr taire g n ral des Nations Unies Dag Hammarskjöld et a mis en danger l Organisation Dans ce livre Claude Leclercq entreprend l tude politique et juridique de cette affaire qui a fait l objet des

interprétations les plus contradictoires Quel fut le rôle de l'ONU en Afrique Son action a-t-elle revêtu un caractère d'autonomie qui lui aurait permis de régner en Troisième Force Quelles transformations l'affaire pouvait-elle entraîner pour l'avenir de l'Organisation Tous ces problèmes sont analysés par l'auteur avec une parfaite objectivité et sur la base d'une documentation considérable Son ouvrage présente pour la première fois et sous tous ses aspects le dossier complet du drame congolais

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trimyristin consists of long saturated hydrocarbon chains and it is relatively nonpolar thus using a relatively nonpolar solvent trimyristin can be easily extracted by the concept of like dissolves like

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