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Protection of Right of Easement

The right of easement is a right in rem which provides the right of utilization from a good to the rightholder on that good. This right may be asserted to anyone because of being a right in rem. The right of easement contains the right of usage and usufruct (usus - abusus). The rights in rem are subject to principle of "numerus clausus", so parties may not create a new right in rem between them by agreeing.

These rights of easement are specified as right of habitation, usufructuary right, right of construction, resource right and other rights of easement in Turkish Civil Code. The use frame of the right of habitation, usufructuary right, right of construction and resource right is certain. But, saying that the rights of easement are numerus clausus is impossible because of not specifying how the other rights of easement is used according to some opinions in doctrine.

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Locations

TURKEY

