

Disappropriation of public property

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The expropriability of public goods has been a matter of lively controversy in all areas of legal inquiry: doctrine, jurisprudence and legislation have been, in this regard, adopting diversified solutions, in time and space, according to the designs that the philosophy of law or positive law itself (in its systematic view) have suggested, with multiple variants, to law cultists. The main objective of this monograph is to situate the problem, and to outline valid solutions for Brazilian law. But, because of the extent of interest that the matter arouses, it will often be essential to make references to historical law and comparative law, with a view to a clearer positioning of the conclusions that we will seek to establish. In principle, it is necessary to launch, albeit perfunctorily, some basic concepts, from which it will be possible to unfold the questions. The first one will be pertinent to the notion of public good.

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