

Annoté sous la direction de
Laurent LEVENEUR

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Kristin Boosfeld



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Contracts Between Ecclesiastical Entities According to Canon Law Joseph Clifford N. Ndi ,2018-08-28 Within ecclesiastical circles both from the perspective of legal practice and ordinary relational matters between ecclesiastical entities the theme of contract very scarcely occupies a place of prominence It is a situation that is due on the one hand and to a large extent to the fact that the canonisation of civil law on contracts c 1290 CIC 1983 has had the consequence of transferring the preoccupation of the entities on this matter to the domain of civil law Besides and still connected to the above is the tendency to attribute a merely pastoral relevance to their relationships with little or no reference to the juridic aspects inherent in these relationships It is a situation that is largely responsible for the crisis which do not uncommonly characterise some of these relationships as verified over the centuries particularly in the relationship between dioceses and religious institutes The issuance of various papal and conciliar exhortations before and after Vatican II as well as the normative instructions and legal provisions contained in various juridic documents most prominently cc 271 520 681 and 790 of CIC 1983 has gone a long way to dissipate some of the tensions of the past However the true nature of how the contractual relationship between ecclesiastical entities including the attendant issues of conceptual understanding civil status of ecclesiastical entities resolution of contractual disputes etc remains a matter of investigative interest for the canonist This is in a nutshell the substance of this research work The conclusions arrived at offer the reader an insight into the available untapped resources within the ecclesiastical legal system as well as some considerable possibilities which remain to be explored to the benefit of the subjects of canon law *The French Civil Code in the Free City of Cracow (1815-1846)*

Andrzej Dziadzio,Mateusz Mataniak,Piotr Michalik,2025-04-10 This book is a summary of the extensive research by the co authors on the validity and application of the 1804 French Civil Code in the Free City of Cracow 1815 1846 the Polish constitutional city state established at the Congress of Vienna From the wealth of case law and legal practice of the Cracovian Republic emerges a picture in which its inhabitants were consciously and consistently building the structure of a modern state As far as was possible amid the realities of post feudal society this state was already based on the rule of law One of the basic elements of this legal structure was precisely the Napoleonic Code which established the framework for the private law of the Free City and made it a very small but important part of European legal heritage *Système de l'obligation naturelle* Kouroch Bellis,2021-03-12 La notion d obligation naturelle passe assez inaper ue en doctrine Cette discr tion est due un courant doctrinal qui a estim qu il n y a pas de syst me rationnel de l obligation naturelle en droit fran ais Un tel syst me existe pourtant La tradition juridique fran aise est par essence jusnaturaliste de type humaniste et l obligation de droit naturel apparait tre le fruit de cette longue tradition Le syst me fran ais de l obligation naturelle repose sur l id e que certaines obligations de justice sont laiss es l appr ciation individuelle de son ventuel d biteur qui doit juger de la situation partir de sa conscience individuelle Sa reconnaissance individuelle est largement valable partir du moment o la

soci t accepte le principe de l obligation de justice en question mais ses effets d pendent de son ventuel caract re objectivement appr ciable en argent Ce syst me permet de comprendre et r soudre bien des difficult s qui mergent en pratique dans des domaines juridiques vari s *The Code Napoléon Rewritten* John Cartwright, Simon Whittaker, 2017-10-05 The provisions of the French Civil Code governing the law of obligations have remained largely unchanged since 1804 and have served as the model for civil codes across the world In 2016 the French Government effected major reforms of the provisions on the law of contract the general regime of obligations and proof of obligations This work explores in detail the most interesting new provisions on French contract law in a series of essays by French lawyers and comparative lawyers working on French law and other civil law systems It will make these fundamental reforms accessible to an English speaking audience Langzeitverträge Walter Doralt, 2018-06-21 English summary This book deals with problems of long term contracts a central field of research for economists but surprisingly less so for lawyers Building on the insights developed by economists it focuses on five problems of paramount importance for long term contracts good faith and fiduciary duties change of circumstances and force majeure including contract design risk distribution and renegotiation termination for cause and finally penalty clauses German description Deutschsprachige Juristen denken bei Langzeitverträgen meist an das Dauerschuldverhältnis für dessen Definition die Literatur allerdings auch nach gut 100 Jahren keinen Konsens hervorgebracht hat Während meist die Systematisierung im Vordergrund stand wurde nur selten untersucht welche Probleme einer gemeinsamen Systematisierung überhaupt bedürfen Dazu soll dieses Buch einen Beitrag leisten Auf den reichhaltigen Erkenntnissen der ökonomischen Literatur aufbauend werden fünf Problemfelder des geltenden Rechts vertieft untersucht Diese haben für Langzeitverträge exemplarische Bedeutung Treuepflichten Zulässigkeit und Grenzen ewiger Vertragsverhältnisse Geschäftsgrundlage Vertragsgestaltung Risikoverteilung Nachverhandlung Kündigung aus wichtigem Grund und Vertragsstrafen Rechtsvergleichende Ausblicke zum neuen französischen Schuldrecht und zum englischen Recht ergänzen die Untersuchung **Code civil 2016** France, 2015-08-27 Un ouvrage destin aux étudiants et aux professionnels Die Gesellschafternachfolge von Todes wegen unter der EuErbVO Jan Henrik Weischede, 2020-12-18 Auf der Grundlage des Regelungsregimes der EuErbVO entwirft Jan Henrik Weischede eine eigenständige Qualifikationsordnung die die Reichweite von Erb und Gesellschaftsstatut neu bestimmt und sich gegen den vorherrschend vertretenen Vorrang des Gesellschaftsstatuts wendet Er befasst sich mit dem EU primärrechtlichen Hintergrund der Gesellschafternachfolge von Todes wegen und untersucht im europäischen Rechtsvergleich die Sonderregeln die zwischen den Rechtsinstituten des Erbrechts und Prinzipien des Gesellschaftsrechts vermitteln Unter welchen Voraussetzungen gelangen die Sonderregeln des internen Rechts auch im internationalen Sachverhalt zur Anwendung Jan Henrik Weischede untersucht diese zentrale kollisionsrechtliche Frage und geht ihr in autonomer und primärrechtskonformer Auslegung der EuErbVO nach

Derechos reales en el derecho internacional privado de la UE Font i Mas, Maria, Serrano de Nicolás, Ángel, Vázquez

Moral, Pablo, 2024-11-03 El Derecho internacional privado está más presente que nunca en las escrituras públicas lo que obliga a los notarios y al resto de aplicadores del derecho a una formación continua en esta materia En esta obra el lector podrá encontrar respuesta a las muchas y variadas cuestiones que sobre esta materia se plantearon en las II Jornadas sobre derechos reales en el Derecho Internacional Privado en la UE Aspectos jurídicos prácticos desde la perspectiva notarial que se celebraron en el Colegio Notarial de Cataluña en el mes de junio de 2023 En estas Jornadas se trataron desde los temas más clásicos como la adaptación de derechos reales extranjeros a figuras equivalentes en nuestro ordenamiento o el reconocimiento de documentos públicos extranjeros a los más novedosos como el derecho de prenda de activos digitales y criptomonedas En suma esta obra constituye una herramienta de gran ayuda para cualquier jurista a la hora enfrentarse a las relaciones jurídicas reales con elementos transfronterizos Die Selbstbindung des Erblassers im deutschen und französischen Recht Fabian Laurent Schirmer, 2019-05-06 Ein Odium heißt es begleitet die erbrechtliche Bindung wie sie durch Erbvertrag oder Schenkung von Todes wegen durch den Erblasser selbst hervorgebracht werden kann Sie gilt sowohl im deutschen als auch im französischen Recht als eine Beschränkung der Testierfreiheit sodass von Freiheit auch dann gesprochen wird wenn dem Erblasser verboten ist eine erbrechtliche Bindung einzugehen Nicht nur das Verbot der Erbverträge im Code civil die prohibition des pactes sur succession future sondern auch die Vorgaben des BGB offenbaren hier ein restriktives Verständnis erbrechtlicher Privatautonomie Vor diesem Hintergrund wird in beiden Rechtsordnungen große Sorgfalt auf die diffizile Unterscheidung zwischen Vertragsfreiheit auf der einen und Ausübung von Testierfreiheit auf der anderen Seite gelegt d.h. die Abgrenzung von Rechtsgeschäften unter Lebenden und von Todes wegen Die vorliegende Arbeit wurde mit dem Fachbereichs Preis des Fachbereichs Rechtswissenschaften für das akademische Jahr 2017/2018 der Philipps Universität Marburg ausgezeichnet Das Utilitätsprinzip im System zivilrechtlicher Haftung Felix Berner, 2025-04-02 Die Lehren von der Statutenkollision Kristin Boosfeld, 2023-06-07 Die Frage welches Recht auf einen grenzüberschreitenden Sachverhalt Anwendung finden soll wurde schon im Mittelalter diskutiert Die Abhandlungen in denen Bartolus de Saxoferrato 1313/1357 die Konkurrenz der italienischen Stadtrechte Statuten erörtert sind in diesem Zusammenhang berühmt geworden In der frühen Neuzeit wurden sie in weiten Teilen Europas rezipiert und adaptiert Neuerungen lassen sich insbesondere in den französischen Lehren des 16. sowie in den niederländischen und deutschen Lehren des 17. Jahrhunderts feststellen Kristin Boosfeld erzählt die Geschichte der Lehren von der Statutenkollision als Deutungsgeschichte aus Raum und Recht Denn kollisionsrechtliche Überzeugungen müssen vor dem Hintergrund des Hoheitsbegriffs und der staatlichen und rechtlichen Strukturen zur jeweiligen Zeit am jeweiligen Ort gelesen werden Erst wenn klar ist welche Natur die Rechte haben die miteinander kollidieren lässt sich verstehen weshalb die französischen niederländischen und deutschen frühneuzeitlichen Juristen zwar an die bartolinische Lehre anknüpften sie aber an ihr individuelles Rechtsverständnis anpassten Dinglichkeit im europäischen Kollisionsrecht Joseph Rumstadt, 2024-03-14 In Europa ist man sich einig Das

anwendbare Sachenrecht folgt der Belegenheit der Sache *lex rei sitae* Infolge dieser vermeintlichen Einheitlichkeit sind die Vereinheitlichungsbemühungen der EU trotz der Bedeutung des internationalen Sachenrechts für den Binnenmarkt zurückhaltend Befragt man aber die mitgliedstaatlichen Rechtsordnungen was unter Sachenrecht oder einer Sache zu verstehen ist bleibt vom Gesamtbild einer faktisch harmonisierten Anknüpfungsregel wenig übrig Vor diesem Hintergrund lenkt Joseph Rumstadt den kollisionsrechtlichen Blick weg von den Objekten des Sachenrechts hin zu einem einheitlichen Mechanismus dinglicher Güterzuordnung Er entwickelt daraus einen übergreifenden im europäischen Recht verankerten Anwendungsbereich für ein internationales Sachenrecht für alle Vermögensgegenstände den er rechtsvergleichend erprobt von anderen Systembegriffen des europäischen IPR abgrenzt und schliesslich in konkrete Normtextvorschläge giesst *Die Kontrolle vertraglicher Ungleichgewichte zwischen Unternehmen* Leon Konstantin Dorn, 2021-03-12 Der Vertragsfreiheit ist die Gefahr ihres Missbrauchs immanent Die Idee der Richtigkeitsgewähr ist auch für B2B Verträge nicht mehr zwingend Anlässlich der französischen Vertragsrechtsreform von 2016 geht Leon Konstantin Dorn funktional und simultan rechtsvergleichend der Frage nach wie das neue französische und das deutsche Vertragsrecht in B2B Verträgen Inhaltskontrollen zum Schutz der benachteiligten Partei ermöglichen Dazu werden zwei praxisrelevante Konstellationen beleuchtet Die Verwendung von einseitig vorbestimmten unverhandelbaren Klauseln und der bewusste Missbrauch der Schwachsituation einer Partei Der Autor analysiert die Unterschiede und Gemeinsamkeiten der beiden Rechtsordnungen und leitet aus der französischen Lösung Inspirationsmöglichkeiten für die deutsche AGB Kontrolle sowie die Rechtsfigur des Wuchers bzw des wucherähnlichen Geschäfts her **PROVA UNILATERAL** TIAGO BITENCOURT DE DAVID, 2024-09-13 Tiago Bitencourt de David prop em estudar a prova unilateral como deve ser uma vez eu lhe disse que para mim não há prova unilateral mas provas unilaterais tal como as suas variáveis e por conseguinte seus efeitos Não um instituto que se contenta com tons de uma mesma cor nem uma cartela de cores e tons intermediários e neste oceano de múltiplas cores que a obra se desenvolve A prova não do juiz nem realizada apenas para o juiz este centro gravitacional equivocado paralisou por séculos a evolução do direito probatório A prova um direito fundamental das partes e há um dever poder instruído do juiz que não pode ser guiado por deliberações subjetivas genéricas e sem demonstração A parte produz prova não para o juiz mas para enriquecimento do acervo probatório e a partir deste demonstrar os elementos que sustentam sua versão da ocorrência dos fatos o que identificados passam a ser um direito de resposta jurisdicional vinculada e a argumentação das partes e o acervo probatório a sim são criticamente analisados e utilizados para o juiz tanto para valorar a prova como fundamentar sua decisão A leitura de prova unilateral um construir de conhecimento em que são postos a prova em meros conceitos e proposições mas com fundamentos seriamente lançados o autor dialogar com o leitor e de certo modo ainda que exponha suas posições instiga uma reflexão opinativa *O Contrato de Seguro entre a Liberdade Contratual e o Tipo* Maria Elisabete Gomes Ramos, 2023-06-13 Na era da revolução digital o Insurtech proporciona inúmeras soluções de gestão de riscos que conjugam

liberdade contratual com novas tecnologias como sejam o peer to peer insurance ou os seguros paramétricos. Neste quadro de inovação tecnológica e financeira o presente estudo interpela o artigo 1.º do Regime Jurídico do Contrato de Seguro dedicado ao conteúdo típico para o interrogar sobre o tipo legal de contrato de seguro tomando como fundamento o princípio da liberdade contratual. Porque o tema complexo a obra estrutura-se em três partes. A primeira identifica as fontes do contrato de seguro e questiona a relação entre a imperatividade e a não imperatividade na era digital. A segunda investiga e caracteriza o tipo legal do contrato de seguro. A última parte reflete sobre o contrato de seguro perante os desafios da inovação.

Direito do Seguro: Ernesto Tzirulnik, Paulo de Tarso Sanseverino, João Nuno Calvão da Silva, Inaê Siqueira de Oliveira, 2023-01-23. A Editora Contracorrente em parceria com a Editora Roncarati tem satisfação de anunciar a publicação do livro *Direito do Seguro*. II Congresso Internacional de Direito do Seguro. CJF STJ e VIII Fórum Jos Soltero Filho IBDS organizado pelos eminentes juristas Ernesto Tzirulnik, Paulo de Tarso Sanseverino, João Nuno Calvão da Silva e Ina Siqueira de Oliveira. O II Congresso Internacional de Direito do Seguro do CJF STJ em conjunto com o VIII Fórum Jos Soltero Filho reuniu diversos juristas e especialistas que discutiram de forma independente e crítica ideias voltadas para a consolidação de um Direito do Seguro verdadeiramente sintonizado com os objetivos republicanos direcionado para as necessidades brasileiras a proteção da vida pessoal e das atividades empresariais. Esta obra registra todo o conteúdo ministrado no encontro que foi transmitido ao vivo reuniu mais de 50 convidados de 13 países em 3 palestras magnas e 10 painéis. Nas palavras do Ministro Humberto Martins os meandros da sociedade complexa estão permeados de riscos e os seguros são inevitavelmente chamados a contribuir para a segurança de cada um de nós. E por que não se falar da coletividade. Assim o debate de matriz securitária deve ser dinâmico deve ser constante porque não bastassem os riscos corriqueiros há riscos velhos que surgem com novas roupagens e há riscos que aparecem sob novas modalidades.

Les fondamentaux de l'étudiant en droit Laurent Leveneur, Rémy Cabrillac, Frédéric-Jérôme Pansier, 2015-09-03. *Les fondamentaux de l'étudiant en droit* Frédéric-Jérôme Pansier, Laurent Leveneur, 2015-09-03. Code civil 2016 la référence des étudiants et des professionnels du droit avec la loi du 16 février 2015 de modernisation et de simplification du droit le règlement sur les successions internationales applicable aux successions ouvertes partir du 17 août 2015 un supplément spécial. *Forme du droit des obligations* la version eBook offerte. *Methodologie du droit pour réaliser les exercices pratiques* propositions commentaire d'arrêts cas pratique dissertation juridique commentaire d'article note de synthèse et petits ou grands oraux. *Petit guide de l'étudiant en droit* 2015-2016 conseils astuces et outils pratiques pour appréhender au mieux ses études de droit.

La cesión de crédito: entre las prerrogativas del acreedor y la tutela del deudor Anabel Riaño Saad, 2024-04-01. La cesión de crédito regulada en el Código Civil colombiano se encuentra influenciada por el derecho francés lo que justifica un estudio de derecho comparado entre los dos ordenamientos jurídicos. Seguramente el análisis predominante tanto en derecho francés como en derecho colombiano la cesión permitir a la transferencia de la obligación analizada desde un punto de vista del acreedor y en virtud de su naturaleza traslativa no implicar a ninguna

modificaci n para el deudor del cr dito cedido en ltimas la particularidad de la cesi n de cr dito ser a la de permitir la transferencia la obligaci n por su parte activa Sin embargo esta visi n merece ser revisada La obligaci n antes que nada es una relaci n jur dica en la cual los sujetos no son indiferentes El derecho de cr dito en cambio es no solamente un efecto de la obligaci n sino tambi n un bien incorporal Esta distinci n fundamental entre la obligaci n y el derecho de cr dito as como la relaci n que existe entre ambos explica la necesidad de que la cesi n sea analizada como la modificaci n unilateral de un v nculo jur dico y al mismo tiempo como una transferencia convencional de un bien incorporal A partir de esta doble naturaleza jur dica de la cesi n de cr dito se comprende mejor la calidad y la situaci n del deudor del cr dito cedido Igualmente el an lisis propues to permite un entendimiento m s claro de la relaci n entre las partes cedente y cesionario al igual que de la situaci n de los terceros

Das Ausschlagungsrecht in der Insolvenz Friederike Dorn, 2020-07-03 Erbschaften und Vermachtnisse des Insolvenzschuldners stellen fur die Glaubiger haufig die einzige Moglichkeit dar eine nennenswerte Befriedigungsquote zu erhalten In Deutschland ist der Schuldner jedoch sowohl im Insolvenz als auch im Restschuldbefreiungsverfahren frei die Erbschaft oder das Vermachtnis auszuschlagen Damit geht das deutsche Insolvenzrecht in Europa einen Sonderweg In der Gegenuberstellung mit dem franzosischen und dem niederlandischen Recht uberpruft Friederike Dorn den derzeitigen deutschen Ansatz auf seine Tragfahigkeit und entwickelt einen konkreten Reformvorschlag In Anlehnung an das franzosische Recht schlagt sie vor dem Insolvenzverwalter kunftig die Anfechtung der Ausschlagung zu ermöglichen Fur das Restschuldbefreiungsverfahren spricht sie sich fur die Einfuhrung einer Annahmepflicht des Schuldners aus

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