

Manuale Di Diritto Privato Torrente Schlesinger Pdf

Justifying Strict LiabilityI contratti atipiciA Aplicação do Código de Defesa do Consumidor aos Contratos Empresariais sob a Ótica da Análise Econômica do DireitoDiritto comparato della privacy e della protezione dei dati personaliManuale di diritto privato Marco Cappelletti Marco Martorana Jan Felipe Silveira Paolo Guarda Andrea Torrente

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the imposition of strict liability in tort law is controversial and its theoretical foundations are the object of vigorous debate why do or should we impose strict liability on employers for the torts committed by their employees or on a person for the harm caused by their children animals activities or things in responding to this type of questions legal actors rely on a wide variety of justifications justifying strict liability explores in a comparative perspective the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems two common law england and the united states and two civil law france and italy these justifications include risk accident avoidance the deep pockets argument loss spreading victim protection reduction in administrative costs and individual responsibility by looking at how these arguments are used across the four legal systems this book considers a variety of patterns which characterise the reasoning on strict liability the book also assesses the justificatory weight of the arguments showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally overall the book seeks to improve our understanding of strict liability to shed light on the justifications for its imposition and to enhance our understanding of the different tort cultures featuring in the four legal systems studied

il volume fornisce una disamina dei contratti atipici che negli ultimi anni hanno incontrato una importante diffusione nella prassi delle relazioni commerciali anche con riferimento a settori economici specifici in particolare l'opera si pone come obiettivo quello di fornire al lettore un valido strumento per la redazione dei contratti trattati mediante una attenta analisi delle pronunce giurisprudenziali e degli orientamenti dottrinali

esta obra tem por objetivo o estudo da aplicação do código de defesa do consumidor aos contratos celebrados entre os empresários a partir do ferramental teórico da

análise econômica do direito para tanto são abordados alguns reflexos da intervenção estatal na esfera privada como a análise econômica dos elementos legitimadores do dirigismo contratual bem como o estudo do papel econômico institucional do poder judiciário na formação de precedentes e na manutenção da estabilidade das relações de mercado a pesquisa parte da identificação das características intrínsecas dos contratos empresariais e dos contratos de consumo demonstrando seus pontos de intersecção de maneira dedutiva tendo em vista o grau de risco envolvido em cada relação contratual e a dicotomia existente entre a norma civil e a consumerista além da abordagem da dogmática contratual tradicional a obra apresenta conceitos introdutórios de microeconomia bem como analisa os contratos a partir de critérios desenvolvidos pela análise econômica por meio dos conceitos apresentados que abrangem a teoria contratual clássica e a teoria econômica são examinados pelo viés indutivo os reflexos da aplicação do código de defesa do consumidor aos contratos empresariais sob a ótica da análise econômica do direito assim é avaliada a atuação do poder judiciário a partir desse mesmo ferramental teórico fundamentalmente buscou se apontar fragilidades e inconsistências dentro dos critérios legitimadores da aplicação da norma consumerista aos contratos empresariais que contribuem para a relativização das avenças comerciais com vistas à formação de uma abordagem propositiva ao final são elencadas alternativas para a preservação dos contratos empresariais diante da possibilidade de aplicação da lei de consumo

questo volume si propone di esplorare le specificità della disciplina in tema di privacy e protezione dei dati personali offrendo un approccio olistico che fa dell'interdisciplinarità e della comparazione le necessarie chiavi di lettura per comprendere i fenomeni in atto fornire al giurista gli strumenti fondamentali per conoscere tali materie non è solo importante per introdurlo ad un ambito così innovativo del diritto ma diviene essenziale per consentire l'acquisizione di una corretta consapevolezza sui rischi che la società dell'informazione porta con sé

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