

MÉLANGES OFFERTS
À
ANDRÉ DECOCQ

LIBERTÉ

L'ORDRE DE LA PERSONNALITÉ

*UNE CERTAINE IDÉE
DU DROIT*

LEGITIMITÉ

DROIT PROGRESSIF

SÉQUESTRE

DROIT PÉNAL

CONTES ET FABLES

Melanges Decocq Une Certaine Idee Du Droit

Xavier Pin



Melanges Decocq Une Certaine Idee Du Droit:

Une certaine idée du droit Dominique Allix, 2004

White Collar Crime Katalin Ligeti, Stanislaw Tosza, 2018-11-29

White collar crime has expanded significantly over the course of the past two decades Yet not only as the amount of national and international legislation in the field grown but it has also endured changes driving it away from the classic criminal law These trends have been reflected in changes to national legislation not infrequently prompted by supranational law for example in the financial or the environmental sector New punishing regimes have emerged such as UN blacklisting smart sanctions civil asset forfeiture financial supervisory powers compliance law and anti money laundering laws Furthermore the role of administrative sanctioning law has been growing as well as the role of private actors in the enforcement of punitive sanctions The aim of this volume is to examine how various national criminal justice systems across Europe deal with the aforementioned challenges In the first part it takes a closer look at the following national systems France Germany Poland and Sweden Furthermore it compares the European approach with the American one as a source of inspiration for unresolved difficulties and future developments Further still the authors explore those challenging issues regarding the field of economic and financial crime including the Senior Managers Regime corporate criminal liability and whistle blowers protection Timely and pertinent this is an important new work in a fast moving field

Corporate Criminal Liability Mark Pieth, Radha Ivory, 2011-04-20

With industrialization and globalization corporations acquired the capacity to influence social life for good or for ill Yet corporations are not traditional objects of criminal law Justified by notions of personal moral guilt criminal norms have been judged inapplicable to fictional persons who think and act through human beings The expansion of new corporate criminal liability CCL laws since the mid 1990s challenges this assumption Our volume surveys current practice on CCL in 15 civil and common law jurisdictions exploring the legal conditions for liability the principles and options for sanctioning and the procedures for investigating charging and trying corporate offenders It considers whether municipal CCL laws are converging around the notion of corporate culture and in any case the implications of CCL for those charged with keeping corporations and other legal entities out of trouble

Islam and Political-Cultural Europe W. Cole

Durham, Tore Lindholm, 2016-05-06 Islam and Political Cultural Europe identifies the sometimes confusing and often contentious new challenges that arise in daily life and institutions as Islam settles deeper into Europe Critiquing past and recent assimilation efforts in the fields of education finance and security the contributors offer prospective solutions to diverse contemporary problems Exploring the interactions of Muslim Christian and secular cultures in the context of highly pluralized contemporary European societies this book offers a valuable tool for those within and outside Europe seeking to understand the far reaching implications of combining cultures the struggles of the Muslim Christian secular transition and the progress which the future promises

The Changing Role of SMEs in Global Business Alkis Thrassou, Demetris

Vrontis, Yaakov Weber, S. M. Riad Shams, Evangelos Tsoukatos, 2020-11-08 SMEs are significant job creators and drivers of

innovation and competition in most economic sectors Furthermore the traditional constraints of small and medium enterprises such as geographic operations are now being dissolved by technological developments This means that there are new opportunities for SMEs and their fundamental principles are being redefined the aims competencies strategy management practice and scope of these businesses are changing with wide ranging implications This is the first part of a two volume work that incorporates scientific chapters on SME business theory and practice Authors provide a balanced perspective of the present and future of SMEs across all business disciplines including management strategy marketing economics and finance While Volume II explores external issues such as contextual forces the effects of the financial crisis and macro economic effects this first volume focuses on the individual SME and internal issues such as innovation quality and digitization

Sharia, Muslim States and International Human Rights Treaty Obligations Nisrine Abiad, 2008 This research undertaken from a comparative perspective with a view to identifying any patterns followed by Islamic countries in making declarations and reservations to the main international human rights treaties measures and analyzes to what extent Sharia affects the ratification and implementation of human rights norms by Muslim States An analysis of the various roles of Sharia reveals different approaches in the use of Islamic considerations by Muslim States At an international level Sharia has always been used upon the ratification of international human rights treaties to limit the scope of the State s engagement Internally however some recent examples of legislative amendments and judicial activities demonstrate that Sharia is and can be used to achieve a better translation of human rights norms into domestic practice

Business for Sustainability, Volume II Demetris Vrontis, Alkis Thrassou, Leonidas Efthymiou, Yaakov Weber, S. M. Riad Shams, Evangelos Tsoukatos, 2023-11-25 This two volume edited work explores how businesses shape and are shaped by sustainability forces and phenomena Major global developments are inexorably being led by a sustainability agenda which in itself constitutes an integral part of business evolution And as context shapes content shifts in society have gradually given rise to new regulations new types of markets environmental excellence criteria for businesses new economic standards and a wide range of green technologies Reflecting the purpose of the series both volumes offer a cross section of multi disciplinary perspectives within business studies Volume 1 focuses on strategic and managerial approaches to sustainability in business including accounts on the historic origins of sustainability and its contemporary corporate sustainable models Volume 2 explores more contextually how business and social sustainability constitute indivisible and inextricable components of the same nexus Taken together they offer an original perspective on how businesses can help achieve the SDG goals and targets

Droit européen de la concurrence David Bosco, Catherine Prieto, 2013-10-16 La prohibition des ententes et des abus de position dominante a t le socle historique qui a permis dans la construction européenne d affirmer une culture de concurrence r solument tourn e vers la protection du bien tre collectif Qu il s agisse d ententes secr tes de techniques contractuelles pernicieuses d abus par pratiques d viction de concurrents m ritants ou d exploitations de rente de situation ce

droit traque les hausses des prix les cloisonnements territoriaux les limitations de la production les baisses de qualité et les confiscations de l'innovation

Intitulé Politiques de concurrence le premier titre développe les tenants historiques économiques et juridiques Le deuxième traite des éléments fondamentaux que sont la notion de pouvoir de marché et le champ d'application des articles 101 et 102 TFUE Les titres troisième et quatrième détaillent quant à eux les qualifications d'entente et d'abus de position dominante Enfin le dernier titre d'crit en profondeur la mise en œuvre procédurale du droit des ententes et des abus de position dominante dans la sphère publique public enforcement et dans la sphère privée private enforcement L'ouvrage s'adresse au monde universitaire et aux praticiens du droit de la concurrence magistrats membres des autorités européennes de concurrence avocats juristes d'entreprise et leur offre un exposé complet du droit des ententes et des abus de position dominante dans ses origines son actualité et ses évolutions pressenties tant la matière est en situation d'effervescence permanente

Droit pénal général sénégalais Papa Assane Touré, 2024-04-25 Le droit pénal général est l'ensemble des règles communes toutes les infractions la responsabilité et aux sanctions pénales Partant d'une démarche synthétique et spéculative cette discipline regroupe toutes les normes qui constituent le fonds commun toutes les infractions Grammaire de la langue pénale le droit pénal général est le résultat d'une approche de conceptualisation et de systématisation des solutions pénales ayant fait clore une théorie générale du droit pénal Cet ouvrage constitue le premier consacré au droit pénal sénégalais qui a pour source normative principale la loi n° 65-60 du 21 juillet 1965 portant Code pénal plusieurs fois modifiée et clarifiée par les décisions des cours et tribunaux ainsi que par les analyses de la doctrine Ce tome aborde la principale technique du droit pénal savoir l'infraction pénale c'est-à-dire la théorie générale de l'infraction la lumière des dernières formes pénales Il s'agit notamment de la loi n° 2020-28 du 07 juillet 2020 modifiant le Code pénal de la loi n° 2021-32 du 23 juillet 2021 modifiant le Code pénal et de la loi n° 2021-34 du 23 juillet 2021 modifiant le Code de procédure pénale créant une nouvelle catégorie d'infractions relatives à la criminalité organisée

Bibliographie internationale annuelle des mélanges, 2006 **Droit pénal des affaires. 13e éd.** Michel Véron, Guillaume Beaussonie, Marie-Anne Frison-Roche, 2022-12-08 Le droit pénal des affaires ne représente plus seulement un droit pénal très spécial dont il apparaît simplement difficile de fixer le périmètre précis au-delà d'un noyau dur peu polémique appropriations frauduleuses blanchiment corruption faux et infractions du code de commerce du code monétaire et financier et du code de la consommation Le développement de règles générales ou jurisprudentielles communes toutes les infractions concernées de fond ex responsabilité des décideurs comme de procédure ex création du parquet national financier a fini par en faire un droit spécifique qui s'inscrit autant au sein du droit pénal que d'ordinaire au sein d'un ensemble plus large de règles préventives ou répressives dont l'objet est de lutter contre la délinquance d'affaires ex répressions administrative et civile compliance La maîtrise du droit pénal des affaires nécessite alors de ne plus se contenter de l'étude de différentes infractions Il semble effectivement indispensable non seulement d'appréhender en plus ces règles pénales communes qui s'y appliquent mais aussi de connaître différentes règles non pénales qui aujourd'hui les

accompagnent avec plus ou moins de cohérence L'objet de cet ouvrage est de présenter dans un format qui demeure accessible l'ensemble de ces règles en donnant leur garde tous les éléments indispensables la compréhension de leur sens et de leur articulation L'ambition est ainsi de livrer au lecteur les connaissances qui lui permettent de développer une culture générale de la lutte contre la délinquance d'affaires et de percevoir la place occupée par le droit pénal au sens strict dans ce système plus large comme de trouver des réponses la plupart des interrogations précises que cette lutte peut susciter Autrement dit il s'agit de livrer un vade mecum construit pour tous ceux qui étudient et qui pratiquent le droit pénal des affaires **A**

Responsabilidade Penal Da Pessoa Jurídica Tracy Joseph Reinaldet, 2015-02-17 Quais são as pessoas físicas que podem perpetrar uma infração em nome de uma empresa Quais são as modalidades de participação de uma companhia em um delito Qual a natureza da responsabilidade penal da pessoa jurídica O que significa a expressão no interesse ou benefício da sua entidade Essas e outras questões são objeto de estudo do livro A Responsabilidade Penal da Pessoa Jurídica do pesquisador Tracy Reinaldet Pelo tema de destacadas discussões no Direito Penal por conta de seu campo de atuação sua forma de aplicação e sua harmonia com os princípios clássicos da dogmática criminal a obra de Tracy Reinaldet atrai o interesse desde professores estudantes e profissionais da área de direito e processo penal empresários e colaboradores ligados a pessoas jurídicas Por intermédio de um estudo comparado entre Brasil e a França o autor aborda em um primeiro momento o campo de atuação discutindo quais são os entes morais passivos de responsabilização e quais são as infrações a eles imputáveis bem como as variantes de participação da corporação na empreitada delitiva Em um segundo momento a obra discute a forma de aplicação de tal responsabilidade tratando das pessoas capazes de engajar a responsabilidade penal e do mecanismo de imputação do ilícito ao encontro do ente moral Assim o presente livro fornece ao seu leitor um panorama geral da responsabilidade penal da pessoa jurídica no Brasil e na França abordando questões práticas técnicas e doutrinárias do mencionado instituto dentro do cenário franco brasileiro **Los contratos como fuente de**

normas Olivier Soro Russell, 2014-01-01 Hasta qué punto son hoy los particulares libres para crear la herramienta contractual más idónea para lograr la satisfacción de sus necesidades e intereses Qué pueden tener en común figuras tan distintas como un convenio de creación de una joint venture un contrato de franquicia o las capitulaciones matrimoniales Se encuentra adaptada la clásica teoría general del contrato a la práctica contractual del siglo XXI El estudio en profundidad del denominado contrato normativo propuesto en la presente obra aporta elementos de reflexión a estas y otras cuestiones trascendentales del Derecho Privado de la Contratación Reconstruida a partir del análisis en profundidad de la teoría y de la práctica jurídica la noción de contrato normativo como negocio de naturaleza cooperativa podrá constituir el puente hacia una nueva y sugerente manera de concebir el contrato No en vano como parece deducirse del estudio de los clausulados de sus principales manifestaciones prácticas a menudo el contrato es más que un simple medio para organizar un intercambio de bienes y servicios un poderoso instrumento de regulación de la realidad y del comportamiento humano En definitiva si por un

lado en el presente ensayo el autor pretende poner remedio a una situación de gran incertidumbre existente en relación con el llamado contrato normativo por el otro también invita a la comunidad jurídica a reflexionar serenamente acerca del papel que desempeña el contrato en la sociedad actual Droit pénal général 2020 - 11e éd. Xavier Pin, 2019-10-02 Cet ouvrage en propose l'étude du droit pénal général travers trois grands principes fondateurs le principe de la légalité criminelle le principe de la culpabilité et le principe de la personnalité La première partie est consacrée à la loi pénale son interprétation et son application dans le temps et dans l'espace La deuxième partie définit l'infraction comme un fait typique et illicite et en dresse une théorie originale axée sur sa qualification puis sur son imputation Enfin la troisième partie décrit les peines et les mesures de sûreté ainsi que les règles qui gouvernent leur prononcé et leur exécution Ce Cours sera jour de la loi de programmation 2018-2022 et de réforme pour la justice Y seront ainsi développées la modification des peines correctionnelles l'impossibilité du prononcé d'une peine d'emprisonnement sans sursis en dernier recours l'instauration de la motivation du choix de la peine la création d'une mesure unique de probation et d'une peine autonome de détention domicile sous surveillance électronique le travail d'intérêt général Ce Cours est destiné non seulement aux étudiants de licence ou de master mais aussi tous ceux qui préparent des concours ainsi qu'aux praticiens souhaitant rapidement actualiser leurs connaissances Kritik starrer Mindeststrafen Alix Giraud-Willer, 2021-06-28 Alix Giraud-Willer untersucht die Berechtigung starrer Mindeststrafen auf rechtsvergleichender Basis Sie schränken den Entscheidungsspielraum des Richters bei der Strafzumessung erheblich ein Absolute Strafen eine extreme Ausprägung starrer Mindeststrafen schliessen einen richterlichen Entscheidungsspielraum im Grundsatz sogar gänzlich aus Während das deutsche Strafrecht starre Mindeststrafen einschliesslich absoluter Strafen vorsieht nahm das französische Recht von starren erhöhten Mindeststrafen inzwischen Abstand Die Autorin untersucht die Wechselwirkungen zwischen gesetzlicher Fixierung hoher Strafen Reaktionen der Strafpraxis und gesetzlicher Lockerung der Strafdrohungen in beiden Rechtsordnungen Durch ihren Blick auf zwei Jurisdiktionen bietet sie Erklärungsansätze für bestimmte Erscheinungen des geltenden Sanktionenrechts sowie Denkanstösse für seine Reformierung an **O Nexo de Causalidade na Responsabilidade Delitual - Fundamento e Limites do Juízo de Condicionalidade** Rui Soares Pereira, 2023-06-28 A obra corresponde a uma dissertação que tem por objecto dois aspectos considerados absolutamente relevantes para a temática do nexo de causalidade o fundamento e os limites do juízo de condicionalidade os quais não ter o sido pelo menos na responsabilidade civil delitual ainda suficientemente explorados ou esgotados O juízo de condicionalidade essencial para a responsabilidade jurídica uma vez que através dele que se realiza o esclarecimento da conexão causal entre factos ou eventos concretos que torna possível a emergência de um problema de responsabilidade no chamado contexto atributivo de responsabilidade O referido juízo não sendo meramente extrajudicial recebido e moldado pelo direito de acordo com as suas próprias finalidades e tendo em consideração as exigências decorrentes da sua autonomia Apesar de existirem limites ao juízo de condicionalidade tais limites devem ser repensados e redimensionados e com o auxílio de outros ramos do saber ser possível

vel identificar e porventura solucionar novos domínios problemáticos relativamente ao tema do nexo de causalidade. As perspectivas de optimização do chamado modelo de condicionamento ou condicionalístico que foram apresentadas ao longo da obra desempenham nesse particular uma função importante. No que respeita à prova do nexo de causalidade, a natureza particularística da prova a conjuga a dessa natureza com a prova científica e com uma interpretação probabilística da prova e o recurso generaliza. Os causais mostram-se compatíveis com as referidas perspectivas de optimização e aparentam justificar tal como se defende na obra o recurso a uma teoria argumentativa narrativa de prova.

Intérêt général et concurrence
 Guylain Clamour, 2006. *L'État musulman, entre l'idéal islamique et les contraintes du monde temporel*. Marie Claret de Fleurieu, 2010. C'est autour de la structure juridique de l'état que les relations aussi bien internationales qu'interpersonnelles sont aujourd'hui articulées dans un contexte fortement marqué par l'hypothèse rebattue d'un retour du religieux dans la marche du monde. Le but de cette étude est de confronter ces deux éléments spirituel et temporel. Il s'agit en effet de déterminer l'impact réel de l'islam sur le droit constitutionnel des états qui précisément déclarent fonder toute leur organisation sur son message sacré. Or, comme le montre bien l'examen approfondi des exemples emblématiques choisis (Arabie Saoudite, Iran et Égypte), l'état musulman est loin d'être exclusivement déterminé par le seul but spirituel qu'il affirme poursuivre. L'impact de l'islam sur son droit constitutionnel se révèle ainsi n'être finalement que relatif.

Recueil Le Dalloz, 2005. **Collected courses of the Hague Academy of International Law**. Hague Academy of International Law, 2006.

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