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Index to Foreign Legal Periodicals ,1980 *Beschouwingen over het zgn. 'vulgaire' Romeinse recht* Kop,2024-11-18

Oude zakelijke rechten, vroeger, nu en in de toekomst Ketelaar,2024-08-19 Voordeelsafgifte en ongerechtvaardigde verrijking mr. dr. J.G.A. Linssen,2001-10-01 Voordeelsafgifte is een relatief onbekende rechtsfiguur in het Nederlandse privaatrecht In diverse andere landen is er veel literatuur en rechtspraak over voordeelsafgihe Dit geldt met name voor Duitsland De Duitse literatuur en rechtspraak worden in deel 1 van deze studie beschreven en geanalyseerd In deel 2 wordt aandacht besteed aan het Nederlandse recht Daarbij wordt soms ook verwezen naar ontwikkelingen in Zwitserland Engeland Frankrijk en de Verenigde Staten In deel 3 van deze studie ontwikkelt de auteur mede op basis van de bevindingen in de eerste twee delen een zelfstandig en van het schadevergoedingsrecht ontkoppeld systeem voor de verplichting tot voordeelsafgifte Hij baseert dit op het leerstuk van de ongerechtvaardigde verrijking De ongerechtvaardigde verrijking zoals in 1992 geregeld in artikel 6:212 BW wordt kritisch besproken en op diverse punten worden fundamentele wijzigingen voorgesteld Het schadevergoedingskarakter van het Nederlandse verrijkingsrecht wordt verworpen evenals bijvoorbeeld de opvatting dat een actie uit ongerechtvaardigde verrijking een restactie of subsidiair hulpmiddel is Volgens de auteur gaat het in het verrijkingsrecht om afgihe van het concreet of abstract begrote voordeel dat is verworven door bijvoorbeeld het

gebruiken uitoefenen of exploiteren van aan een ander voorbehouden rechten en bevoegdheden Geconcludeerd wordt onder andere dat het Nederlandse verrijktingsrecht langs deze weg een dynamische werkingssfeer verkrijgt waarmee kan worden ingespeeld op de maatschappelijke en juridische ontwikkelingen rond beschermenswaardige en aan een rechthebbende voorbehouden rechten en bevoegdheden **De zakelijke borgtocht naar Belgisch recht** Raf Van Ransbeeck, 2005

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