

INLEIDING IN HET NEDERLANDSE RECHT

mr. J.W.P. Verheugt

Bewerkt door:

mr. M. Eding

mr. C.E. Huls

mr. dr. B. Roorda

Inleiding In Het Nederlandse Recht

J. W. P. Verheugt, B. Knottenbelt



Inleiding In Het Nederlandse Recht:

Inleiding in het Nederlandse recht J.W.P. Verheugt, 2013 **Fundamental Rights, Contract Law and the Protection of the Weaker Party** Olha O. Cherednychenko, 2007 Recoge I The relations between fundamental rights and private law against the background of the public private divide II The protection of the weaker party against risky financial transactions by means of fundamental rights Synthesis and assessment **Inleiding in het Nederlandse recht**, 2009 Dit is het e book uittreksel behorend bij het boek Inleiding in het Nederlands recht 12e druk ISBN 9054543264 van Mr J W P Verheugt Uittreksels van StudentsOnly bieden je een goede manier om de stof uit het boek nog sneller en makkelijker onder de knie te krijgen Ze geven beknopt in ca 10% van het aantal pagina s van het boek een compleet overzicht van alles wat belangrijk is In het uittreksel wordt regelmatig naar pagina s paragrafen tabellen of figuren in het boek verwezen het is dan ook moeilijk te gebruiken zonder het boek maar des te beter samen met het boek Bron Flaptekst uitgeversinformatie Ars Docendi et Scribendi: Essays in honour of Johan Scott Edited by the Faculty of Law, University of Pretoria, Ars Docendi et Scribendi Essays in honour of Johan Scott Edited by the Faculty of Law University of Pretoria ISBN 978 1 920538 76 7 Pages 243 Print version Available Electronic version Free PDF available About the publication Festschrift a collection of articles by the colleagues former students etc of a noted scholar published in his or her honour During his travels abroad Johan Scott built up a wide network of international scholars who over time became a valued circle of friends many of whom spent enriching moments in his company and who contributed to this Festschrift Contributors were requested to write in their home language and furthermore to submit their contributions for publication in other journals worldwide specifically accrediting this Festschrift in order to expand access worldwide to the wonderful contributions written in honour of our colleague Great scholars like Johan never retire They might go fishing more than they could in the past but his calling of being a true teacher will never fade Scholars like Johan understand that the present and the future are inevitably linked to the past and although education depends on talent and performance it should always serve to build character and a vision for future generations Table of Contents Dedication Acknowledgments Publications of Johan Scott Essays Sessie en subrogasie Susan Scott Revisiting the maxim imperitia culpa adnumeratur in context of medical negligence can the maxim be extended to include the application of luxuria Pieter Carstens The Omissions in Oppelt Duard Kleyn Emile Zitzke Skeepshouer geboue roerend of onroerend I Knobel Wrongfulness derailed or on track Johann Knobel Fremdsprachige Rechtsbegriffe und Auslegung von internationalen Vertr gen Gabriele Koziol Die actio de deiectionis vel effusis in S dafrika und sterreich Helmut Koziol Wien Graz Die regsrelevansie van owerspel quo vadis Johann Neethling Johan Potgieter Die impak van die Nasionale Kredietwet op die Sakereg en Saaklike Sekerheid JM Otto How the European Court of Human Rights changed the life of surrogacy children Prof Dr Walter Pintens De Nederlandse Natuurschoonwet voorbeeld voor Zuid Afrika Prof Sebastiaan Roes Borgstelling saaklike sekerheidsregte n die verpligtinge van n medehoofskuldenaar n werklik merkwaardige uitspraak

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The Juridification of Business Ethics Bart Jansen, 2023-08-25 This book provides a theory of the juridification of business ethics Ethical codes pop up everywhere in the business world and increasingly resemble the code of law A focus on compliance rather than reflection becomes the norm Legal perspectives replace ethical perspectives turning ethicists into lawyers without a law degree This juridification of business ethics conceals a diminishing trust in ethics as legal reasoning substitutes philosophical thinking By appealing to the critical study of law Bart Jansen advocates for a renewed focus on the ethical side of business This book shows the importance of a good balance between law and ethics in business and is of great interest to both academics and professionals

Governance in Modern Society Oscar van Heffen, Walter J.M. Kickert, Jacques J.A. Thomassen, 2013-03-09 This book is the immediate result of the co operation of a great number of scholars in the Netherlands Institute of Government NIG NIG is an interuniversity research school As such it has a double task In addition to offering a Ph D program to students in Public Administration it also is a research institute in which a great number of scholars from seven Dutch universities participate and work on a common research program The chapters in this book are all products of the research program that started in 1995 This program had the ambition to explore the frontiers of the discipline in two respects First by studying a number of recent developments in society and their consequences for the functioning of government These consequences can be summarised as the development of a system of multi level and multi actor governance Second by contributing to the knowledge of institutions both by studying what factors are most important in the formation and change of institutions and by studying the effects of institutions on the behaviour of actors in different political and administrative settings Most contributions to this volume either have their origin in conferences organized by the NIG or were published as an NIG working paper We are grateful to Marcia Clifford and Connie Hoekstra who prepared the final version of the manuscript to Ian Priestnall who took care of the language editing and to an anonymous reviewer whose comments were gratefully used

Due Process as a Limit to Discretion in International Commercial Arbitration Franco Ferrari, Friedrich Rosenfeld, Dietmar Czernich, 2020-09-25 The absence of a coherent body of case law on due process has increasingly motivated recalcitrant parties to use due process as a strategic tool thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings Countering this inherent danger here for the first time is a comprehensive study on due process as a limit to arbitral discretion showing how due process applies in practice in key jurisdictions around the world Based on country reports prepared by leading arbitration practitioners and academics the

book explores how courts in major arbitration jurisdictions apply due process guarantees when performing their post award review The contributors driven by an interest in exploring the interplay between due process and efficiency focus on those due process guarantees that set limits to arbitral discretion Matters covered include the following the right to be heard and how it may be affected by submission deadlines evidentiary offers by the opposing party and directions to the parties as to which aspects require further pleading the right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party the duty to effect proper notice including delivery and language issues the independence and impartiality of arbitrators with a focus on when an arbitrator s conduct can become the basis for a successful challenge and courts standards of deference when examining issues arising at the post award stage An introductory general report thoroughly analyses the normative basis of due process and its interplay with party autonomy as well as applicable standards of review and commonalities among manifestations of due process across jurisdictions A signal contribution to the debate regarding the so called due process paranoia affecting arbitral tribunals a topic relevant in every single arbitration proceeding this book provides practical guidelines on how to maintain the balance between due process and efficiency and how to apply due process and counteract its misuse in arbitration proceedings It will be welcomed by counsel arbitrators and judges from all countries as well as by academics and researchers concerned with international commercial arbitration

Judicial Sales of Ships Lief Bleyen, 2015-12-16 This work focuses on a specific aspect of the enforcement of maritime claims namely judicial sales of ships a procedure creditors typically resort to in the event of an irreversible default situation A substantial part of the book approaches the topic from a comparative perspective the goal being to assess the similarities and differences of the judicial sale procedure between three specific jurisdictions Belgium the Netherlands and England Wales In this study the comparison is used to further analyse the impacts of these differences on the effectiveness and reliability of the judicial sale procedure in each jurisdiction and also forms the basis for assessing the feasibility of harmonising judicial sale procedures and fostering their acceptance

Considering the international character typical of judicial sales of ships conflict of law questions are very likely to arise during these procedures Accordingly the comparative study where appropriate is viewed against a private international law background

International Legal Personality Fleur Johns, 2017-07-05 Who or what is entitled to act on the international plane Where should responsibility for violations of international law lie What sort of entities are capable of possessing international legal rights What is the status of individuals minority groups non governmental bodies international organisations and animals in the international legal order and how has their status shifted over time International Legal Personality contains fourteen articles that address these and related questions In historical and contemporary writings international lawyers grapple with the nature of legal identity and confront global distributions of authority and responsibility as they explore who or what is a person in the international legal order These essays document the emergence of an

international legal order increasingly conceived in terms of patterns and probabilities rather than as the stagecraft of a small company of permanent players Recht van kabels en leidingen (Nederlands Recht) A.R. Klijn, 2009 *Inleiding in het Nederlandse recht* J. W. P. Verheugt, B. Knottenbelt, 1994 **Aristotelian Protestantism in Legal Philosophy** Liesbeth Huppes-Cluysenaer, 2022-01-01 This book contains the first time English translation of the main work of Paul Scholten the General Method of Private Law The introductory article analyzes Scholten's view in contrast with a particular combination of Comte's centralizing optimization program and Neo Kantian Idealism which is still dominant in political philosophy Comte's sociology and Scholten's Jurisprudentialism are not presented here in the well known opposition of Sein and Sollen but by showing how their different views on scientific method are grounded in opposite views on the philosophical political and ethical meaning of human action Neo Kantianism adheres to Comte's view while Scholten adheres to the Aristotelian view as it had developed in Christianity and had provided the protestant foundation of the Dutch Republic in the seventeenth century Comte attacks Aristotelian Protestantism which he characterizes as the metaphysical stage of the Western development of state negative protestant constitutional and juridical Scholten's views oppose the inherent trend towards centralization in Comte's program to cover all aspects of optimization for the best of all ever better That branch of political philosophy not only has shaky foundations in scientific method but also has reached its boundaries of operational applicability Scholten's views oppose the emphasis in Comte's program on a unified general will and stress the need for accepting the existence of deeply conflicting philosophies of life in society This has consequences for the organization of democracy regarding independence of specialized agencies the role of civil society and the voting system It not just holds for the state level but also for Unions and supranational organizations The legal system plays a key role in this development Scholten's views and activities have had great posthumous impact for the reconstruction of society and politics in the first years after World War II They contributed to the collaboration between the different denominations in the Protestant church opened up the social democratic party to different denominations and helped develop the cooperation of different Christian parties leaving the cleavages of the pre war political spectre behind Authors and open reviewers who have contributed to the DPSP project have a broad international background apart from the Netherlands Finland Germany Austria France Italy United Kingdom Brazil United States and Indonesia Indonesia plays a substantial role in the book as Scholten played a main role in setting up the legal education system in what was then the Netherlands Indies Chapters 1 Paul Scholten Aristotelian Protestantism in Dutch Legal Philosophy Liesbeth Huppes Cluysenaer p 1 2 Paul Scholten's Life Rogier Chorus Liesbeth Huppes Cluysenaer Jacqueline Schoonheim p 28 3 General Method of Private Law English translation of the First Chapter of the General Volume of the Asser serie on Dutch Civil Law written by Paul Scholten Liesbeth Huppes Cluysenaer Marjanne Termorshuizen Arts Cassandra Steer Paul Scholten p 37 4 Jumping Judges Judicial Discovery of Law Niels van Manen p 225 5 From a Legal Order to a Legal System Scholten's Contribution to a Theory of Legal Change Jean Louis Halp rin p 249 6 Law and Context Scholten

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rights concepts and structure in the new European private law *Bestuursvraagstukken* ,1949 **Decent Flexibility** Dr Fred C. A. van Haasteren,2017-07-30 Within the context of social law temporary agency work has always been subject of debate The pursuit of more flexible forms of labour is at odds with maintaining decent labour relations For that reason ever since it was established the UN organisation for labour issues ILO has focused on private work placement In its early years it tended to prohibit or severely restrict private work placement but gradually it came to acknowledge that for instance temporary agency work had positive aspects and that a total ban was pointless In 1997 this culminated in ILO convention 181 which was widely supported This did not end the debate on non standards forms of paid work Which forms of work can be considered decent How do they relate to human rights What are the effects of globalisation In the European context too cross border temporary agency work has attracted extensive attention Lastly the Netherlands has its own unique form of public private regulation The guiding principle in this book is whether Convention 181 still has value in this day and age What are the developments in temporary agency work in the social domain How do they relate to the wide range of flexible work forms that are increasingly catching up with temporary agency work Decent flexibility is the challenge Dr Fred van Haasteren 1949 started his career as a scientific associate at the Society and Enterprise Foundation SMO From 1978 onward he worked in the Dutch temporary agency sector In 1982 he became a board member of Randstad Nederland in 1991 he became Vice President of Randstad Holding Among other things he was also President of the platform of European temporary agency employers and of the global temporary agency employer umbrella organisation CIETT He is still a board member of the Dutch Labour Standards Foundation SNA and an independent member of the NCP OECD The social policy pursued by temporary employment agencies has always been at the centre of his activities Brinkman's catalogus van boeken en tijdschriften ,2001 With 1901 1910 1956 1960 Repertorium is bound Brinkman s Titel catalogus van de gedurende 1901 1910 1956 1960 Title varies slightly **The Dynamics of Judicial Proof** Marilyn MacCrimmon,Peter Tillers,2012-12-06 Fact finding in judicial proceedings is a dynamic process This collection of papers considers whether computational methods or other formal logical methods developed in disciplines such as artificial intelligence decision theory and probability theory can facilitate the study and management of dynamic evidentiary and inferential processes in litigation The papers gathered here have several epicenters including i the dynamics of judicial proof ii the relationship between artificial intelligence or formal analysis and common sense iii the logic of factual inference including a the relationship between causality and inference and b the relationship between language and factual inference iv the logic of discovery including the role of abduction and serendipity in the process of investigation and proof of factual matters and v the relationship between decision and inference

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