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Sistema de Derecho comparado y global : de las familias jurídicas mundiales al nuevo Derecho común

By Antonio Sánchez Bayón; Antonio Sánchez Bayón; Ana María Ovejero Puente; Blanco Valdes, Roberto

Editorial Tirant Lo Blanch, 2012. Condition: New. Con la globalización, vivimos una época de profundas transformaciones. A efectos prácticos, gracias a las tecnologías de la información y comunicación, las diversas culturas mundiales (con sus formas jurídicas) tienen la posibilidad de entrar en contacto, lo que exige de un acertado comparativismo, que evite conflictos y facilite entendimientos. Desde un enfoque más analítico y académico, cabe advertir que se está viviendo un periodo de transición entre una época en declive dominada por los Estados-nación con su positivismo formalista de coacción, y el auge de otra, que aspira a una comunidad global (en interdependencia solidaria), con ayuda del Derecho Comparado y Global (DCG): no se trata de lege ferenda, ni mero soft-law, sino un positivismo sistémico, en forma de red de redes regulatorias, que se extiende desde las organizaciones internacionales hasta los entes locales y los particulares, interactuando sin tantos límites espacio-temporales. El DCG, como realidad histórica de relaciones entre Ordenamientos se remonta al origen mismo de la tradición occidental (e. g. Biblia, IHada), observándose las conexiones entre el Derecho divino, natural y humano o positivo -y evidenciándose el caos que trae su no contemplación-. Como ciencia y disciplina, aparece con el inicio...



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