

Cours Elementaire Des Codes Penal Et Dinstruction Criminelle

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this volume addresses an important historiographical gap by assessing the respective contributions of tradition and foreign influences to the 19th century codification of criminal law more specifically it focuses on the extent of french influence among others in european and american civil law jurisdictions in this regard the book seeks to dispel a number of myths concerning the french model s actual influence on european and latin american criminal codes the impact of the napoleonic criminal code on other jurisdictions was real but the scope and extent of its influence were significantly less than has sometimes been claimed the overemphasis on french influence on other civil law jurisdictions is partly due to a fundamental assumption that modern criminal codes constituted a break with the past the question as to whether they truly broke with the past or were merely a degree of reform touches on a difficult issue namely the dichotomy between tradition and foreign influences in the codification of criminal law scholarship has unfairly ignored this important subject an oversight that this book remedies

the title of this work illustrates the two difficulties which the chosen theme poses difficulties which arise from the confrontation between collective and individual interests on the one hand

the criminal process is based on the protection of society on the other hand human rights implies respect for all individuals implicated in that process be they victim witness or accused a third difficulty arises in relation to the new influence of european law while the right to judge has long appeared to be the most obvious indication of national sovereignty it is now subject to supranational control and a state can be censured by the european court of human rights part one of this volume analyses the period of reform in various eastern and western european countries part two explores the debate among jurists historians sociologists and philosophers on the subject of the criminal trial in a democratic society finally part three reflects on the issue within the context of the european community and the european council and explores the question of a future model for the european criminal trial professor mireille delmas marty teaches at l université de paris i panthéon sorbonne and is a member of l institut universitaire de france she is the editor of the european convention for the protection of human rights international protection versus national restrictions martinus nijhoff publishers 1992

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this essential resource provides students with an introduction to the rules and principles of criminal procedure law this text uses a case study approach to help students develop the analytical skills necessary to understand the origins context and evolutions of the law concentrates on us supreme court decisions interpreting both state and federal constitutions and introduces students to the reference materials and strategies used for basic legal research

reprint of the original first published in 1883

professeur chercheur directeur de centre doyen et recteur yves pouillet s est illustré dans toutes les étapes et fonctions d une carrière universitaire bien remplie marquant des générations d étudiants de chercheurs de collègues et de pairs spécialiste éminent et incontournable du droit de l internet et des technologies de l information et de la communication il en est aussi l un des précurseurs en fondant dès 1979 un des premiers centres de recherche européens en la matière par cet ouvrage collègues amis anciens doctorants rendent hommage à l une des plus belles plumes de la discipline en lui offrant leurs réflexions sur l influence réciproque du droit et de la technologie leurs contributions démontrent l étendue de l expertise et des réseaux européens et internationaux d yves pouillet elles s articulent autour de trois axes qui furent autant de perspectives dans lesquelles il a inscrit sa recherche le droit les normes et les libertés la richesse de ce volume témoigne de son attention à l humain des amitiés qu il a nouées mais aussi des sillons qu il a tracés en droit des technologies de l information et de la communication sillons dans lesquels a poussé une forêt luxuriante toujours fertile c est l héritage d un grand penseur d un véritable universitaire yves pouillet has not merely served but excelled in all functions of the university world whether as professor researcher director of a research centre or as dean and rector he has left a lasting impression in the minds of generations of students researchers colleagues and peers he is a preeminent expert on the law of internet and information and communications technologies who already in 1979 pioneered one of the first european research centres in the field this volume is a tribute to yves pouillet from colleagues friends

former phd researchers offering their reflections on the reciprocal influence of law and technology these contributions highlight both the range of expertise and the extent of the european and international networks he has nourished they address the three main research axes yves poulet has developed through the years law norms and freedoms the authors of this volume pay homage to a mentor a friend but above all to an exceptional researcher who has sown countless seeds in the field enabling a luxurious landscape to grow and become a source of inspiration for many scholars this is the heritage of a genuine thinker a real academic

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