Droit processuel

Droits fondamentaux du procès

Serge Guinchard Cécile Chainais Constantin S. Delicostopoulos Ioannis S. Delicostopoulos Mélina Douchy-Oudot Frédérique Ferrand Xavier Lagarde Véronique Magnier Hélène Ruiz Fabri Laurence Sinopoli Jean-Marc Sorel

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10° édition



Serge Guinchard, Cécile Chainais, Constantin S.. Delicostopoulos

Droit processuel Serge Guinchard, Cécile Chainais, Constantin S.. Delicostopoulos, 2013 Le droit processuel a volu Depuis l poque o l enseignement de cette discipline se limitait la comparaison des proc dures administrative civile et p nale un double mouvement de mondialisation du droit du proc s et d attraction de ce droit la garantie des droits fondamentaux a fait appara tre un nouveau droit processuel entendu d sormais comme le droit commun du proc s avec un mod le celui du proc s guitable Cette septi me dition toujours enrichie par l ajout d l ments de certains droits trangers droit am ricain droit allemand droit anglais et droit italien venant compl ter l'expos du droit national fran ais et du droit europ en apportera au lecteur l clairage indispensable la compr hension des grands probl mes contemporains de proc dure tant en France gu l tranger Une nouvelle Justice se dessine gr ce aux exigences et aux garanties qu apporte le mod le du proc s quitable Une Justice et un droit du proc s dont les principes directeurs v ritables l ments d une d mocratie proc durale moderne sont la lovaut le dialogue et la c l rit **Droit processuel** Serge Guinchard, Cécile Chainais, Constantin S.. Delicostopoulos, 2017 Le droit processuel a change Depuis l'epoque ou l'enseignement de cette discipline se limitait a la comparaison des procedures administrative civile et penale un double mouvement de mondialisation et d attraction du droit du proces a la garantie des droits fondamentaux a fait apparaître un nouveau droit processuel entendu desormais comme le droit commun du proces Ce nouveau droit commun s est construit autour d un modele celui du proces equitable Issu des sources internationales europeennes et constitutionnelles 1re partie ce modele universel 2e partie s exporte vers les juridictions internationales notamment penales vers l'organe de reglement des differends au sein de l'Organisation mondiale du commerce vers les juridictions nationales et vers les modes alternatifs de reglement des differends De nouveaux principes directeurs apparaissent qui transcendent les contentieux specifiques et traduisent dans le droit du proces l'emergence d'une democratie procedurale dans laquelle l ecoute la confiance et la proximite repondent comme un echo aux principes de dialogue de loyaute et de celerite dans le proces L esprit de ce manuel est d embrasser la totalite des procedures du droit français avec ponctuellement des elements de droit allemand de droit americain de droit anglais et de droit italien Droit commun et droit compare du proces equitable se rejoignent pour former le nouveau visage du droit processuel Parce qu'il expose les droits fondamentaux du proces notamment la question prioritaire de constitutionnalite l'ouvrage s'adresse plus particulierement aux etudiants de master 1 et 2 et aux candidats a l'examen d'entree dans un centre regional de formation d avocats pour la preparation de l'epreuve dite du grand oral qui porte precisement sur les libertes et droits fondamentaux

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prioritaires de constitutionnalit Pleine actualit encore avec le projet d une r forme de la Justice dans son organisation et dans ses proc dures d pos au s nat le 20 avril 2018 et dont le S nat doit conna tre cet automne Le mod le celui du proc s quitable autour duquel s est construit le droit processuel moderne va peut tre conna tre de profonds bouleversements avec la num risation de la Justice que le projet du 20 avril envisage la mont e en puissance des modes alternatifs de r glement des litiges la justice dite pr dictive etc Raison de plus pour revenir aux fondamentaux une r flexion plurielle de sp cialistes de ces questions afin de garantir l universalit et l utilit du proc s quitable l ardente obligation pour un tat de garantir les droits de tous au del des p rip ties et des turbulences d une poque

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