

Hoorcollegenotities verbintenissenrecht honours

- 2 oefenessays: 1k woorden
- Toetessay: 1.5k woorden, 50% van het cijfer
- Privaatrecht beïnvloedt de maatschappij en andersom
- Essay over specifiek vraagstuk met maatschappelijke relevantie
 - ➔ Onbeantwoord vraagstuk, nog geen duidelijk antwoord in jurisprudentie/literatuur
 - ➔ Zelf stelling beargumenteren

Thema's

- Blok I: 'cancelen' van commerciële contracten bij grenspverschrijdend gedrag
- Blok II: juridische verantwoordelijkheid van influencers
- Blok III: remedies bij historisch onrecht

Soorten argumenten: juridisch en extern

- Juridisch-technische argumenten (ofwel: dogmatisch)
 - ➔ Positieve recht, rechtsconsistentie & rechtssystematiek
 - ➔ Wetgeving, jurisprudentie, literatuur, parlementaire geschiedenis
- Fundamentele rechten en beginselen
 - ➔ Welke rechten en beginselen liggen ten grondslag aan ons rechtssysteem? Bijv. fundamenteel recht op eigendom, rechtszekerheid
- Rechtsvergelijking
 - ➔ Werkt een bepaalde oplossing bijvoorbeeld wel/niet in een ander rechtssysteem?

Soorten argumenten: extern

- Gedragswetenschappelijk
 - ➔ Bijv. discussie over aansprakelijkheid en effectiviteit van waarschuwingen
- Economisch
 - ➔ Bijv. over de effecten van een regel op 'de markt'
- Rechtspleging
 - ➔ Bijv. floodgate-argument bij discussie over aansprakelijkheid
- Let op onderbouwing
 - ➔ Goede onderbouwing aan de hand van bronnen
 - ➔ Autoriteit van de bron?
- Voorbeelden van bronnen
 - ➔ Parlementaire geschiedenis
 - ➔ Rechtspraak & wetgeving

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