

Jean-François Kerléo

## La transparence en droit

Recherche sur la formation  
d'une culture juridique

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Préface de Guillaume Tusseau

*Professeur des universités de l'École de droit de Science Po*

*Membre de l'Institut universitaire de France*

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# Transparence En Droit Kerleo Jean Fra

**Marie-Luce Paris**



## **Transparence En Droit Kerleo Jean Fra:**

**Constitutional Law in France** Marie-Luce Paris, 2024-01-18 Derived from the renowned multi volume International Encyclopaedia of Laws this very useful analysis of constitutional law in France provides essential information on the country's sources of constitutional law its form of government and its administrative structure Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application Throughout the book the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure Thorough coverage by a local expert fully describes the political system the historical background the role of treaties legislation jurisprudence and administrative regulations The discussion of the form and structure of government outlines its legal status the jurisdiction and workings of the central state organs the subdivisions of the state its decentralized authorities and concepts of citizenship Special issues include the legal position of aliens foreign relations taxing and spending powers emergency laws the power of the military and the constitutional relationship between church and state Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for both practising and academic jurists Lawyers representing parties with interests in France will welcome this guide and academics and researchers will appreciate its value in the study of comparative constitutional law

*Principles of French Constitutional Law* Marie-Luce Paris, 2024-12-11 Principles of French Constitutional Law offers a concise and accessible account of the key principles and rules of constitutional law in the French legal system presenting a much needed up to date overview of this rapidly changing subject The textbook explores the five essential pillars that underpin the teaching of constitutional law namely the institutions legal history case law comparative law and current affairs and developments It is split into two core sections Part I examines the basis of French constitutional law the theoretical developments about key notions of constitutional law such as the state and the constitution as well as the historical background to French constitutional law Part II provides students with an understanding of the current Fifth Republic and how constitutional rules are adopted and applied and how they affect other areas of law and politics It offers a critical account of the 1958 Constitution's past present and future by placing it in its political and socio historical contexts and critically assessing contemporary developments and constitutional reforms Given the growing expansion of this branch of law in the French legal system this book will be essential reading for anyone studying French Law Law with French Comparative Constitutional Law and European Legal Studies

**La culture générale en 99 fiches. Tout comprendre sur les plus grandes questions contemporaines.** Gilles Jaillot, 2021-07-27 Abordant des thématiques variées critiquées par de jeunes lauréats de concours administratifs et coordonné par un haut fonctionnaire cet ouvrage aborde 100 questions structurantes pour les sociétés de demain Il apporte des éléments de connaissance et stimule la réflexion Chaque fiche s'appuie

sur des données fiables et ne pratiquant pas polémique Le lecteur pourra ainsi vérifier ou enrichir son approche voire parfois s'enrichir structurer un devoir grâce des propositions de sujets Gilles Jaillot ancien lève de l'ENA est magistrat financier Il a dirigé un centre de préparation l'ENA et continue ses enseignements centrés sur les enjeux du monde contemporain

**Dialogische Rechtsentwicklung im europäischen Verwaltungsrecht** Alban Spielkamp ,2025-04-15

Transparência, Pragmatismo e TCU Roberto Tadao Magami Junior,2023-11-01 O TCU tem assumido um protagonismo em todos os assuntos envolvendo a atuação administrativa e por esta razão grandes discussões sobre o Direito Administrativo exsurgem dos seus processos de controle Todos têm ciência sobre as suas exigências de transparência direcionadas aos órgãos e entidades da Administração Pública mas qual será o grau de adesão às suas próprias recomendações e determinações neste tema Como o pragmatismo decorrente das alterações promovidas na LINDB pode auxiliar o TCU de forma transparente a avaliar as consequências sistêmicas de suas decisões mormente as de grande impacto na economia como por exemplo a suspensão de uma obra ou uma desestatização tal como ocorrida com a Eletrobrás que ficou meses aguardando a sua análise Há possibilidade de se definir critérios delimitadores da sua competência com vistas a permitir o adequado controle judicial de sua atuação a partir de standards relacionados motivação das suas decisões em termos práticos Estas são algumas das perguntas dentre outras que a presente obra busca responder

**Ex-Ministers as Constitutional Judges** Mathias Möschel,2025-02-11 The appointment of former politicians to constitutional courts is a global phenomenon While ex politician appointees may bring status visibility knowledge and political awareness to the job their previous roles may influence their assessment of legislations constitutionality Ex Ministers as Constitutional Judges sheds light on this practice in four of the world's oldest and most established constitutional courts Austria France Germany and Italy Weaving together legal political sociological and historical sources including press articles surveys and interviews with constitutional judges and high level personnel the book provides the first comprehensive exploration of ex politicians becoming constitutional court judges It analyses the advantages and disadvantages such personalities bring to constitutional courts as well as assessing what limitations supranational law may set for such participation Whereas the participation of ex ministers does not seem to have posed serious structural issues to constitutional courts so far this volume posits that the risks have been underestimated In this context Ex Ministers as Constitutional Judges ultimately suggests normative steps for minimizing such risks and strengthening the independence and impartiality of constitutional courts in view of democratic and constitutional backsliding

**La transparence dans l'espace numérique** Vincent Mabillard,Jean-Patrick Villeneuve,2023-09-27T00:00:00-04:00 La transparence au centre des pratiques de bonne gouvernance est devenue une exigence légale dans de nombreux pays Le toujours plus de transparence s'inscrit dans une transformation sociétale qui s'accélère au fil des innovations technologiques Ce livre porte précisément sur ce changement de paradigme qui a fortement modifié les mécanismes de gestion des organisations publiques

**Qui est qui en France** ,2001

**La transparence en droit** Jean-François Kerléo

(juriste).), 2012 Quelle culture juridique révèlent les usages de la transparence Quels raisonnements se cachent derrière le vernis d'évidence qui caractérise l'emploi de la notion La réponse ces questions requiert une étude générale de la transparence confrontant l'ensemble des matières juridiques qui convoquent le terme La transparence s'applique en effet aussi bien l'état et l'ensemble des autorités publiques qu'à l'individu et aux entreprises Il s'agit de comprendre pourquoi et comment une telle notion s'est imposée aussi généralement dans le discours juridique et de rationaliser en en proposant une typologie les usages du mot Produit de la sédimentation de nombreuses notions la transparence fait partie de l'imaginaire juridique Elle s'acclimate dans des régimes politiques très différents qui ne sont pas nécessairement démocratiques Elle correspond la volonté des acteurs du système juridique de mettre davantage l'accent sur la communication politique la moralisation du pouvoir le contrôle des actions individuelles la performance économique De ce terreau intellectuel varie la transparence tire un mode d'être multiple Son ontologie nécessairement relative se traduit la fois par les nombreuses dénominations du terme dont les plus courantes sont la publicité la motivation l'intelligibilité l'accessibilité etc et par la multiplicité de ses connotations orientées vers la démocratie et ses déclinaisons Ces connotations révèlent un usage rhétorique de la transparence celle-ci est utilisée l'appui d'argumentations destinées à légitimer une idée une norme un ordre juridique une autorité etc La reconstitution du raisonnement juridique autour de la notion de transparence revient finalement questionner son propre savoir c'est-à-dire analyser les modes d'acquisition et les contenus de l'information nécessaire pour agir les croyances et les représentations des acteurs les enjeux du droit et ses rapports l'efficacité politique et économique

La transparence en droit Jean-François Kerléo, 2016-01-01

Intitulé La transparence en droit Recherche sur la formation d'une culture juridique le présent travail issu d'une thèse de droit public embrasse l'ensemble des usages de la transparence partir d'une méthode d'analyse originale inspirée des Cultural Legal Studies Dans un premier temps l'archéologie politique et économique de la transparence remontant jusqu'à la révolution française et parfois même l'Ancien régime a permis de saisir comment cette notion a participé la constitution de la pensée juridique moderne puisant ses influences chez des auteurs aussi différents que Bentham Rousseau ou bien encore Kant au point de se présenter comme un mythe fondateur de l'ordre juridique démocratique Dans un second temps partir de critères pertinents l'auteur labore une typologie qui permet de classer les nombreux usages de la transparence et de donner une vision synthétique des discours relatifs cette notion Ce travail apporte un éclairage original sur les tensions qui animent la transparence du fait de sa situation intermédiaire entre la puissance publique et le marché Cette notion produit un rapprochement entre le droit public et la logique économique en faisant se rencontrer l'intérêt général et la concurrence Ce processus entraîne parfois des contradictions au sein du droit conduisant à celer les limites et les dérives de la notion Plusieurs cas d'inefficacité de la transparence sont ainsi mis en évidence ainsi que des situations d'atteinte à la vie privée In fine la reconstitution du raisonnement juridique autour de la notion de transparence revient finalement questionner son propre savoir c'est-à-dire analyser les modes d'acquisition et les contenus de l'information nécessaire pour agir les croyances et les

représentations des acteurs du droit Cette thèse expose donc l'émergence d'une nouvelle culture juridique de la transparence et étudie de manière rigoureuse toutes les conséquences de cette évolution sur le droit et les citoyens

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