

Jean-François Kerléo

La transparence en droit

Recherche sur la formation
d'une culture juridique

Préface de Guillaume Tusseau

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Droit public

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Dialogische Rechtsentwicklung im europäischen Verwaltungsrecht Alban Spielkamp ,2025-04-15 *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 sociétistes de demain Il apporte des éléments de connaissance et stimule la réflexion Chaque fiche s'appuie sur des données fiables et ne présente pas polémique Le lecteur pourra ainsi vérifier ou enrichir son approche voire parfois s'enrichir en structurant un devoir grâce des propositions de sujets Gilles Jaillot ancien élève de l'ENA est magistrat financier Il a dirigé un centre de préparation à l'ENA et continue ses enseignements centrés sur les enjeux du monde contemporain

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 **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. Todas as decisões 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 légitime dans de nombreux pays. Le toujours plus de transparence s'inscrit dans une transformation sociale qui s'accroît 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. *Le pouvoir* Pierre Delvolvé, 2022-02-02T00:00:00+01:00 Après avoir présenté le concept de pouvoir en lui-même les conceptions de certains

auteurs Raymond Aron Bertrand de Jouvenel celles des trois monothésismes l'ouvrage expose la légitimité que doit avoir le pouvoir étudiant particulièrement la question de la souveraineté toujours plus prégnante dans le monde actuel illustrant son propos par des exemples de conquête du pouvoir Pétain et le général de Gaulle de conquête lectorale François Mitterrand et Emmanuel Macron ou s'intéressant aux cas singuliers des démocraties illibérales et de la Chine ce recueil traite de la répartition du pouvoir entre les institutions liens entre administration et pouvoir comme du pouvoir des institutions glisse Cour suprême des tats Unis Enfin l'exercice du pouvoir est voqué dans toutes ses manifestations pouvoir monétaire pouvoir dans la famille pouvoir et marché pouvoir médical etc Cet ouvrage est le fruit des contributions des académiciens et de personnalités invités au cours de cette année de réflexion sur le concept de pouvoir et ses manifestations

Le Parlement, temple de la République Benjamin Morel, 2024-07-01T00:00:00+02:00 Institution marginalisée parfois méprisée de la Ve République le Parlement montre pourtant que rien ne peut se faire sans lui La chose est d'autant plus vraie depuis sa récente dissolution décidée par Emmanuel Macron Son histoire se confond avec celle de la République Toutefois son rôle et la manière dont on conçoit sa fonction ont voulu Représentation imparfaite d'un peuple qui devait le contrôler il est devenu un rouage administratif sous l'Empire Chambre d'aristocrates puis de notables c'est par la délibération qu'il acquiert au XIXe siècle un rôle central Chargé de définir l'intérêt général député et sénateurs développent les techniques de débat et d'éloquence participant à créer une culture parlementaire Derrière cette histoire chaotique réside celle de la République et de la démocratie Même quand comme sous la Restauration les chambres se voulaient parangon de la réaction leurs actions poussaient une libéralisation du régime Même quand le Second Empire voulut les réduire il comprit qu'il ne pourrait survivre qu'en s'appuyant sur les assemblées Le fait parlementaire est tâté Attaqués ou donnés pour mortes les chambres ont survécu aux rois et aux empereurs aux guerres et aux crises Fil rouge et force dynamique de l'histoire de France depuis deux siècles le Parlement est au centre de notre modernité politique En voici son histoire publique secrète intime vivante totale

La transparence en droit Jean-François Kerléo (juriste.), 2012 Quelle culture juridique revêtent 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 revêtent 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 nécessaires 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 partant 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 à 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 partant 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 à 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 où atteinte 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 nécessaires 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

Qui est qui en France, 2001

Introduction générale au droit 15^{ed} François Terré, Nicolas Molfessis, 2023-10-12 Matière vivante et en perpétuel mouvement l'Introduction au droit est au cœur des transformations de notre système juridique Les mouvements du droit sont aujourd'hui considérables La nouvelle édition de l'Introduction générale au droit livre majeur de François Terré qui repose sur une philosophie de la règle et du système juridique restituera les évolutions profondes de notre droit en tenant compte des questions les plus actuelles et des dernières avancées bouleversement des sources influence des nouvelles technologies et propagation du numérique mutations de la justice reconfiguration de la Cour de cassation essor des droits fondamentaux développement de la soft law déclin de la loi ou encore influence de l'open data et essor des legal techs Refondue avec le concours de Nicolas Molfessis elle alliera permanence et modernité au service d'une découverte du droit par les étudiants de

première année mais aussi afin de permettre chacun étudiant ou praticien d'approfondir ses connaissances et de réfléchir aux évolutions l'œuvre

Transparence et déontologie parlementaires, 2019-07-09 Ces dernières années ont été marquées par une évolution notable en matière de transparence et de déontologie essentiellement sur la base des lois du 11 octobre 2013 relatives à la transparence de la vie publique et des autres textes adoptés dans leur sillage loi de 2016 dite Sapin 2 et lois de 2017 pour la confiance dans la vie politique Or ce moment déontologique a principalement touché le Parlement qui fut l'institution la plus mobilisée avec la création d'un organe déontologique au sein de chaque chambre l'adoption d'un code de déontologie l'encadrement de l'ex IRFM la suppression de la réserve parlementaire le dépôt de déclarations d'intérêts et de situation patrimoniale et les règles relatives au lobbying ou au dépôt C'est donc tout naturellement que l'institution parlementaire a été retenue pour apprécier la portée de ces objets juridiques que sont la transparence et la déontologie

Professeur de droit public à l'Université Aix-Marseille ILF GERJC Jean-François Kerl o est l'auteur d'une thèse sur la transparence en droit et a publié de nombreux articles sur le droit parlementaire et la déontologie de la vie publique Il assure par ailleurs la direction scientifique de l'Observatoire de l'éthique publique dont il est un des membres fondateurs Elina Lemaire est maître de conférences en droit public à l'Université de Bourgogne Franche-Comté Ses travaux portent principalement sur le droit constitutionnel institutionnel et sur l'histoire du régime parlementaire en France À l'Observatoire de l'éthique publique elle est coresponsable de la chaire Parlement et responsable de la chaire Justice constitutionnelle

La déontologie gouvernementale, 2022 **Le lobbying**, 2020-07-07

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Table of Contents Transparence En Droit Kerleo Jean Fra

1. Understanding the eBook Transparence En Droit Kerleo Jean Fra
 - The Rise of Digital Reading Transparence En Droit Kerleo Jean Fra
 - Advantages of eBooks Over Traditional Books
2. Identifying Transparence En Droit Kerleo Jean Fra
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Transparence En Droit Kerleo Jean Fra
 - User-Friendly Interface
4. Exploring eBook Recommendations from Transparence En Droit Kerleo Jean Fra
 - Personalized Recommendations
 - Transparence En Droit Kerleo Jean Fra User Reviews and Ratings
 - Transparence En Droit Kerleo Jean Fra and Bestseller Lists
5. Accessing Transparence En Droit Kerleo Jean Fra Free and Paid eBooks
 - Transparence En Droit Kerleo Jean Fra Public Domain eBooks
 - Transparence En Droit Kerleo Jean Fra eBook Subscription Services
 - Transparence En Droit Kerleo Jean Fra Budget-Friendly Options
6. Navigating Transparence En Droit Kerleo Jean Fra eBook Formats

- ePub, PDF, MOBI, and More
- Transparence En Droit Kerleo Jean Fra Compatibility with Devices
- Transparence En Droit Kerleo Jean Fra Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Transparence En Droit Kerleo Jean Fra
 - Highlighting and Note-Taking Transparence En Droit Kerleo Jean Fra
 - Interactive Elements Transparence En Droit Kerleo Jean Fra
- 8. Staying Engaged with Transparence En Droit Kerleo Jean Fra
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Transparence En Droit Kerleo Jean Fra
- 9. Balancing eBooks and Physical Books Transparence En Droit Kerleo Jean Fra
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Transparence En Droit Kerleo Jean Fra
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Transparence En Droit Kerleo Jean Fra
 - Setting Reading Goals Transparence En Droit Kerleo Jean Fra
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Transparence En Droit Kerleo Jean Fra
 - Fact-Checking eBook Content of Transparence En Droit Kerleo Jean Fra
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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