



# Tratado de derecho civil (Spanish Edition)

*Geneviève Viney*

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## **Tratado de derecho civil (Spanish Edition)** Geneviève Viney

Esta introducción general a la responsabilidad presenta, en primer lugar, la evolución del derecho de la responsabilidad civil y sus orientaciones actuales, así como los debates relativos a sus funciones, a su fundamento, y a su lugar entre los diferentes sistemas de indemnización. En segundo lugar, se tratan las dos grandes distinciones que dominan la materia entre responsabilidad civil y responsabilidad penal, de una parte, y responsabilidad contractual y responsabilidad extracontractual o delictual, de otra, las cuales son estudiadas no sólo desde la perspectiva del derecho positivo sino también desde la crítica y la prospectiva. A propósito de la primera de esas distinciones, se ha enfatizado la importancia creciente del papel de la víctima en el proceso penal, especialmente gracias a la acción civil instaurada ante el juez penal, así como en los sistemas de indemnización creados en su beneficio por intermedio de los denominados fondos de garantía . Respecto de la distinción entre responsabilidad contractual y responsabilidad extracontractual, la obra desarrolla primero un paralelo entre los dos regímenes, seguido por una delimitación de sus fronteras, poniendo en evidencia las imprecisiones de la distinción y en algunos casos su falta de lógica y su inconveniencia.

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