



Recuperação de créditos para municípios (Portuguese Edition)

Gustavo A. Paolinelli de Castro

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Na prática jurídica dos advogados e dos juízes, tem-se tornado comum o discurso de que há regras e princípios no ordenamento jurídico e que a forma de aplicação destes últimos seria por meio de uma ponderação de valores.

Não obstante, ainda se vê largamente no dia a dia forense uma postura positivista, especialmente de fundo exegético, o que demonstra que nossa prática jurídica mantém uma postura de sincretismo teórico forte, oscilando entre discursos pretensamente pós-positivistas e a manutenção de uma postura exegética ainda muito arraigada.

Diante disso, a presente tese tem a pretensão de lançar luzes sobre o tema, e buscará enquadrar as teorias e teses jusnaturalistas, juspositivistas, antipositivistas e pós-positivistas em termos paradigmáticos, no intuito de contribuir para uma melhor compreensão acerca da teoria do Direito.

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