Journal of Contemporary Private Law's Presentation and General Editorial Guidelines

1. Editorial content, mission and focus of the *Journal of Contemporary Private Law*

Private Law, the most traditional and all-encompassing of legal subjects, has undergone significant changes over the past 100 years. Much was written in the twentieth century about the crisis in Private Law, especially concerning the inadequacy of classic civilistic solutions in addressing the problems that afflicted the short and conflictual 1900s, with all the wars, revolutions and changes in customs and social morality that occurred within that period. Yet the conflict surrounding Private Law actually dates back to the nineteenth century. In its early stages, there was a controversy between Romanists and historicists, who rejected codification, and the defenders of *ius comune,* who defended that Germany should have a civil code in line with the French one. At the end of the 1800s, however, these same groups were on opposite camps. Ironically, Romanists and historicists had now been placed in charge of codifying the German Private Law while the Germanists were excluded from the process. Many of them, such as Otto von Gierke, became critics of the Civil Code project, which they deemed individualistic and anti-social.

In Brazil, the 1930 Revolution and the dictatorial government of 1964-1984 transformed the relations between the public and private spheres through the creation of a set of social laws and through the introduction of new principles and general clauses into the Constitution and legislation, such as the social function of property and state intervention in the economic domain and in contractual matters.

With the ensuing redemocratization, which happened in a historical setting where circumstances led to compromises between political transition forces, the National Constituent Assembly of 1987-1988 produced the 1988 Constitution. The new Constitution enshrined various fields of Private Law, especially those pertaining to family law. Due to this new constitutional framework, which also consolidated innovations in the fundamental texts of 1934, 1946 and 1967-1969, Private Law went through a redefinition of its spheres of regulation and its relationship with other subjects.

The post-1988 civilistic legal studies were renewed under the influence of the Constitution, of the new Civil Code (2002) and of a historical combination arising from a civil-legal model based on general clauses and principles. This renewal found a favorable social setting in which to bloom due to the increased judicialization and the growing role of the Supreme Court as an arbiter of social conflicts whose solution in the political field and in the parliamentary arena had hitherto been in a state of permanent paralysis.

With little over two decades of a political constitution that, due to its broad scope, has been dubbed a driving constitution, and one decade of the civil code in force, social inequalities remain and the inadequacy of existing judicialization models become increasingly evident. Similarly, the interconnections between Private Law and the diverse legal fields expand at the same pace as the citizen, the core of Private Law, and his relations with himself and his peers, become more complex and conflicting.

If a centuries-old Private Law tradition cannot be ignored, it seems only natural that the colloquy be updated and that a methodological review be carried out while taking advantage of the post-constitutional experience.

It is precisely with this objective in mind that we bring to you the *Journal of Contemporary Private Law – RDCC,* a quarterly periodical driven towards Private Law studies and related subjects, as well as case law critique, with the imprint of the prestigious Thomson Reuters – Revista dos Tribunais.

*RDCC c*omes into existence to comprehensively explore a wide array of themes stemming from the traditional fields of Private Law, while also including the History of Private Law, Comparative Law, Roman Law, Legal Education and Private Law, Private Law and Fundamental Rights, Private Law and new Rights, Private Law and Consumer Law, Copyright Law, Industrial Property Law, as well as Private Law in its relations with institutions and concepts of Labour Law, Procedural Law, Commercial Law and Private International Law.

Guiding this new publication, which comes to join the group of traditional and reputable Private Law journals, are internationalization, comparatism, critique of legislation and of precedents and, above all, the pluralism of ideas and visions on Private Law.

The publication of papers by authors who have made history in Private Law as well as interviews with national and international professors is another significant distinguishing feature of *RDCC.*

*RDCC a*lso aims to faithfully adhere to the qualificative rules for journals so that its texts achieve a high impact factor in academic and social circles.

At the forefront of *RDCC i*s the concept of a Contemporary Private Law along with the efforts of many research groups connected to Brazilian and foreign universities guided by methodological rigor and open to diverse views on the epistemological status, the principles and the function of the law in Private Law interpretation. The contribution of these universities and of their researchers is pivotal to *RDCC's* editorial policies.

The mission of *RDCC i*s the development of Contemporary Private Law based on internationalization, with respect to the theoretical foundations of Private Law and in the search for the contemporary society problem solving.

2. Universities and research groups behind the Journal of Contemporary Private Law

*RDCC i*s the official publication of the "Rede de Pesquisa de Direito Civil Contemporâneo" (Research Network of Contemporary Private Law), which is composed of groups that include thirteen of the largest universities in Brazil, as well as groups from foreign institutions. These research groups are coordinated by professors of Private Law, Roman Law, Comparative Law, Commercial Law and Legal History.

The research groups and universities along with their respective coordinators are as follows:

- Comparative Contemporary Private Law and Law Reform – University of São Paulo (Brazil) – Full Prof. Dr. Ignacio Poveda Velasco and Full Prof. Dr. Otavio Luiz Rodrigues Jr.;
- Lehrstuhl für Bürgerliches Recht, Deutsches, Europäisches und Internationales Privatrecht und Wirtschaftsrecht – Humboldt-Universität zu Berlin (Germany) – Full Prof. Dr. Stefan Grundmann;
- Institute for Legal Research – University of Coimbra (Portugal) – Full Prof. Dr. António Pinto Monteiro;
- Institute of Legal Cooperation – University of Lisbon (Portugal) – Full Prof. Dr. Dario Moura Vicente;
- Law Faculty – University of Porto – University of Porto (Portugal) – Associate Prof. Dr. Luís Pestana de Vasconcelos and Assistant Prof. Dr. Rute Teixeira Pedro;
- Chair of Legal Culture – University of Girona (Spain) – Associate Prof. Dr. Jordi Ferrer Beltran;
- Law Faculty – University of Rome II – *Tor Vergata (*Italy) – Full Prof. Dr. Riccardo Cardilli;
- Dipartimento di Scienze Giuridiche – Facoltá di Giurisprudenza – Universitá degli Studi di Salerno (Italy) – Full Prof. Dr. Virginia Zambrano;
- Fundamentals of Contemporary Private Law – Federal University of Pernambuco (Brazil) – Full Prof. Torquato Castro Jr. and. Assistant Prof. Larissa Leal;
- Contemporary Private Law – Federal University of Minas Gerais (Brazil) – Assistant Prof. Dr. Edgard Audomar Marx Neto;
- Private Law in the Contemporary World – Federal University of Santa Catarina (Brazil) – Associate Prof. Rafael Peteffi da Silva;

- Fundamentals of Contemporary Private Law – Federal University of Ceará (Brazil) – Associate Prof. Dr. Maria Vital da Rocha;
- Contemporary Business Law and Freedom of Contract – Federal University of Rio Grande do Sul (Brazil) – Assistant Prof. Dr. Gerson Branco;
- Contemporary Comparative Private Law – Federal University of Paraná (Brazil) – Full Prof. Dr. José Antonio Peres Gediel and Assistant Associate Prof. Rodrigo Xavier Leonardo;
- Business, Law and Society in the Contemporary World – Fluminense Federal University (Brazil) – Full Prof. Dr. Edson Alvisi Neves;
- Contemporary Private Law – Federal University of Mato Grosso (Brazil) – Assistant Prof. Dr. Carlos Eduardo Silva e Souza;
- Contemporary Private Law and fundamental rights – Federal University of Bahia (Brazil) – Associate Prof. Dr. Roxana Cardoso Brasileiro Borges;
- Department of Private Law – Law Faculty – Federal University of Rio de Janeiro (Brazil) – Associate Prof. Dr. Guilherme Magalhães Martins;
- Law Faculty – Federal University of Amazonas (Brazil) – Assistant Prof. Dr. Juliano Ralo Monteiro.

3. Editorial Board

RDCC's editorial board is composed exclusively of full and emeritus professors from Brazilian and foreign institutions, all of whom are renowned in their respective fields.

Editorial board members do not pertain predominantly to a single region or university, which ensures pluralism in the composition of the board.

4. Blind peer review, desk rejection and Conflict of interest

Papers sent to *RDCC m*ust satisfy the criteria established in the public call for papers, which is published periodically and expressly provides for blind peer review.

Peer review is carried out by means of opinion reports prepared by Brazilian and foreign scholars who are on the editorial review board (board of reviewers). *RDCC's* editors then make use of these opinion reports to ground their decision as to which papers to publish.

As a matter of exception, *RDCC* will adopt the procedure of prior rejection of articles without submission to reviewers (*desk rejection).* Desk rejection of articles will occur for the following reasons: a) non-adherence of the text to the journal's scope, editorial focus or matters of academic interest of *RDCC;* b) lack of effective contribution to the advancement of legal research; c) lack of objective quality, such as problems with the absence or insufficiency of bibliographic sources, methodological problems, inadequacy

or incoherence of language; d) obvious undeclared conflict of interests; e) low impact or insufficient development of research as of the submission.

The transparency, credibility and reliability of the peer review process depends, in part, on the way conflicts of interest are managed during the review and decisions made by editors and Editorial Board members.

Conflicts of interest can be personal, commercial, ideological, political, academic or economic-financial. It is essential that authors, when submitting their papers, disclose primary responsibility for identifying and revealing these conflicts, which are characterized by the potential influence of these elements on the research results, the conclusions of the article or the way in which the problem was presented, in order to eventually meet their conscience, party or association affiliation or even their sponsors. Therefore, it is necessary that the author and reviewer report the existence of such conflicts of interest. In case of reviewers, it is necessary for them to resign from their role when conflict arises. Any doubts shall be forwarded to the Editorial Assistants, which will then send it to the editors or the Editorial Board.

5. Best practice guidelines for publishing, ethics and human authorship

RDCC is committed to good practices and ethics in publishing activities. Every member of the editorial process (authors, reviewers, editorial assistants and the Boards) are committed to paying respect to good practices ordinarily accepted by the scientific community. Particularly, *RDCC* strongly discourages the practice of plagiarism, in its different forms, as well as practices that violate transparency and ethics in the preparation of texts and during their submission and review within the Journal's areas.

The following are considered as ethical violations, subject to summary rejection or, if approved, its removal from *RDCC* or, in case of impossibility, a side mark clarifying the occurrence of irregularities in the digital version of the text: a) lack of originality, except unpublished translations or publications that have been solely made in other countries, as well as plagiarism, self-plagiarism or plagiarism in terms of ideology; b) simultaneous or multiple publications, without prior or subsequent notice to *RDCC;* c) incorrect use of sources or use of classified information; d) lack of indication of co-authors; e) failure to communicate fundamental errors in submitted or published works, in order to withdraw the article from submission or to make corrections to material already published; f) if the text has been produced by means of animals or humans, it should be expressly disclosed in the draft paper, while ensuring that all procedures have followed applicable laws and regulations, and the competent research ethics committees issued their approval.

All materials submitted to *RDCC* must be created by humans, without any automated systems, such as artificial intelligence. The use of automated translators in order to

translate keywords, abstracts and titles is prohibited. The act of submitting any material to *RDCC* automatically means the respective authors have adhered to this rule.

6. Periodicity, timeliness, bibliographic reference standardization, diversity of author affiliations

*RDCC w*ill be a quarterly journal and editors take on the responsibility to guarantee the timeliness of the publications.

A minimum of 18 papers will be published in the four annual issues.

Authors are informed in advance of the rules regarding bibliographic reference standards during the public call for papers. Said rules meet the criteria of the Brazilian Association of Technical Standards (ABNT).

All articles feature a title, an abstract and keywords in both Portuguese and English. The Journal accepts articles written in Portuguese, Spanish, French, Italian, English and German.

Besides the peer review, *RDCC i*s also proofread and standardized by the publisher.

7. Copyright Policy

After text acceptance, authors will then be required to transfer the copyright to Thomson Reuters – Revista dos Tribunais, free of charge, for publication. Published authors will be given a printed copy of the issue in which their work is published, in exchange for the copyright transfer.

8. Forms of Publication

The journal will be released in two formats: printed and digital. In the latter format, *RDCC w*ill be available at *Revista dos Tribunais Online:* [www.revistadostribunais.com.br], and: [www.direitocivilcontemporaneo.com] with information on content, introductory texts and editorial policies and boards.

9. Conclusion

The editors of *RDCC a*re honored to invite the legal community to join this new project, which aims at strengthening Contemporary Private Law and producing legal theory.

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