



SUBMISSION INSTRUCTIONS

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Contrato e racionalidade

Contract and rationality

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ÁREA DO DIREITO: Civil; Processual; Consumidor

RESUMO: O presente artigo é fruto de pesquisa empírica levada a cabo junto aos acórdãos do TJRS, especificamente em matéria contratual. Aqui, trago as conclusões obtidas no âmbito dos contratos abrangidos pelo Sistema Financeiro de Habitação. Delimitei a racionalidade jurídica nutrida pelos desembargadores de referido Tribunal ao procederem às tomadas de decisões neste tema. Após precisar o conceito central deste trabalho (racionalidade), exponho e analiso os dados obtidos junto aos acórdãos coletados, promovendo uma classificação dos atores jurídicos consentâneo o teor argumentativo invocado na fundamentação dos votos, ocasião em que a nova teoria dos contratos passa a ser contextualizada em meio a um processo de transformações pelas quais vem passando o direito privado como um todo.

PALAVRAS-CHAVE: Cláusulas gerais – Juros – Revisão contratual – Racionalidade – Rematerialização.

ABSTRACT: The present article is a result of empiric research made next to judgements of Tribunal de TJRS, specifically in contractual subject. Here, I bring the conclusions got among the contracts embroiled by the "Sistema Financeiro de Habitação". I delimited the juridical rationality sustained by magistrates of the abovementioned Tribunal when they took decisions on this matter. After precising the main concept of this work (rationality), I expose and analyse data got next to judgements collected, promoting a classification of the juridical acts according to the argumentative contents evoked in the fundamentation of votes, occasion where the new theory of contracts starts to be contextualized in a process of transformations in which private law is passing as a whole.

KEYWORDS: General clauses – Interest – Contractual review – Rationality – Rematerialization.

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1. INTRODUÇÃO

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