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**Erasmus+**

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Editorial

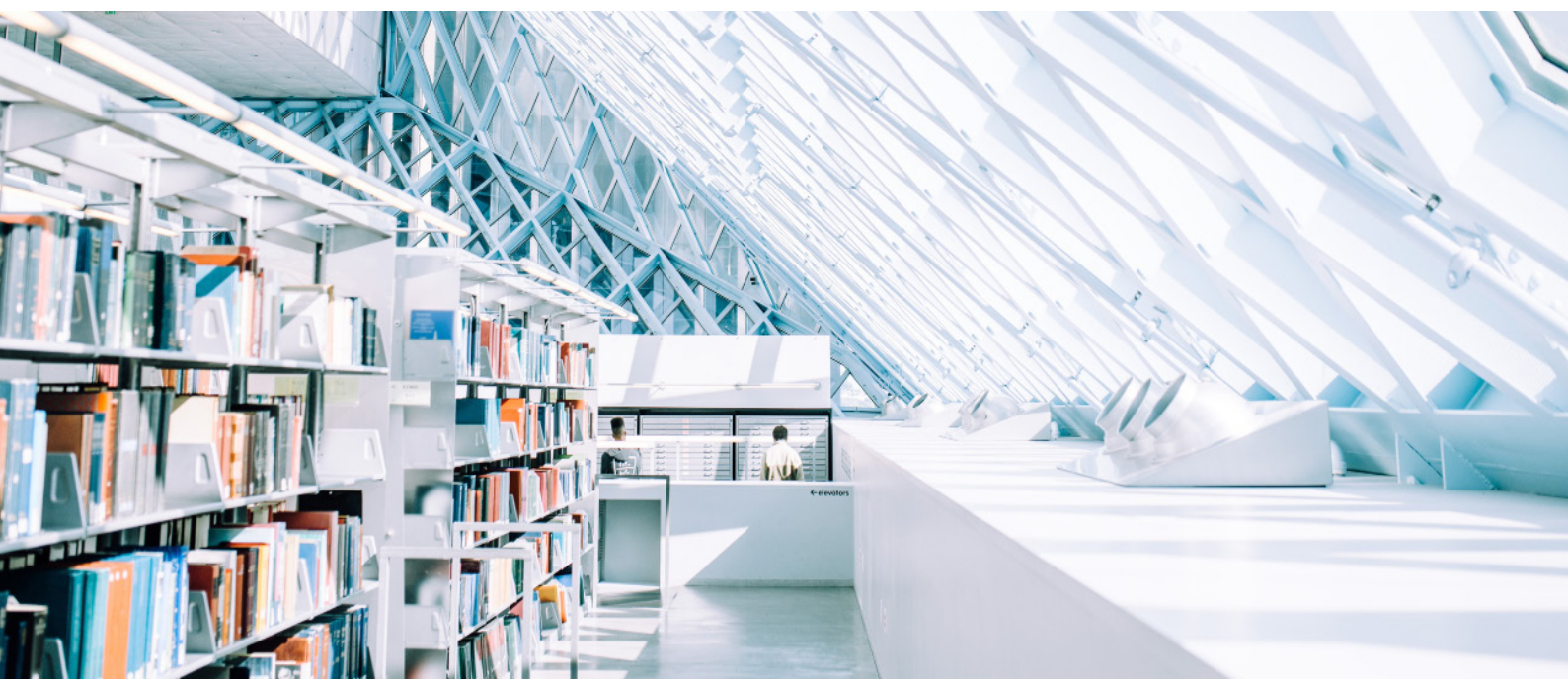


This is the second issue about the Winter School of PhD Candidates in EDELNet. It took place in the Fern UNI Study Center of Frankfurt in the period 15 to 19 January (this picture was taken in the street door of this Study Center).

As you can see, the atmosphere was great!! Students and lecturers had a nice time, working hard and having fun in the evening. We enclose here other PhD schemes of the EDELNet activity

Prof. Dr. Pablo de Diego
Deputy to Dean
UNED Faculty of Law.

Horizon 2020, Open Access policies and its impact on Universities in Spain



Open Access are referring to the free availability of publications on Internet to all at no cost. Open Access enhance the visibility of research, so it can increase its impact and facilitate the generation of a new knowledge from existing research findings.

The Open Access movement has been growing exponentially from 2002 (Budapest Open Access Initiative) and has received an increase attention from academic institutions, publishers, funding agencies and governments for its potential to foster scientific and social return on public investment.

In this way, the European Commission has established that all publications resulting from research projects financed through Horizon 2020 should be made Open Access.

CRUE (Spanish Rector's Conference) and universities strongly support the Open Science and Open Access (as stated at EUA position) but the implementation, at different levels, need to be improvement and it's really complicate. At institutional levels, researchers must be awareness of what is publishing Open Access and which will be the incentives for do it.

The actual career development, based in publication in the "impact factor" journals don't help since Open Access activities are not properly recognised.

The aim of this research is to study national and institutional policies and, if possible, offer different possible solutions to improve Open Access implementation in the framework of Spanish Universities

Rosa Sánchez
UNED Faculty of Law

The legal relationship between leaseholder and landowner



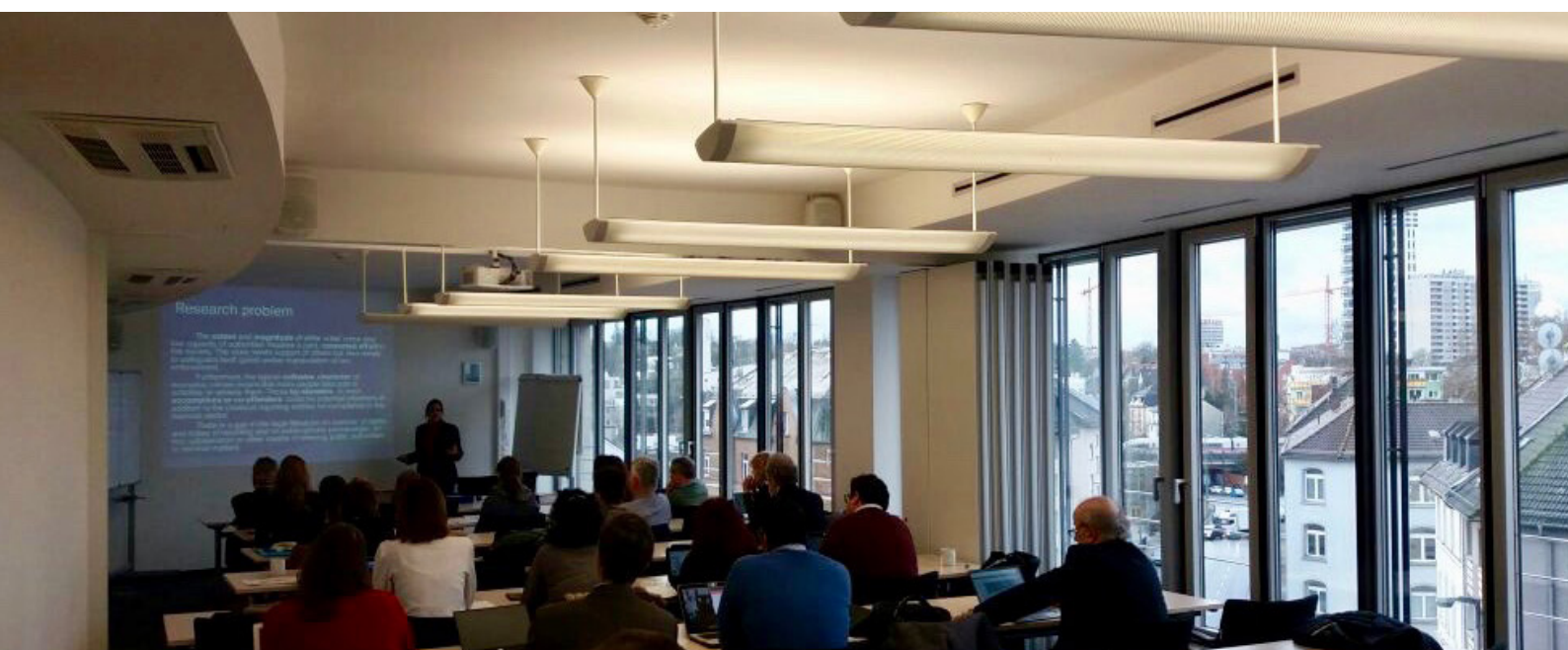
A historical analysis of the relationship between leaseholder and landowner in legislation, doctrine and jurisprudence since the unification of the Netherlands in 1795 and an archive study of the current legislation of leasehold rights.

And an in-depth study of current jurisprudence on three problems that often lead to lawsuits: i) Renewal of the ground rent, ii) Obligatory consent of the landowner for certain deeds, e.g. the transfer of the leasehold right and iii) The ending of leasehold rights.

The two lines are combined in the conclusion where I will argue whether the reigning principle of freedom of contract should remain in place as parties are well able to look after themselves, or whether any form of regulation is needed to provide a well-balanced relationship between parties, taking into account the forms of protection that exist in the multi-layered (inter)national legal system.

Jacqueline Broese Van Groenou
Open University of The Netherlands

Law reform in Malawi to strengthen co-operation with state authorities investigating white collar crime (self-reporting, investigative support and whistleblowing)



This research makes a doctrinal analysis of the recent law reform in Malawi on economic crimes in the field of whistleblowing and compliance.

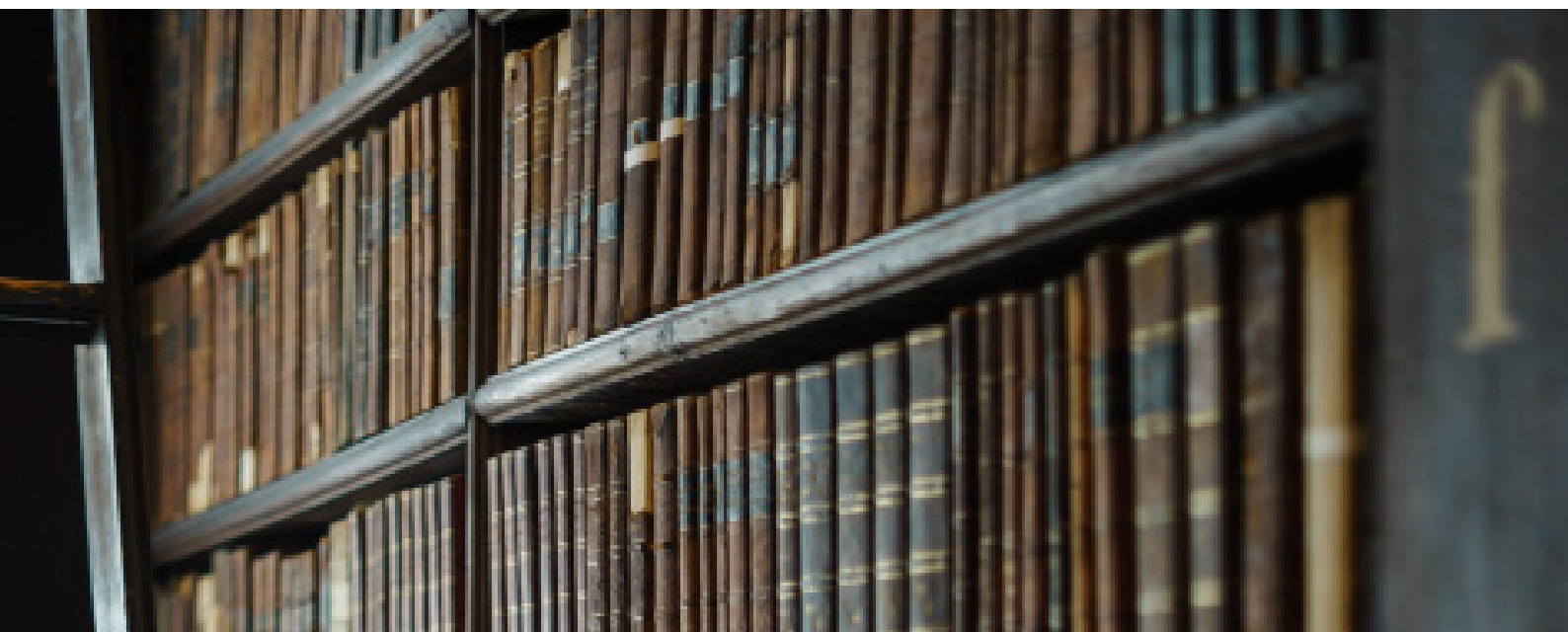
It develops reform suggestions how cooperation through information partnerships or capacity building between private individuals/organisations and the state can be improved drawing on the experiences of other countries, scholarly literature and findings of other disciplines.

It also explores whether asymmetric punishment/leniency can be used to create a larger pool of possible informants. The research pays special attention to the socio-economic environment in this low-income country.

Eva Mfutso Bengo

FernUni Hagen FernUni Hagen

Legal Character of the non-conviction-based Confiscation in German Criminal Law



This research focusses on the German regulation on non-conviction-based-confiscation in Sec. 76a (4) Criminal Code and Sec. 437 Criminal Code of Procedure.

The non-conviction-based confiscations was introduced in the German Criminal Code in July 2017 when the whole system of confiscation was changed to transpose an EU directive (2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union) into national law.

Based on this regulation it should be possible to confiscate an object only based on the belief of the judge that this object comes from an unlawful act. A conviction is not required.

There were many discussions about the constitutionality of this regulation during the legislation-process. Many of the problems mentioned in these discussions do only arise if the non-conviction-based confiscation has got a penal character. If not it might be located in the wrong field of law.

That is why I focus on the basic question, whether the non-conviction-based confiscation has got a penal character or not.

Katerina-Maria Pohar
FernUni Hagen

Debt interest and the deterioration of the welfare state in Spain



This paper's objective consists in the de-construction the official political – economic discourse offered both by the Government of Spain and the European Union, as well as the consequences of their management of the big economic crisis, especially the repercussions in the Welfare State.

Currently, the economy has lost its real dimension and the material reality is disguised in macro-numbers that offer a false debate based on an abstract game of macroeconomic concepts, a vision always tackled via the same perspective: the growth economic theory, omitting the other two: the degrowth and the Steady-state economy.

This paper's aim is to contribute to the current political debate that places citizens in a false dilemma of balances impossible to obtain where one has to choose: between the budget balance and the Welfare State, between the financial sustainability and the public deficit

or between the economic solvency and the public debt.

The paper is presented from a transdisciplinary point of view: economical, political, legal and philosophical and uses Mauricio Beuchot Puente's hermeneutical analysis to point out the contradictions and controversies offered in the official discourse.

The special focus of its investigation is directed to the paradox of the payment of public debt's interests and the repercussions on the Welfare State as their main example.

Vanessa Monge
UNED Faculty of Law

Internationalisation of security as a prerequisite for national security.

Contribution of road safety to national security



In my PhD research project I see the steps that are being taken in the framework of Global Security and European Regional Security to deal with new threats: road traffic associated with the means used to commit criminal acts beyond those against road safety itself i.e. directly or indirectly perpetrating illegal immigration activities, organized crime or terrorist acts.

In addition, I particularly explore the huge potential that roads themselves, vehicles and drivers of vehicles can have as a source of information against the threats of those striving to subvert the established order to their benefit.

In the final part I propose the creation of Roadside Intelligence Units in Spain in order to contribute to enhancing the necessary anticipation, prevention and analysis of, reaction and resistance to, and recovery from risks and threats that might compromise National Security.

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Imprint

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