



Querela inofficiosi testamenti: Medio de impugnación del testamento en el derecho romano (Biblioteca Jurídica Porrúa) (Spanish Edition)

Norma Xochitl Di Censo García

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La estructura de esta investigación acerca de la querela está dividida en cinco capítulos, los cuales están interrelacionados por su temática, terminología y por un enfoque común que enlaza a los distintos textos. A través de algunos testimonios extraídos de fuentes jurídicas y literarias, se puede descubrir la maravillosa construcción científica de la jurisprudencia romana que crea la institución de la querela inofficiosi testamenti, medio procesal de impugnación constituido a favor de los parientes allegados al testador, quien violando un deber de afecto (officium pietatis) los omite o deshereda en su testamento sin motivo justificado. El análisis de la querela se circunscribe a la época clásica del derecho romano, considerando que en ese tiempo los jurisconsultos ejercieron una gran influencia en las fuentes jurisprudenciales. Después de la etapa clásica la evolución de la querela inofficiosi testamenti continúa e inspira a diversos estudiosos y legisladores del período posclásico, todavía, en la misma era justiniana, a adecuar el régimen de la institución hacia un sistema de sucesión necesaria material contra el testamento.

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