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o presente estudo nasceu da investigacao sobre a atual legislacao falimentar, comparando-a com o texto legal revogado. A analise feita teve como marco teórico as obras de Richard Posner e Robert Cooter, percursores da denominada Law and Economics, trazida para o direito privado brasileiro como Analise Economica do Direito, direito e Economia ou direito e Consequências, desde ja, torna-se relevante esclarecer que, ao longo do estudo, estas expressões serão usadas como sinônimo para traduzir o universo conceitual que fundamentou a pesquisa.

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