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MART SUSI E ROBERT ALEXY

PROPORCIONALIDADE E INTERNET

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Mart Susi e Robert Alexy

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Luís Afonso Heck
(Organizador, tradutor e revisor)

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Nota do tradutor

Mart Susi obteve o diploma em direito em 1988 no Department of Law, University of Tartu, Estonia. Em 1992 tornou-se mestre da ciência pelo Department of Sociology, University of Wisconsin-Madison, USA e em 2008 alcançou o título de doutor em direito no Department of Law, University of Tartu, Estonia, PhD supervisor: professor Kalle Merusk.

Atualmente é, por um lado, Professor of Human Rights Law, School of Governance, Law and Society, Tallinn University, Estonia e, por outro, Head of Law Study Area (comparable to department of law), School of Governance, Law and Society, Tallinn University, Estonia.

No tocante a publicações pode ser mencionado:

1. Volumes editados

Susi, M.

– – (ed), *"Human Rights, Digital Society and the Law: A Research Companion"* (Routledge Publishing forthcoming in 2019).

– – and Crnić-Grotić V and Balcerzak M (eds), *"East European Yearbook on Human Rights"* (Eleven Publishing 2018).

– – and Pollicino O (eds), *"European Law Journal special edition on Internet and the human rights law"* (forthcoming in 2019) European Law Journal.

– – and Viljanen J, Kucs A and Jónsson E (eds), *"Human Rights Law and Regulating Freedom of Expression in New Media: Lessons from Nordic Approaches"* (Routledge 2018).

– – and La Torre M and Niglia L (eds), *The Quest for Rights: Ideal and Normative Dimensions of Law* (Edward Elgar Publishing forthcoming in 2019).

– – and von Arnaud A, von der Decken K (eds), *Cambridge Handbook on New Human Rights of the 21st Century: Rhetoric, Recognition and Novelty* (Cambridge University Press forthcoming in 2019).

2. Publicações selecionadas

"Internet Balancing Formula" in Susi M and Pollicino O (eds), *European Law Journal special edition on Internet and the human rights law* (forthcoming in 2019) European Law Journal.

- *"Reply to Robert Alexy's Critique of the Internet Balancing Formula"* in Susi M and Pollicino O (eds), *European Law Journal special edition on Internet and the human rights law* (forthcoming in 2019) European Law Journal.
- "The Ideal and Normative Dimensions of the Right to Be Forgotten" in von Arnaud A, von der Decken K, Susi M (eds), *Cambridge Handbook on New Human Rights of the 21st Century: Rhetoric, Recognition and Novelty* (Cambridge University Press forthcoming in 2019).
- "Novelty in new human rights: the decrease of universality and abstractness thesis" in von Arnaud A, von der Decken K, Susi M (eds), *Cambridge Handbook on New Human Rights of the 21st Century: Rhetoric, Recognition and Novelty* (Cambridge University Press forthcoming in 2019).
- *"Balancing Fundamental Rights on the Internet – the Proportionality Paradigm and Private Online Capabilities"* in La Torre M, Susi M and Niglia L (eds), *The Quest for Rights: Ideal and Normative Dimensions of Law* (Edward Elgar Publishing forthcoming in 2019).
- "Human rights in the digital domain – the idea of non-coherence theory" in *Human Rights, Digital Society and the Law: A Research Companion* (Routledge Publishing forthcoming in 2019).
- and Jónsson E, "Comparative Analysis of the Nordic/Baltic Approaches and Standards" in *Human Rights Law and Regulating Freedom of Expression in New Media: Lessons from Nordic Approaches* (Routledge 2018).
- and Veetõusme R, Pajuste T, "Estonia – Raising High the Roof Beams of Freedom of Expression in *Human Rights Law and Regulating Freedom of Expression in New Media: Lessons from Nordic Approaches"* (Routledge 2018).
- *"Implied Constitutional Competence of the European Court of Human Rights"* [2014] German Yearbook of International Law 353.

- *"The definition of a structural problem in the case law of the European Court of Human Rights"* [2012] German Yearbook of International Law 385.

3. Monografias

"Internet Balancing Formula" in Susi M and Pollicino O (eds), *European Law Journal special edition on Internet and the human rights law* (forthcoming in 2019) European Law Journal.

- *"Reply to Robert Alexy's Critique of the Internet Balancing Formula"* in Susi M and Pollicino O (eds), *European Law Journal special edition on Internet and the human rights law* (forthcoming in 2019) European Law Journal.
- "The Ideal and Normative Dimensions of the Right to Be Forgotten" in von Arnaud A, von der Decken K, Susi M (eds), *Cambridge Handbook on New Human Rights of the 21st Century: Rhetoric, Recognition and Novelty* (Cambridge University Press forthcoming in 2019).
- "Novelty in new human rights: the decrease of universality and abstractness thesis" in von Arnaud A, von der Decken K, Susi M (eds), *Cambridge Handbook on New Human Rights of the 21st Century: Rhetoric, Recognition and Novelty* (Cambridge University Press forthcoming in 2019).
- *"Balancing Fundamental Rights on the Internet – the Proportionality Paradigm and Private Online Capabilities"* in La Torre M, Susi M and Niglia L (eds), *The Quest for Rights: Ideal and Normative Dimensions of Law* (Edward Elgar Publishing forthcoming in 2019).
- "Human rights in the digital domain – the idea of non-coherence theory" in *Human Rights, Digital Society and the Law: A Research Companion* (Routledge Publishing forthcoming in 2019).
- and Jónsson E, "Comparative Analysis of the Nordic/Baltic Approaches and Standards" in *Human Rights Law and Regulating Freedom of Expression in New Media: Lessons from Nordic Approaches* (Routledge 2018).
- and Veetõusme R, Pajuste T, "Estonia – Raising High the Roof Beams of Freedom of Expression in *Human Rights Law and Regulating Freedom of Expression in New Media: Lessons from Nordic Approaches"* (Routledge 2018).
- *"Implied Constitutional Competence of the European Court of Human Rights"* [2014] German Yearbook of International Law 353.
- *"The definition of a structural problem in the case law of the European Court of Human Rights"* [2012] German Yearbook of International Law 385.

4. Outras publicações recentes

- *"Delfi AS v. Estonia"* (2014) 108 American Journal of International Law 295.
- *"Constitutional 'trinity' for an EU Member State stops at the gates of national sovereignty"* (2013) 6 Journal of Comparative Politics 31.
- *"The Baka Case - The Unbearable Price of Individual Justice"* [2014] Hungarian Yearbook of International Law and European Law 121.
- *"The Right To Be Forgotten"* (2014) 88 Australian Law Journal 608.
- *"International reports as trumps in international litigation: recent judgment of the European court of human rights in the Georgia v. Russia (I) case"* (2015) 7 Russian Journal of Communication 313.
- *"Is the Age of Socio-Economic Rights Over?"* (2015) 132 South African Law Journal 469.

Em relação a projetos, os seguintes são indicados:

Hurmur – human rights, mutually raising excellence, H2020-Twinning-2015, Horizon 2020 project no 692143, period: 2016 – 2018, amount: 1,014,675 euro, partners: Tallinn University, Danish Institute of Human Rights, Walther-Schücking Institute of International Law of Kiel University, role of the PI: project initiator and leader. Relation to the current project: raising research capacity of Tallinn University academics into human rights, entry into global scholarly networks.

- Law and Media Network, Nordic Council of Ministers funded project no NPHE-2016/10200, period: 2016-2017, amount: 46,580 euro, partners: Tallinn University, Tampere University, University of Latvia, Iceland University, role of the PI: project initiator and leader. Relation to the current project: strengthening the network and study of hate speech and censorship matters.
- Law and Media Network, Nordic Council on Ministers funded project no NPHE-2015/10125, period: 2015-2016, amount: 69,870 euro, partners: Tallinn University, Tampere University, University of Latvia, Iceland University, role of the PI: project initiator and leader. Relation to the current project: creation of the network and study of the role of new media in fostering human rights.

Mais além, entre outras coisas:

1. é membro de sociedades científicas

Founding member, Digital Human Rights Network (the network applied for funding via the COST program).

Representative of Tallinn University's International Research Center of Fundamental

Rights at the Association of Human Rights Institutes.

2. Colaborou com Robert Alexy

Topic: balancing of conflicting rights online and offline, Kiel University, Germany

Eu agradeço a Mart Susi pelo convite para cooperar com a tradução dos textos presentes neste volume. Isso deve-se, por sua vez, a uma sugestão de Robert Alexy, pelo que, então, também a ele cabe o agradecimento.

Ao editor Sérgio Antonio Fabris eu agradeço pela aceitação da feitura deste volume. Com isso, o leitor brasileiro agora também tem acesso à fórmula da ponderação de direitos fundamentais no domínio *online*.[1]

A Maria Regina Diniz Heck, meu agradecimento pela leitura dos originais.

Ainda: palavras não em inglês foram mantidas. Sua tradução encontra-se em colchetes.

Gravataí, inverno de 2019

Luís Afonso Heck

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1 - Para a ponderação de direitos fundamentais e bens coletivos no domínio *offline*, inclusive a fórmula peso, ver Heck, Luís Afonso. A ponderação no código de processo civil, in mesmo autor (org./trad./rev.). Direito positivo e direito discursivo. Subsunção e ponderação no direito constitucional e ordinário. Porto Alegre: Sergio Antonio Fabris Editor, 2017, página 105 e seguintes. Ludwig, Roberto José. A norma de direito fundamental associada. Direito, moral, política e razão em Robert Alexy. Porto Alegre: Sergio Antonio Fabris Editor, 2014. Para a *opinião*, relativa ao sistema filosófico-jurídico de Robert Alexy, existente no Brasil, ver Trevisan, Leonardo Simchen. Ponderação, argumentação, racionalidade. Robert Alexy e seus críticos. Porto Alegre: Sergio Antonio Fabris, 2017.
Seja aqui, em conexão com isso, ainda lembrado: a resolução n. 5, de 27 de dezembro de 2018, que "Institui as diretrizes curriculares nacionais do curso de graduação em direito ..." também acolheu o modelo semântico em seu artigo 4, I: "interpretar e aplicar as *normas (princípios e regras)* do sistema jurídico nacional, observando a experiência estrangeira e comparada, articulando o conhecimento teórico com a resolução de problemas." (O itálico é meu.)

AUTORES VINCULADOS

Mart Susi |Robert Alexy |

MARCADORES

Direitos fundamentais |