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Åberopsbörda i dispositiva tvistemål

En civilprocessuell studie i anslutning
till 17 kap. 3 § andra meningen RB

In dispositive civil cases, questions often arise as to which party has to invoke a certain fact, how concrete the statement of a stated fact should be and to what extent the court can blame one of the parties for deficiencies in the alleged factual context. Since the beginning of the 1960s, these issues have been dealt with in Swedish civil procedure theory under the heading of the burden of invoking. Within the framework of the theme, there are both difficult theoretical questions and a number of concrete and everyday problems of great importance to litigation lawyers and judges. This book deals with the theme in detail, focusing on the question of the distribution of the burden of invoking.

The book is divided into three main parts:

- Origin and development of the burden of invocation (historical part)
- General questions on the parties' submissions and the burden of pleading (general section)
- Rules and guidelines for the burden of invocation in different cases (special part)

The basis for the review of typical cases in the special part of the thesis is an analysis of more than 150 judgments from the Supreme Court in which the court in various ways expresses positions on the distribution of the burden of invoking.

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