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THE HIDDEN SIDE OF STANDARD CONTRACTS: HOW THE LAW PROTECTS THE CONSUMER

CONTRACTS

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STRUCTURAL INEQUALITY IN CONTRACTING

Adhesion contracts reflect an asymmetrical relationship, where the consumer has no real opportunity to negotiate. This lack of parity justifies legal intervention to balance the contractual relationship.

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UNFAIR CLAUSES

Nullity and Judicial Control: Clauses that impose disproportionate burdens or limit essential consumer rights are considered unfair and therefore null. Judges may declare their invalidity even ex officio.

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REQUIREMENTS OF TRANSPARENCY AND READABILITY

The law requires clauses to be clear, understandable, and highlighted. Failure to meet these requirements may invalidate their application, especially if they affect the consumer´s fundamental rights.

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ENHANCED PROTECTION IN CONSUMER LAW

The Argentinian legal framework provides specific tools to protect the consumer, such as favorable interpretation in case of ambiguity and the possibility of administrative intervention to prevent abuse.

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