Theory of Law

Academic Year: (2022 / 2023) **Review date: 05-02-2023**

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: DORADO PORRAS, JAVIER

Type: Basic Core ECTS Credits : 6.0

Year : 1 Semester : 1

Branch of knowledge: Social Sciences and Law

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

The course doesn't require any previous knowledge

OBJECTIVES

1. Consciousness of Law as a system to regulate social relations
2. Consciousness of the Legal Systema as whole and consciuosness of the necessary interdisciplinary approach to legal problems
3. Ability to use different legal texts (Acts, Bills, judgements and rulings, teaching texts)
4. Ability to use principles and constitutional values in the interpretation of legal system
5. Ability to use a legal oratory and to do public speaking
6. Critic consciousness in analyzing legal system and ability to develop legal dialectics
7. Commitment to ethical values and principles
8. Comprehension and knowlege of the main private and public institutions in their origin and as a whole
9- Knowledge of the sociological approach to the analysis of Law, both from theoretical and practical points of wiew.

DESCRIPTION OF CONTENTS: PROGRAMME

This subject is the first approach of the student to legal phenomenon from a more abstract and philosophical point of view than the one used in the typical subjects of the legal dogmatic.
The programme is as follows

Lesson 1.- The concept of Law
A.- Problems about the concept of law
B.- Validity, efficacy and Justice

Lesson 2.- Law as a social and cultural phenomenon and as a form of social organization
A.- Law and social control
B.- Law and social change

Lesson 3.- Law and other normative systems
A.- Rules of social treatment and their description
B.- Law and Morals
C.- Public ethics and private ethics

Lesson 4.- Law and Force
A.- Law, force and Power
B.- The rule of law

Lesson 5.- The Legal norm
A.- Law and Language. Functions of language.
B.- Types of norms. The legal norm as a prescriptive clause. Elements of prescriptions
C.- Classification of legal norms.

Lección 6.- The legal system
A.- The idea of legal system.
B.- The features of the legal system

Lesson 7.- Law production.

A.- Normative production
B.- . Legal law and judicial law
C.- Other ways of legal production.

Lesson 8.- Interpretation and implementation of law
A.- Interpretation and implementation of law.
B.- Interpretation criteria.
C.- Constitutional interpretation.
D.- Legal argumentation.

LEARNING ACTIVITIES AND METHODOLOGY

The methedology will include:
1.- Lectures (big group): Every lessons of the programme will be taught in lectures, although lecturers will pay special attention to those parts considered more important or thouse that, due to their difficulty, deserve a wider explanation. A handbook of the subject will be recommended to make easier the student¿s work and all the materials considered suitable will be posted online through ¿Aula Global¿
2.- Seminars (small group): Seminars will be used to go into different parts of the subject in depth through the solution of different cases, commentaries, etc. All the materials considered suitable will be posted online through ¿Aula Global¿
This will be the tutorships regime:
Individual Tutorships: Each teacher responsible of a group, will state in aula global a timetable of individual tutorships of at least 1 hour per week, showing the date, time and place of them.
Collective tutorships: Aditionally, there are two different means of collective tutorships complementary to the individual tutorships.
a) Tutorships in classroom: The teachers of the small groups will carry out at least one session (and four as maximum) of collective tutorships in classroom with the students as a whole. The Teachers will include these tutorships in the tutorships schedule of Aula global, showing the date, time and place.
b) Consultation session: Moreover, the teacher will be able to make consultation sessions with the students as a whole, along the terme, periodically or sporadically. These consultation sessions can be carried out by the teacher responsible of the group or assistant lecturers or research fellows of the department. In any case, the teachers will include in aula global the date, time and place of the consultation sessions.

ASSESSMENT SYSTEM

Assesment Systemis a mixed one, combining continuous assessment and a final exam to be able to assess in a objective way the level of learning of the student along the term
A) Continuous Assessment.-
Continuous assessment, along the term, will have a weight of 50% on the final mark. Each proffessor will determine, at the beginning of the course,the kind, content and assessment system of the tests that students will have to do throughout the course.
B) Final Exam.-
Date, time and place of the final exam will be will be posted online in the UC3M web page.
Final exam will have a weight of 50% on the final mark, and will consist of two different part: theoretical and practical
Level of comprehension, use of the different concepts involved in the cuestions and essays, and communication skills will be assessed in all the activies.
Independently of the percentages ascribed to continuous assessment and the final exam, the students have to get a minimum mark of 3 points in the final exam, being 10 points the maximum mark (1,5 points on the maximum 5 points) to pass the course.
In the extraordinary call, final exam will have a weight of 100% on the final grade, unless the student had carried out the continuous assessment and the system of ordinary call is most favorable to him/her.

% end-of-term-examination:	50
% of continuous assessment (assigments, laboratory, practicals…):	50

BASIC BIBLIOGRAPHY

- ATIENZA, M. El Sentido del Derecho, Ariel, Barcelona, 2000.
- BOBBIO, N. Teoría General del Derecho, Debate, Madrid, 1991.
- DIAZ, E. Sociología y Filosofía del Derecho, Taurus, Madrid, 1989.
- FERNANDEZ, E., Teoría de la Justicia y Derechos Humanos, Debate, Madrid, 1984.
- GARZÓN, E. y LAPORTA, F. J. (editores) El Derecho y la justicia, Trotta, Madrid, 1996.

- HART, H. L. A. El Concepto de Derecho, Abeledo Perrot, México, 1980.
- KELSEN, H. Teoría Pura del Derecho, Universidad Autonoma Nacional de México, México, 1979.
- MORESO, J. y VILAJOSANA, J. J. Introducción a la Teoría del Derecho, Marcial Pons.
- NINO, C.S. Introducción al Análisis del Derecho, Ariel, Barcelona, 1983.
- PECES-BARBA, G., FERNANDEZ, E. y ASÍS, R. De. Curso de Teoría del Derecho, Marcial Pons, Madrid, 2005.
- PRIETO SANCHIS, L. Apuntes de Teoría del Derecho, Trotta.

ADDITIONAL BIBLIOGRAPHY

- ANSUATEGUI, F. J. (editor) Textos Básicos de Teoría del Derecho, BOE-Universidad Carlos III, Madrid, 1994.
- ASIS, R. De. Jueces y Normas. La Decisión Judicial desde el Ordenamiento, Marcial Pons, Madrid, 1995.
- BOBBIO, N. Contribución a la Teoría del Derecho, Debate, Madrid, 1990.
- FARIÑAS DULCE, M. J. El Problema de la Validez Jurídica, Civitas, Madrid, 1991.
- FERNANDEZ, E. La Obediencia al Derecho, Civitas, Madrid, 1987.
- LATORRE, A. Introducción al Derecho, Ariel, Barcelona, 2000.
- LUCAS, J. De. (editor) Introducción a la Teoría del Derecho, Tirant Lo Blanch, Valencia, 1997.
- LUMIA, G. Principios de Teoría e Ideología del Derecho, Debate, Madrid, 1993.
- PEREZ LUÑO, A.E. (y otros) Teoría del Derecho: Una Concepción de la Experiencia Jurídica, Tecnos, Madrid, 1997.
- RIDDALL, J. G. Teoría del Derecho, Gedisa, Barcelona, 1999.
- VV.AA Lecciones de Teoría del Derecho, McGraw-Hill, Madrid, 1997.