

Academic Year: ( 2024 / 2025 )

Review date: 16-04-2024

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

Coordinating teacher: ASIS ROIG, RAFAEL FERNANDO DE

Type: Electives ECTS Credits : 3.0

Year : Semester :

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Legal Theory

## OBJECTIVES

This subject focuses on legal practice. It aims to help students develop skills and competences not available in other legal disciplines.

1. Comprehension and knowledge of the meaning and scope of logic and argumentation in LAW.
2. Comprehension and knowledge of the main Theories of Legal Argumentation.
3. Ability to use interpretive and argumentative techniques
4. Ability to analyze and evaluate the arguments expressed in judicial decisions
5. Ability to defend a thesis with legal arguments and legal methodology.
6. Comprehension and ability to use tools to create well-justified legal texts.
7. Analytical, critical and discursive capacity.

## DESCRIPTION OF CONTENTS: PROGRAMME

The subject "Logic and Legal Argumentation" is important in legal training. This subject not only gives students a better comprehension of the meaning and operation of legal system and its basic institutions, but it also provides them with tools from which to analyze and development legal reasonings.

The programme is as follows:

- LESSON 1. Logic and argumentation in Law
- LESSON 2 Theories of legal argumentation
- LESSON 3 Argumentative techniques
- LESSON 4 Legal reasoning structure and reconstruction
- LESSON 5. The correction of legal reasoning. Legal reasoning on fundamental rights.

## LEARNING ACTIVITIES AND METHODOLOGY

**LECTURES:** Every lesson of the programme will be taught in lectures, although lecturers will pay special attention to those parts considered more important or those that, due to their difficulty, deserve a wider explanation. To make it easier for the student's work all the materials will be available on the Aula Global.

**WORKSHOP "Analysis of legal reasoning":** This workshop will deepen in learning practical aspects of the subject. Students will work jurisprudential texts through different activities .

Activities will be delivered at the end of the corresponding session or before the next session. They will be corrected in class by the students.

Workshop's activities will be specified at the beginning of the course. All the materials considered suitable will be available through Aula Global.

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## ASSESSMENT SYSTEM

<b>% end-of-term-examination:</b>	60
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	40

Assesment System will take into account the following criteria:

Continuous assessment: Practical activities and participation in debates during the sessions 40%

Test: 20%

Final work: 40%

Individual work involving the redaction of the argumentation of a judicial decision. Dead line the date of the final exam.

The students, in order to pass the course, must get a minimum score of 3 points out of a maximum of 10 in the final work. If the the students get less than 3 points of a maximum of 10 in the final work theirs final score will be 4.5 (thought they get a score of 4.5 or above 4.5 with the numerical sum of continuous assessment and final work they do not pass de course).

For those students who do not choose the continuous assessment system, there will be a final exam on the official date with a value of 60%.

The extraordinary exam will consist of a multiple choice questionnaire and practical exercises. The continues evaluation will be saved or the exam will score 100% depending on the most favorable option for the student.

## BASIC BIBLIOGRAPHY

- ASÍS ROIG, R. DE Sobre el razonamiento judicial , MacGraw Hill, 1998
- ASÍS ROIG, R. DE, El juez y la motivación en el Derecho , Dykinson, 2005
- ASÍS ROIG, R. DE, Jueces y normas , Marcial Pons , 1995
- ATIENZA, M. Las razones del Derecho , Centro de Estudios Constitucionales .
- BARRANCO AVILÉS, M.C., Derechos y decisiones interpretativas , Marcial Pons, , 2004
- CUENCA GÓMEZ, P., ¿Aspectos, problemas y límites de la argumentación jurídica y judicial¿ , Derechos y Libertades, , 2004
- GARCIA AMADO, J.A, Argumentación jurídica y conflictos de derechos, Tirant Lo Blanch, 2022
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#### ADDITIONAL BIBLIOGRAPHY

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- CALVO, J. Derecho y narración , Ariel , 1996
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