

Theory of Law

Code: 102267
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Lucia Ortiz Amaro

Noelia Igareda Gonzalez

Luisa Pilar Moreno Cuerva

Esther Murillo Blasco

Marc Abraham Puig Hernandez

Barbara Lirios Monllor Taltavull

Lorena del Pilar Garrido Jimenez

Maria Barcons Campmajo

External teachers

Ana Fernández

Prerequisites

To be able to follow the subject, it is essential to have optimal linguistic and reading competence in accordance with the level of university studies. Basic knowledge of philosophy and sociology will help to follow the subject.

Group 1. Theory: Bárbara Monllor (Catalan)

Seminar 11: Bárbara Monllor (Catalan)

Seminar 12: New Lecturer (Catalan)

Seminar 13: Ana Fernández (Spanish)

Group 2. Theory: Noelia Igareda (Spanish)

Seminar 21: Noelia Igareda (Spanish)

Seminar 22: Lucía Ortiz (Catalan)

Seminar 23: Esther Murillo (Spanish)

Group 3. Theory: New Lecturer (Catalan/Spanish)

Seminar 31: New Lecturer (Catalan/Spanish)

Seminar 32: Bárbara Monllor (Catalan)

Seminar 33: Lorena Garrido (Spanish)

No. 51. Theory: Luisa Moreno (Spanish)

Seminari 511: Luisa Moreno (Spanish)

Seminari 512: Lucía Ortiz (Catalan)

Seminari 513: Esther Murillo (Spanish)

Group 70. Theory: Marc-Abraham Puig (Catalan)

Seminari 70: Marc-Abraham Puig (Catalan)

Seminari 71: New Lecturer (Catalan)

Seminari 72: Ana Fernández (Spanish)

Objectives and Contextualisation

Theory of Law is a subject that is taught in the first four months of the first year of the degree of Law. It is an introductory course to basic legal concepts for the development of all subjects. The subject develops the great areas of contemporary law theory, starting from the plurality of schools and visions that form the theory and philosophy of modern law.

The major areas that arise in the program are:

The forms of approach to law: law science, sociology and philosophy of law.

Theory of the norm and the legal order.

Application and interpretation of the law.

Values of rights and theories of justice

Fundamentals of the sociology of law.

The main training objectives of the subject are:

Know the main forms of approach to law from the science of law, sociology of law and philosophy of law

Identify, know and apply the basic concepts of the theory of law.

Understand the fundamentals of legal argumentation.

Reflect on the values and functions of law

Understand the formation of contemporary legal concepts in their historical and social context.

Competences

- Applying ethical values and principles associated with the professional practice of law.
- Arguing and laying the foundation for the implementation of legal standards.
- Defend and promote the basic values of coexistence in democracy.
- Defending and promoting the essential values of the social and democratic State of Law.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Present information in a way that is appropriate to the type of audience.
- Properly analysing the issues related to equality between men and women.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of perceiving the impact and implications of the decisions taken.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Working in multidisciplinary and interdisciplinary fields.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Defend and promote the basic values of coexistence in democracy.
2. Defining the importance of the legal deontology.
3. Defining the jusnaturalist (natural law), positivist, and realist legal theories and its view on the unitary nature of the legal system.
4. Defining the legal instruments oriented to eradicate social inequality between men and women.
5. Defining the main basic principles of the legal system.
6. Defining the relationships between law and morals in the social and democratic state of law.
7. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Describing the different critical contributions to the theory of Law.
9. Describing the law-society relationships.
10. Distinguishing the theories and necessary concepts for the analysis of the inequality between men and women.

11. Enumerating the different contemporary theories of the legal reasoning.
12. Identifying the contemporary deontological problems.
13. Identifying the problems of law implementation.
14. Identifying the sexual discrimination factors in law.
15. Identifying the socio-legal problems in the current socio-legal theories.
16. Identifying the values of the social and democratic state of law.
17. Interpreting the contributions of the sociology of law.
18. Interpreting the evolution of the social and democratic state of law.
19. Present information in a way that is appropriate to the type of audience.
20. Producing theoretical discussions about the role of the principles in the legal system.
21. Students must be capable of communicating their points of view in a compelling way.
22. Students must be capable of perceiving the impact and implications of the decisions taken.
23. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
24. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
25. Working in multidisciplinary and interdisciplinary fields.
26. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

1. Ways to approach the Law: Jurisprudence, Sociology of Law and Legal Philosophy.
2. Law and Morals.
3. Law and society.
4. Law, power, and State
5. Determination of the Law: Natural Law, Legal Positivism, and Legal Realism.
6. Theory of the norm.
7. Legal system.
8. Sources of Law.
9. Fundamental legal conceptions.
10. Legal interpretation.
11. The application of Law.
12. Legal argumentation.

Methodology

Attendance at seminars, except in some case of justified reason, will be compulsory for students

The teaching of the subject and the training of students is based on the following activities:

1. Directed activities:
 - 1.1 Lectures: where the students reach the conceptual bases of the subject and its normative and jurisprudential legal framework. The master classes are the activities in which less interactivity is required of the student and are conceived as an exhibition to establish the conceptual references in each subject.

1.2. Seminars: where the students, in small groups, analyze together with the teachers practical cases previously prepared. In specific cases, cases will be developed in class. The basis of practical work is the understanding and application of the concepts explained in the theoretical classes.

2. Supervised activities:

These are activities that the students develop in the classroom, with the supervision and help of the teaching staff. It is about the elaboration of some practical assumption in the classroom.

3. Autonomous activities:

Preparation of documents of practical activities: that will be delivered and analyzed in the classroom.

Search of bibliography and instrumental materials for the resolution of practical cases. In some or some cases students must perform the autonomous search of the documentation

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	19.5	0.78	10, 14, 12, 13, 15, 16, 17
Theoretical classes	19.5	0.78	4, 5, 2, 6, 3, 8, 9, 20, 11, 16, 18, 17
Type: Autonomous			
Assessment	5	0.2	6, 7, 13, 18
Individual works	36	1.44	21, 24, 7, 23, 22
Reading and study of materials	45	1.8	12, 13, 15, 16, 18, 17
Teamwork	20	0.8	21, 24, 23, 22, 26, 25

Assessment

Students who copy or try to copy an exam will receive a grade of 0 in that test. Who submits a practice with plagiarism will get a 0 and receive a warning. In case of reoccurrence of the behaviour, the subject will be suspended.

Each teaching group will publish the specific date or week for carrying out the assessable activities on the Virtual Campus before the start of teaching. However, in exceptional circumstances and due to force majeure, these dates or weeks may be modified.

The final grade will be obtained from the following elements:

1.1 Continuous evaluation of the classes. (50% of the note)

Attendance at seminars, based on just cause assumptions, will be mandatory for students.

1st Seminar test 25%.

2nd Seminar test 25%.

1.2 Final exam. (50% of the note)

The final exam must be passed with a mark higher than 5 to average with the rest of the qualifications of the continuous evaluation.

Single Assessment ([Guidelines](#))

First Activity (25%). Reading comprehension.

Second Activity (25%). Essay question.

Common activity (50% of the note). Same task as final exam.

Re-evaluation

There will be a re-evaluation of the part related to the final exam. For single assessment students, the same re-evaluation system will be applied as for continuous assessment.

The maximum grade in the re-evaluation cannot be higher than 6.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Evaluation tests	50%	5	0.2	4, 5, 2, 6, 3, 7, 8, 9, 10, 20, 11, 16, 18
Individual and teamwork	50%	0	0	21, 1, 4, 24, 7, 10, 14, 12, 13, 15, 18, 17, 19, 23, 22, 26, 25

Bibliography

COURSEBOOK

AÑÓN, M.José, et. al. (2021). *Teoría del Derecho (2nd ed.)*, Tirant lo Blanch (electronic edition available at the UAB Library).

FURTHER READING

ATIENZA, M. (2012). *El sentido del derecho (2nd ed.)*, Ariel.

ATIENZA, M. (2017). *Filosofía del Derecho y transformación social*, Trotta.

ATIENZA, M. (2015), *El Derecho como argumentación*, Ariel.

CASANOVAS, P. (2017). *Sub lege Pugnamus. De la Gran Guerra a les grans dades*. Publicacions de la Universitat de Barcelona.

CASANOVAS, P. & MORESO, J.J. (2020). *El ámbito de lo jurídico. Lecturas de pensamiento jurídico contemporáneo*. Ed. Olejnik.

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CALVO GARCÍA, M. & PICONTO, T. (2017). *Introducción y perspectivas actuales de la sociología jurídica*, Editorial UOC.

DE LUCAS, J. (coord) (1997). *Introducció a la teoria del dret (3rd ed.)*, Tirant lo Blanc.

DWORKING, R. (2012), *Los derechos en serio*, Ariel.

DE SOUSA SANTOS, B. (2009). *Sociología jurídica crítica. Para un nuevo sentido común en el derecho*, Trotta.

FREEMAN, M. D. A. (2011). *Lloyd's introduction to jurisprudence* (8th ed., Repr.), Sweet & Maxwell.

MORESO, J. J. & VILAJOSANA, J. M. (2004). *Introducción a la teoría del derecho*. Marcial Pons.

PUIGPELAT, F., (Coord.) (1996). *Teoria del dret*, Universitat Oberta de Catalunya.

RIDDALL, J. G. (2008). *Teoría del Derecho*. Gedisa.

RODRIGUEZ, PALOP, M. E. (2010), *La nueva generación de derechos Humanos*, Dykinson.

RUIZ RESA, J. (2017). *Teoría del derecho*. Tirant lo Blanc: València (electronic edition available at the UAB Library).

Software

The subject does not require any specific software