

Theory of Law

Code: 102267
ECTS Credits: 6

2025/2026

| Degree | Type | Year |
|--------|------|------|
| Law | FB | 1 |

Contact

Name: Marc Abraham Puig Hernandez

Email: marcabraham.puig@uab.cat

Teachers

Encarnacion Bodelon Gonzalez

Lucia Ortiz Amaro

Noelia Igareda González

Patricia Fernanda Gonzalez Prado

Luisa Pilar Moreno Cuerva

Esther Murillo Blasco

Rocio Medina Martin

Marc Abraham Puig Hernandez

Bárbara Lirios Monllor Taltavull

Maria Barcons Campmajo

Teaching groups languages

You can view this information at the [end](#) of this document.

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.

The teaching of the subject is given taking into account the perspective of the Sustainable Development Goals.

Group 1. Theory: Maria Barcons

Seminar 11: Patricia González

Seminar 12: Maria Barcons

Seminar 13: Lorena Garrido

Group 2. Theory: Encarna Bodelón

Seminar 21: Patricia González

Seminar 22: Encarna Bodelón

Seminario 23: Rocío Medina

Group 3. Theory: Noelia Igareda

Seminar 31: Marc Puig

Seminar 32: Nelia Igareda

Seminar 33: Lorena Garrido

Group 51. Theory: Luisa Moreno

Seminar 511: Esther Murillo

Seminar 512: Luisa Moreno

Group 70. Theory: Marc-Abraham Puig

Seminar 701: Bárbara Monllor

Seminar 702: Marc-Abraham Puig

Seminar 703: Pendent d'assignació

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

Contents

1. Ways to approach the Law. 1.1 Jurisprudence, Sociology of Law and Philosophy of Law. 1.2. Methodological tools. 1.3. Law's Dimensions: effectiveness and efficiency, validity, justice.
2. Determination of the Law. 2.1. Natural Law: Classical and Contemporary Schools. 2.2. Legal positivism: theoretical (structuralist), ideological, methodological, inclusive and exclusive positivism. 2.3. Legal Realism: Scandinavian and American.
3. Law and morality. 3.1. Relationship between Law and morality. 3.2. Differences and connections between Law and morality. 3.3. Dimensions of morality. 3.4. Types of morality: positive and critical. 3.5. The value of justice. 3.6. Conscientious objection and civil disobedience.
4. Law and society. 4.1. Law as a social phenomenon. 4.2. Public uses. 4.3. Religious norms. 4.4. Functionalist theories of the Law. 4.5. Theories of conflict.
5. The social functions of the Law. 5.1. Social control. 5.2. Direct and indirect functions. 5.3. Social integration. 5.4. Conflict resolution. 5.5. Educational. 5.6. Repressive or sanctioning. 5.7. Promotional. 5.8. Distributive. 5.9. Legitimation of power.
6. Law, power and State. 6.1. Relations between the State and the Law. 6.2. Coercive vision and violence. 6.3. Theories of coerciveness. 6.4. Theories of the Rule of Law: liberal, social, constitutional. 6.4. State models: welfare, neoliberal, authoritarian.
7. Theory of the legal norm. 7.1. Norms and language. 7.2. Types of rules. 7.3. Structure of the legal norm. 7.4. Classification of legal norms.
8. Legal System and normative system. 8.1. Concept of system. 8.2. Concept of legal system. 8.3. Cohesion. 8.4. Consistency. 8.5. Plenitude.
9. Fundamental legal concepts. 9.1. Levels of abstraction. 9.2. Fundamental concepts from "pure" theory: sanction, illicit act, legal obligation, responsibility. 9.3. Legal positions: correlation and opposition of positions. 9.4. Evaluation of the types.
10. The legal interpretation. 10.1. Concept of interpretation. 10.2. The problems of language. 10.3. Types of interpretation. 10.4. Theories of legal interpretation.
11. The application of the law. 11.1. Interpretation and application of Law. 11.2. Justification of legal decisions. 11.3. Justification of the premises. 11.4. On judicial creativity.
12. The legal argument. 12.1. Concept of (legal) argumentation. 12.2. Argument dimensions. 12.3. Problems. 12.4. Paradigmatic modes. 12.5. Evaluation of the arguments.
13. Justice, deontology and bioethics. 13.1. Dimensions of justice: material and formal. 13.2. Introduction to deontology and legal professions. 13.3. Introduction to bioethics.

Activities and Methodology

| Title | Hours | ECTS | Learning Outcomes |
|--------------------------------|-------|------|---|
| Type: Directed | | | |
| Seminars | 22 | 0.88 | 10, 14, 12, 13, 15, 16, 17 |
| Theoretical classes | 22 | 0.88 | 4, 5, 2, 6, 3, 8, 9, 20, 11, 16, 17, 18 |
| Type: Autonomous | | | |
| Individual works | 36 | 1.44 | 21, 24, 7, 23, 22 |
| Reading and study of materials | 45 | 1.8 | 12, 13, 15, 16, 17, 18 |
| Teamwork | 20 | 0.8 | 21, 24, 23, 22, 25, 26 |

Preliminary Note

Attendance at seminars, except for justified cases, will be mandatory for students.

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

1. Directed activities:

1.1 Master classes: where the students reach the conceptual bases of the subject and the legal and jurisprudence framework. The master classes are the activities in which the student is required less interactivity and are conceived as an exhibition to establish conceptual references in each topic.

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

1.3. Evaluation: continuous assessment activities (the nature of which will be informed by the person in charge of the group: written, oral, presentations, etc.) and final exam.

2. Supervised activities:

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

3. Autonomous activities:

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

3.2. Search for bibliography and instrumental materials for the resolution of practical cases. In some cases, students will have to do 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.

Assessment

Continuous 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, 17, 18, 19, 23, 22, 25, 26 |

Students who copy or attempt to copy to an exam will receive the grade of "0" in that test. Whoever presents a practice with plagiarism will obtain a "0" and receive a warning. In case of repetition of the behaviour, the subject will be suspended.

In each teaching group, the specific date or week of carrying out the evaluable activities will be published on the Virtual Campus before the beginning of teaching, without prejudice to the fact that, exceptionally and due to reasons of force majeure, these may, with sufficient notice and advance notice, be modified.

Students will be evaluable provided that they have carried out a set of activities whose weight is equivalent to a minimum of 2/3 of the total grade of the subject. If the value of the activities carried out does not reach this threshold, the teacher responsible for the subject may consider the student as "not evaluable".

The final grade of the subject will be obtained from the following elements:

Continuous evaluation. Attendance at seminars, except for justified cases, will be mandatory for students. The typology of the evaluable tests will be notified by the person responsible for the group in advance: practical cases, oral presentations, argumentation and debate, participation, exams, etc.

Seminar tests (50% of the grade): Participation (10%) + 1st Seminar test (20%) + 2nd Seminar test (20%).

Final exam: 50% of the grade.

The final exam must be passed with a qualification higher than 5 to average with the rest of the continuous assessment grades.

Single Assessment ([Guidelines](#))

First Activity (25%). Reading comprehension.

Second Activity (25%). Essay question.

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

The same "non-evaluable" criterion will be applied as for the continuous evaluation.

Re-evaluation

There will be a re-evaluation just 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.

Use of AI

Restricted use: For this subject, the use of Artificial Intelligence (AI) technologies is allowed exclusively in the bibliographic or information search and the correction of texts in classroom activities. The students will have to clearly identify which parts have been generated with this technology, specify the tools used and include a critical reflection on how these have influenced the process and the final result of the activity. The non-transparency of the use of AI in this evaluable activity will be considered lack of academic honesty and may lead to a partial or total penalty in the grade of the activity, or greater penalties in cases of severity.

Bibliography

COURSEBOOK

AÑON, M. José, et. al. (2023). *Teoría del Derecho* (3rd ed.). Tirant lo Blanch (electronic edition available at the UAB Library).

FURTHER READING

ATIENZA, Manuel (2017). *Filosofía del derecho y transformación social*. Trotta.

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

CALVO GARCÍA, Manuel (2000). *Teoría del Derecho* (2nd ed.). Tecnos.

CALVO GARCÍA, Manuel & PICONTÓ, Teresa (2017). *Introducción y perspectivas actuales de la sociología jurídica*. Editorial UOC.

CASADO GONZÁEZ, María (1998), Ética, derecho y deontología profesional. *DS. Derecho y Salud*, 6(1), pp. 30-35.

DE LUCAS, Javier (coord) (1997). *Introducción a la teoría del derecho* (3rd ed.). Tirant lo Blanch.

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

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

FALCÓN Y TELLA, María José (2025). *Lecciones de Teoría del Derecho* (3rd ed.). Tirant lo Blanch.

FERRAJOLI, Luigi (2017). *La lógica del Derecho*. Trotta.

FREEMAN, Michael D. A. (2014). *Lloyd's introduction to jurisprudence* (9th ed.). Sweet & Maxwell.

GUASTINI, Riccardo (2023). *Interpretación jurídica y Teoría del Derecho*. Zela.

GUASTINI, Riccardo (2025). *Teoría del Derecho. Un enfoque metodológico*. Zela.

HAACK, S. (2024). *Justicia, verdad y prueba: ensayos sobre epistemología en el derecho*. Palestra.

LEMA AÑÓN, Carlos (2023). De la ignorancia del derecho a la justicia epistémica en el derecho: Injusticia testimonial e injusticia hermenéutica como obstáculos para el acceso a la justicia. *Oñati Socio-Legal Series*, 13(3), pp. 761-796. <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1377>

MARMOR, Andrei (2012). *Interpretación y Teoría del Derecho*. Gedisa.

MARTÍNEZ UBÉNEZ, Simón (2020). Entrevista: Manuel Atienza y la teoría de la argumentación jurídica. *Lógoi. Revista de filosofía*, 38, pp. 340-349.

MORESO, José Juan & VILAJOSANA, Josep Maria (2004). *Introducción a la teoría del derecho*. Marcial Pons.

NIETO, Alejandro (2019). *Una introducción al derecho*. Tirant lo Blanch.

NINO, Carlos S. (2015). *Introducción al Análisis del Derecho* (2nd ed.). Astrea.

PUIG HERNÁNDEZ, Marc-A. (2024). *Libertad ideológica. Sobre el uso, su ejercicio y las objeciones*. Colex.

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

RIBOTTA, Silvina (2025). Huellas de Rousseau en Rawls. La construcción colectiva de la justicia. *Anales de la Cátedra Francisco Suárez*, 59, pp. 457-483. <https://doi.org/10.30827/acfs.v59i.31169>

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

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

VEITCH, Scott, CHRISTODOULIDIS, Emilios & GOLDONI, Marco (2024). *Jurisprudence. Themes and Concepts*. Routledge.

WACKS, Raymond (2021). *Understanding Jurisprudence. An Introduction to Legal Theory*. Oxford University Press.

Software

The subject does not require any specific software

Groups and Languages

Please note that this information is provisional until 30 November 2025. You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject.

| Name | Group | Language | Semester | Turn |
|--|-------|----------|----------------|---------------|
| (SEM30) Seminaris (30 estudiants per grup) | 11 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 12 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 13 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 21 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 22 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 23 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 31 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 32 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 33 | Spanish | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 511 | Spanish | first semester | afternoon |
| (SEM30) Seminaris (30 estudiants per grup) | 512 | Spanish | first semester | afternoon |
| (SEM30) Seminaris (30 estudiants per grup) | 701 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 702 | Catalan | first semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 703 | Spanish | first semester | morning-mixed |
| (TE) Theory | 1 | Catalan | first semester | morning-mixed |

| | | | | |
|-------------|----|---------|----------------|---------------|
| (TE) Theory | 2 | Catalan | first semester | morning-mixed |
| (TE) Theory | 3 | Spanish | first semester | morning-mixed |
| (TE) Theory | 51 | Spanish | first semester | afternoon |
| (TE) Theory | 70 | Catalan | first semester | morning-mixed |