

**COURSE DATA****DATA SUBJECT****Code:** 36811**Name:** Theory of law**Cycle:** Undergraduate Studies**ECTS Credits:** 6**Academic year:** 2025-26**STUDY (S)**

Degree	Center	Acad. year	Period
1933 - Double Degree in Law and Economics_2022	Facultat d'Economia	1	First quarter

**SUBJECT-MATTER**

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	Asignaturas de primer curso	COMPULSORY

**COORDINATION**

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**SUMMARY**

1. Legal Theory has an introductory purpose regarding legal reality, from the perspective of the Philosophy of Law. Thus, it wants to provide the student with a first approach to the architecture of Law, through a critical reflection that makes possible understanding Law in the framework of social reality, beyond specific perspectives to the other legal disciplines. It draws contributions from a wide range of related disciplines in the humanities and social sciences, including philosophy, political science, economics, history and sociology.

2. Legal Theory offers a broad range of topics, including analytical jurisprudence, normative jurisprudence, analyses of legal doctrines, theories of law as a social or cultural phenomenon, and critical perspectives on law and legal institutions. It is particularly related to Civil Law and Constitutional Law. Legal Theory aims for students to acquire the maturity to carry out a critical approach to Law.

3. The content of Legal Theory focuses on following topics: Concept of Law. The sense of Law in human existence. Main conceptions of Law. Relationship between Law



and other normative orders. Connection of Law with society and the State. The rule of Law. Spanish constitutional and legal system. The problem of interpretation and application of Law. Connection between Law and Justice.

## PREVIOUS KNOWLEDGE

## RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

There are no specified enrollment restrictions with other subjects of the curriculum.

## OTHER REQUIREMENTS

## COMPETENCES / LEARNING OUTCOMES

## DESCRIPTION OF CONTENTS

### 1. INTRODUCTION

#### LESSON 1. INTRODUCTION

1. Place of the Legal Theory in the Law Degree.
2. The concept of Law: diversity of perspectives.
3. Basic legal categories: validity, efficacy and justice.
4. Law as a social and political phenomenon.

#### LESSON 2. CONCEPTIONS OF LAW

1. Natural Law.
2. Legal Positivism.
3. Constitutionalism and other perspectives.

#### LESSON 3. LAW AND OTHER NORMATIVE ORDERS

1. Law, Morality and Conventions as normative orders.
2. Law and Morality.
  - A-Various aspects of the moral phenomenon.
  - B-Differential features between Law and Morality.
  - C-Connections between Law and Morality.
3. Law and Conventions.

#### LESSON 4. LAW AND SOCIETY

1. The place of Law in social spheres: politics, economy, culture.
2. The functions of Law.
3. Law and power: State, Law and Rule of Law.



4. Law and economy.

## **2. THE ELEMENTS OF LAW**

### LESSON 5. THE RULES

1. The language of the rules
2. The content of rules.
3. Law as a set of primary and secondary rules.
4. Rules and principles.

### LESSON 6. FROM RULES TO LAW

1. Law as a Legal System.
2. The unity of the Legal System. Main theoretical proposals.
3. The fullness of the Legal System. The gaps in the Law and its integration procedures.
4. The coherence of the legal system. Legal antinomies and their resolution criteria.
5. The sources of Law.

## **3. INTERPRETATION AND APPLICATION OF THE LAW**

### LESSON 7. THE PROCESS OF INTERPRETATION AND APPLICATION OF THE LAW

1. Models of Judicial Discretion.
2. Interpretation of rules. Concept, models and conditions.
3. Hermeneutical criteria. Reference to the Spanish Law

## **4. JUSTICE AND THE LAW**

### LESSON 8. LAW AND JUSTICE

1. Principles of Justice.
2. Theories of Justice. Main conceptions.
3. Law and Rights, duties and responsibilities.
4. Introduction to the Human rights.



## 5. THE ECONOMIC ANALYSIS OF LAW

1. Origin and development of the Economic Analysis of Law.
2. Positive approach and normative approach
3. Main concepts: efficiency, externalities, transaction costs.
4. Applications to Civil law, Property law, Criminal law.
5. Criticisms and virtualities.

### WORKLOAD

#### PRESENCIAL ACTIVITIES

Activity	Hours
Theoretical and practical classes	60,00
<b>Total hours</b>	<b>60,00</b>

#### NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	2,00
Individual or group project	8,00
Independent study and work	34,00
Preparation of lessons	26,00
Preparation for assessment activities	0,00
Resolution of case studies	0,00
<b>Total hours</b>	<b>70,00</b>

### TEACHING METHODOLOGY

#### 1. Evaluable activities:

Several specific activities will be carried out, corresponding to the parts of the subject.

#### 2. Specific activities:

The teacher will determine other activities in the classroom, which will contribute to improving the level of understanding of the program and participation in the lessons.

#### 3. Complementary activities (may be evaluable):

Other activities may be considered evaluable, such as Judges, Prosecutors or Lawyers conferences,



participation in Law workshop, etc. It will be carried out in the specific schedule of complementary activities indicated for each group.

## EVALUATION

- 70% of the final grade corresponds to the mark obtained in the global exam.
- 30% of the final grade corresponds to the mark obtained in the continuous evaluation (marks in evaluable activities).
- Participation in theoretical lessons and other activities will count to modulate, according to the teacher's discretion, the final grade.
- Regardless of the general evaluation system established for all students (written or oral exam), the professor in charge of the subject will be able to reasonably determine in the annex to the course syllabus the possibility of changing the modality of the final exam when a student needs to take it on a date different from the official one, in application of the rules for exam clashing, or any other cause established by the examination regulation (e.g., cases of justified force majeure). In these cases, the new modality of exam to be taken must maintain the same level of stringency and difficulty as the one generally given to the rest of the group.
- The students who have followed the continuous evaluation and have obtained a grade for but decided not to take the final exam on the official dates (both in the 1st and 2nd call), will be graded as "NOT PRESENTED".

## REFERENCES

- AÑÓN, M.J. et alii (2023), *Teoría del Derecho*, Valencia, Tirant Lo Blanch, (3ª ed.). AÑÓN, M.J. et alii (2023), *Teoría del Dret*, València, Tirant Lo Blanch, (2ª ed.).
- ATIENZA, M.- RUIZ MANERO, J. (2007), *Las piezas del Derecho*, Barcelona, Ariel, (4ª ed.)
- ATIENZA, M. (2012), *El sentido del Derecho*, Barcelona, Ariel.
- BALLESTEROS, J. (2001), *Sobre el sentido del Derecho*, Madrid, Tecnos (3ª ed.)
- BOBBIO, N. (1991), *Teoría general del Derecho*, Madrid, Debate.
- COOTER R. - ULEN, T. (2013), *Law and Economics*. Pearson.
- DE LUCAS, J. (2020), *Decir no. El Imperativo de la Desobediencia*, Valencia, Tirant lo Blanch.
- Kelsen, H. (1991), *Teoría pura del Derecho*, México D. F., Porrúa-UNAM.
- PÉREZ LUÑO, A.E. (2019), *Teoría del Derecho. Una concepción de la experiencia jurídica*, Madrid, Tecnos, (18ª ed.).
- POSNER, R. (2007), *Economic Analysis of Law*, New York, Aspen.
- PRIETO SANCHÍS, L. (2005), *Apuntes de Teoría del Derecho*, Madrid, Trotta.
- QUEROL ARAGÓN, N. (2014), *Análisis económico del Derecho*. Madrid, Dykinson.