

Plan of General Theory of Law

By:

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The traditional plans of study in the area of law presents the branches of law as compartments monopolies, as if it was a question of so many laws as branches exist.

We understand that it is a question of diverse aspects of the same object, that it is the law, so that it is necessary to finish the studies of law with the possibility of warning the complexity and integrity of the phenomenon putting, in addition, in practice the relation between the diverse branches.

It seems to be extremely suitable the integrated insertion of the General Theory of Law, at the end of the career understood as juridical system, which understands the study of the common denominators of the traditional branches of the law and not traditional or transverse, and also the integration of their differences in pure complexity.

The subject offers to the student the knowledge and skills, across a methodology preponderantly of method case, to synthesize the different branches of law, considering the civil, penal, administrative implications, etc.

The subject locates very adequately as obligatory matter of the last year, together with Private International Law, Law of Family and Successions, Seminar and Workshop.

It belongs to the Department of Philosophy, area general Theory of law since it constitutes the highest degree of the concrete science of the Law, without managing to be Philosophy of law in the sense of answering to the question brings over of the right from the Philosophy, without suppositions.

If we try to integrate the branches of the Law in a juridical system there must be reached a deep knowledge of integral branches of the private right and of the public law.

Minimal contents: The characters of the social facts, rules and values common to all the juridical phenomena and the relations between the branches of law from the different approaches of these three perspectives, with special application to the case method.

Methodological offer:

The course will have a practical - theoretical modality. The problems of the units will be approached by a practical approach from which the theoretical elements will interfere.

We will work specially with the methodology of the trialistic integrativism, with an integral approach of the dimensions of social facts, rules and values and of the branches of the juridical world as well as of these with those of the political world.

We will work the practical cases on the basis of material of current importance and professional real or hypothetical cases.

Pedagogic offer:

Diagnostic instance: on having begun the first class, which object is the concept of the matter, it splits of the investigation brings over of the meaning of the terms of every dimension of the concept. The modality is oral.

From the obtained results it will be re-formulated eventually meant to share the complexity of the concept and to begin the dialog and to lay the foundations of the subject.

Model of evaluation on the process:

Indicators:

1. To be attentive to the questions of the students in class
2. To evaluate the comprehension of the given thing theoretically across the practical oral works in the total group of the class and then when they rewrite it in his house and present it in writing, not a note to put them but precisely to see what advances are in the comprehension.
3. To evaluate the comprehension across practical works with book and texts of sources opened in class in order that the theoretical part is applied.
4. To evaluate the process of comprehension of the matter integrated with works prepared by the pupils and exposed in the end, who are preferably new, creative, original, not mere returns of in view of in the school cycle, since it closes precisely of the process of education - learning.

The object of evaluation: the competitions to evaluating

- Acquisition of concepts and fundamental technologies of the matter
- Comprehension of the complexity of the object of study.
- Valuation of the most relevant information for the application to a jurisprudential case.

The instrument of evaluation: the task that one proposes to the pupils

The decisions that will take from the information that is gathered in this instance The result will be born in mind to see if it is necessary to re-formulate some contents and that way to continue forward in the development of the following Units, so that they complement each other and they all form everything where there is systematic and coherent entail between all the Units.

Program:

1. Fundamental Notions: double meaning of the expression general theory of law.
2. The general theory of law like juridical system: perspectives major (from the General Theory of Systems to the Law) and minor (from the Law to the System: the systematic thing in the right and the integration of the branches of the juridical world).
3. The integration of the branches of law: his location from the genetic realism and the comparison with the genetic idealism.
4. The complexity of the law and the integration of the branches of the juridical world.
5. The pure complexity and I restate of the traditional branches of the juridical world: the social reality, the rules and the values.
6. The relations between the branches of law and not traditional branches: the Economic Law, the Law of the Science and of the Technology, the Law of the Education (the Law of the University, the recognition and the "execution" of professional titles), the Law of the Health, the Law of the Art (traffic of cultural goods, his protection in cases of armed conflict, etc.), the Law of the Culture, the Universal Law, etc.
7. Relations of the branches of law with the rest of the political world.