

Lesson 4: Philosophy of Law

The philosophy of law studies the origins, essence, and purpose of law, analyzing its structure and deeper meaning. It goes beyond superficial definitions, focusing on the principles that shape laws and their societal role. This field examines three main doctrines: formal, substantive and mixed

Key Doctrines

Formal Doctrines

Focus on the external, binding nature of laws as commands issued by the state. These doctrines prioritize the rule of law and interpret laws through legal hermeneutics. Thinkers like Austin, Hegel, and Kelsen are prominent in this approach.

Substantive Doctrines

Examine the essence of legal rules:

Ideal School links law to moral values and legal ethics.

Realist School bases laws on societal realities, emphasizing legal realism and observable evidence.

Mixed Doctrines

Integrate form and substance, balancing legal rules with practical applications. This approach emphasizes legal validity and maintains legal authority while addressing social needs.

Purpose of Legal Philosophy

The field explores concepts like legal norms, legal responsibility, and the interplay between law and society, as studied in legal sociology.

Terminology :

1. Legal Philosophy (فلسفة القانون)
2. Legal Positivism (الإيجابية القانونية)
3. Natural Law (القانون الطبيعي)
4. Legal Realism (الواقعية القانونية)
5. Rule of Law (سيادة القانون)
6. Legal Ethics (الأخلاقيات القانونية)
7. Legal Norms (الضوابط القانونية)
8. Legal Hermeneutics (تفسير النصوص القانونية)
9. Legal Validity (صحة قانونية)

10. Legal Responsibility (المسؤولية القانونية)
11. Legal Authority (السلطة القانونية)
12. Legal Certainty (اليقين القانوني)
13. Legal System (النظام القانوني)
14. Legal Concepts (المفاهيم القانونية)
15. Legal Sociology (السوسيولوجيا القانونية)