

COURSE DESCRIPTION

Course code	Course group	Volume in ECTS credits	Course valid from	Course valid to
TEI3012	C	6	2017 06 27	2020 06 30
Course type		Mandatory		
Course level		The first study cycle		
Semester the course is delivered		II		
Study form		Classroom		

Course title in Lithuanian

Teisės teorija

Course title in English

Legal Theory

Short course annotation in Lithuanian (up to 500 characters)

Šio dalyko tikslas yra gilinti studentų žinias ir įgūdžius nusistovėjusių teisės sampratų ir struktūrų srityse, taip sukuriant teorinius pagrindus jų tolesnėms teisės studijoms ir praktikai. Pirmoje kurso dalyje iškeliami ir analizuojami pamatiniai teisės filosofijos klausimai, tiriamos bendrosios teisės sampratų grupės, kaip prigimtinė teisė, pozityvizmas ar realizmas. Antroje kurso dalyje nagrinėjamos svarbios teisinės sąvokos ir perskyros, kaip teisinis reguliavimas, teisės norma, teisės sistemos, institucinė teisės taikymo sistema, teisinė atsakomybė ir t.t.

Short course annotation in English (up to 500 characters)

The purpose of the course is to bring students into the established theories of law and basic legal structures, thereby laying theoretical grounds for their further study of law and legal practice. The first part aims at the analysis of the fundamental issues of legal theory and general conceptions of law, such as natural law, positivism or realism. The second part focuses on the study of the important legal concepts and distinctions, such as legal regulation, legal norm, system of law, system of institutions, involved in the process of adjudication, legal responsibility, etc.

Prerequisites for entering the course

None.

Course aim

To provide students with abilities to discuss and analyse critically as well as in the comparative perspective the main problems and concepts of legal theory, to operate flawlessly the main legal concepts, to present in detail the basic processes related to the functioning of law.

Links among study programme outcomes, course outcomes, criteria of learning achievement evaluation, study methods and assessment methods

Study programme outcomes	Course outcomes	Criteria of learning achievement evaluation	Study methods	Assessment methods
1. To apply the knowledge of the main theories of legal sciences in practice, as well as the principles and content of all major branches and institutes of law in the contexts of national and international legal regulation, and also the knowledge on the principles of the functioning of the finance system and its components.	1. To formulate and discuss the fundamental issues of legal theory and the development of legal concepts/theories, including three basic/traditional groups of legal conceptions/schools as well as the most important modern legal conceptions.	Raises at least two basic legal theory questions, briefly discusses the concerning problematic, discusses the development process of the legal concepts/theories sequentially moving from one fundamental/ traditional legal concept to the other and outlines the basic ideas of the most important modern legal concepts of basic concepts and their links with the traditional legal concepts.	Provision of information during the lectures, questions and answers during the lectures, discussions during the lectures, problem solving during the lectures, studying literary sources, writing homework, including essays.	Testing, reading homework, including essays.
	2. To identify and present the main ideas of the doctrine of natural law, legal positivism and legal realism, assign them to individual schools of these conceptions, apply them in solving the fundamental issues of legal theory/philosophy.	Properly distinguishes and explains two ideas of natural law doctrines, legal positivism and legal realism, assigns them to their schools, in some cases they are able to adapt them in solving the problems of fundamental legal theory /philosophy.		

	3. To assess concepts of law suggested by the basic/traditional concepts of law and the basic modern concepts of law in comparative perspective.	Assesses at least one main/traditional legal concept and at least one modern legal concept in comparative perspective.		
	4. To discuss and analyze the set of basic legal concepts and conceptions.	In a case of at least one of several legal norms identifies what regulatory approach applies and what object or their group are regulated, presents the features of at least two regulatory approach features, presents at least two legislative bodies, types and principles, identifies all legislative stages and outlines the basic aspects of at least two of them; compares the legal and non-legal norms, judicial and non-judicial models of law application/ implementation models; separates all the structural elements of law and discusses them; presents Lithuanian judicial system covering the whole chain of the judiciary; discusses judicial control areas of each state institution; identifies four main stages of the judicial application of the law and four main ways of legal interpretation, and in both cases, shortly describes at least two of them; identifies at least two general aspects of legal relationship, presents characteristics of each structural element of legal relationship, indicates and discusses at least two aspects of legal liability.		
2. To perform the comprehensive legal and general financial analysis of a problem, collect data with the help of national and international data resources,	5. To analyze legally significant, hypothetically simulated situations or those based on real-life examples, using ideologies developed in the traditional and modern concepts of law.	Sufficiently in detail in essay or other type of written homework analyses the significant legal, hypothetical or simulated real-life example using at least two proposed legal concepts.	Provision of information during the lectures, questions and answers during the lectures, discussions during the	Testing, reading homework, including essays.

apply the main methodologies of theoretical-applied research in the field of law, independently carry out theoretical-applied research, and to interpret the results from the standpoint of different disciplines.	6. To assess the significance of the fundamental problems of legal theory in the context of social, political sciences and the humanities as well as the relationship between legal and political powers in analyzing the processes of legislation and enforcement/implementation of law.	Selects one fundamental problem of legal theory and assesses its significance in the wider context than just the legal science; by analysing legal development and enforcement/ implementation processes at least a number of times assesses the relationship between the legal and political powers.	lectures, problem solving during the lectures, studying literary sources, writing homework, including essays.	
3. To prepare the drafts of law application acts, critically and systematically analyse the rules of legal interpretation formulated in legal practice, as well as legal principles and data related to the field of finance in judicial and quasi-judicial processes, and to determine the problems of legal regulation combining the knowledge of law and finance.	7. To apply the bases of classification and systematization of legal norms and sources, by separating and discussing systemic groups (branches, sub-branches and institutes) of legal norms, types of legislative acts and sources of law (as the forms of expression of legal norms).	Applies the bases of classification and systematization of legal norms and sources, separates at least five systemic groups of legal norms, types of legislative acts and sources of law.	Provision of information during the lectures, questions and answers during the lectures, discussions during the lectures, problem solving during the lectures, studying literary sources, writing homework, including essays.	Testing, reading homework, including essays.
7. To think consistently, logically and critically, to learn constantly and effectively.	8. To write an essay in a consistent and coherent manner as a homework which would formulate tasks necessary to solve the problem raised and to present summarizing conclusions at the end of the research.	For homework writes an essay which meets the minimum requirements of the consistency, coherence, tasks lifting/ problems structuring, providing the conclusions.	Provision of information during the lectures, questions and answers during the lectures, discussions during the lectures, problem solving during the lectures, studying literary sources, writing homework, including essays.	Testing, reading homework, including essays.

Links between course outcomes and content

Course outcomes	Content (topics)
1. To formulate and discuss the fundamental issues of legal theory and the development of legal concepts/theories, including three basic/traditional groups of legal conceptions/schools as well as the most important modern legal conceptions.	1. Fundamental issues of legal theory: what is law, what is the relationship between science and law, law and politics as well as law and moral, why is law needed (validity and purpose of law)? 2. General historical perspective of the development of legal theory. 3. Interrelation of the basic legal concepts. 4. General features of the concept of natural law. 8. General features of legal positivism. 12.

	General features of legal realism. 16. General features of historical jurisprudence, critical legal studies, Marxism and feminism, their interrelation and relation with the basic legal concepts.
2. To identify and present the main ideas of the doctrine of natural law, legal positivism and legal realism, assign them to individual schools of these conceptions, apply them in solving the fundamental issues of legal theory/philosophy.	4. General features of the concept of natural law. 5. Schools of natural law doctrine (legal naturalism): early naturalistic concept, medieval theological concept of law, modern (social contract theory) and modern natural law doctrine. 6. The significance of the natural law doctrine in the context of fundamental issues of legal theory. 8. General features of legal positivism. 9. Schools of legal positivism: classical English positivism, Kelsen's normativism, movements of modern analytical jurisprudence. 10. The significance of legal positivism in the context of the fundamental issues of legal theory. 12. General features of legal realism. 13. Schools of legal realism: sociological jurisprudence, American and Scandinavian realism. 14. The significance of legal realism in the context of the fundamental issues of legal theory.
3. To assess concepts of law suggested by the basic/traditional concepts of law and the basic modern concepts of law in comparative perspective.	3. Interrelation of the basic legal concepts. 7. Review of the criticism of natural law concept. 11. Review of the criticism of legal positivism. 15. Review of the criticism of legal realism. 16. General features of historical jurisprudence, critical legal studies, Marxism and feminism, their relation with the fundamental concepts of law.
4. To discuss and analyze the set of basic legal concepts and conceptions.	17. Concept, objects and methods of legal regulation. 18. Lawmaking: subjects, types, stages and principles. 19. Norms of law and non-law. 20. The structure of legal norm. 25. Law enforcement authorities: administrative and judicial models of law enforcement. Structure of Lithuanian court system. 26. Institutions operating under courts or otherwise significant in the process of judicial law enforcement: prosecution service, the bar, bailiffs, notaries, etc. 27. The system of judicial control of public authorities: constitutionality control, administration control and self-control of courts (cassation). 28. Stages of judicial law enforcement. 29. Methods of interpretation of law: linguistic, historical, systematic, teleological. 31. Legal relations and legal personality. 32. Legal liability.
5. To analyze legally significant, hypothetically simulated situations or those based on real-life examples, using ideologies developed in the traditional and modern concepts of law.	4. General features of the concept of natural law. 5. Schools of natural law doctrine (legal naturalism): early naturalistic concept, medieval theological concept of law, modern (social contract theory) and modern natural law doctrine. 6. The significance of the natural law doctrine in the context of fundamental issues of legal theory. 7. Review of the criticism of natural law concept. 8. General features of legal positivism. 9. Schools of legal positivism: classical English positivism, Kelsen's normativism, movements of modern analytical jurisprudence. 10. The significance of legal positivism in the context of the fundamental issues of legal theory. 11. Review of the criticism of legal positivism. 12. General features of legal realism. 13. Schools of legal realism: sociological jurisprudence, American and Scandinavian realism. 14. The significance of legal realism in the context of the fundamental issues of legal theory. 15. Review of the criticism of legal realism. 16. General features of historical jurisprudence, critical legal studies, Marxism and feminism, their relation with the fundamental concepts of law.
6. To assess the significance of the fundamental problems of legal theory in the context of social, political sciences and the humanities as well as	1. Fundamental issues of legal theory: what is law, what is the relationship between science and law, law and politics as well as law

the relationship between legal and political powers in analyzing the processes of legislation and enforcement/implementation of law.	and moral, why is law needed (validity and purpose of law)? 6. The significance of the natural law doctrine in the context of fundamental issues of legal theory. 10. The significance of legal positivism in the context of the fundamental issues of legal theory. 14. The significance of legal realism in the context of the fundamental issues of legal theory. 18. Lawmaking: subjects, types, stages and principles. 25. Law enforcement authorities: administrative and judicial models of law enforcement. 27. The system of judicial control of public authorities: constitutionality control, administration control and self-control of courts (cassation). 30. Simple and complex cases.
7. To apply the bases of classification and systematization of legal norms and sources, by separating and discussing systemic groups (branches, sub-branches and institutes) of legal norms, types of legislative acts and sources of law (as the forms of expression of legal norms).	21. Forms of expression of legal norms. 22. Types of normative legislative acts. 23. Lithuanian normative legislative acts. 24. Legal systems: branch and regional aspect.
8. To write an essay in a consistent and coherent manner as a homework which would formulate tasks necessary to solve the problem raised and to present summarizing conclusions at the end of the research.	1. Fundamental issues of legal theory: what is law, what is the relationship between science and law, law and politics as well as law and moral, why is law needed (validity and purpose of law)? 2. General historical perspective of the development of legal theory. 3. Interrelation of the basic legal concepts. 4. General features of the concept of natural law. 5. Schools of natural law doctrine (legal naturalism): early naturalistic concept, medieval theological concept of law, modern (social contract theory) and modern natural law doctrine. 6. The significance of the natural law doctrine in the context of fundamental issues of legal theory. 7. Review of the criticism of natural law concept. 8. General features of legal positivism. 9. Schools of legal positivism: classical English positivism, Kelsen's normativism, movements of modern analytical jurisprudence. 10. The significance of legal positivism in the context of the fundamental issues of legal theory. 11. Review of the criticism of legal positivism. 12. General features of legal realism. 13. Schools of legal realism: sociological jurisprudence, American and Scandinavian realism. 14. The significance of legal realism in the context of the fundamental issues of legal theory. 15. Review of the criticism of legal realism. 16. General features of historical jurisprudence, critical legal studies, Marxism and feminism, their relation with the fundamental concepts of law. 17. Concept, objects and methods of legal regulation. 18. Lawmaking: subjects, types, stages and principles. 19. Norms of law and non-law. 20. The structure of legal norm. 21. Forms of expression of legal norms. 22. Types of normative legislative acts. 23. Lithuanian normative legislative acts. 24. Legal systems: branch and regional aspect. 25. Law enforcement authorities: administrative and judicial models of law enforcement. Structure of Lithuanian court system. 26. Institutions operating under courts or otherwise significant in the process of judicial law enforcement: prosecution service, the bar, bailiffs, notaries, etc. 27. The system of judicial control of public authorities: constitutionality control, administration control and self-control of courts (cassation). 28. Stages of judicial law enforcement. 29. Methods of interpretation of law: linguistic, historical, systematic, teleological. 30. Simple and complex cases. 31. Legal relations and legal personality. 32. Legal liability.

Allocation of workload for students (contact and independent work hours)

Contact work – 60 hours. Individual work – 100 hours (preparing for lectures – 55 hours, preparing homework in groups using distance learning tools – 20 hours (of which 3 hours for consultation with a lecturer); preparing for a midterm test – 10 hours, preparing for

an examination – 15 hours).				
Structure of accumulative score and value of its constituent parts				
Midterm test – from 15% to 35%, homework – from 15% to 35%, examination – 50%				
Recommended reference materials				
No	Publication year	Authors of publication and title	Publishing house	Number of copies in University library
<i>Basic materials</i>				
1.	2008	Freeman M. D. A. ed. <i>Lloyd's Introduction to Jurisprudence</i>	Sweet & Maxwell, Thomson Reuters	1
2.	2012	Wacks, R. <i>Understanding Jurisprudence: An Introduction to Legal Theory</i>	Oxford University Press	1
3.	2009	Vaišvila A. <i>Teisės teorija</i>	Justitia	24
4.	1996	Fletcher G. P. <i>Basic Concepts of Legal Thought</i>	Oxford University Press	2
5.	2002	Kelsen H. <i>Grynoji teisės teorija</i>	Eugrimas	7
6.	1997	Hart H. L. A. <i>Teisės samprata</i>	Pradai	3
7.	1999	Mikelėnienė D., Mikelėnas V. <i>Teismo procesas: teisės aiškinimo ir taikymo aspektai.</i>	Justitia	2
8.	2000	Brown L. N., Kennedy T. <i>The Court of Justice of the European Communities.</i>	Sweet & Maxwell	1
<i>Supplementary materials</i>				
Course description designed by				
Doc. Dr. Tomas Berkmanas				