

Garcia Maynez Positivismo Juridico Realismo Sociologico Y Iusnaturalismo

Jaime Fernando Cárdenas Gracia

La filosofía jurídica de Eduardo García Mayne Jesús Aquilino Fernández Suárez, 1991

Iusnaturalismo y positivismo jurídico. Una revisión de los argumentos en defensa del iuspositivismo Javier Dorado Porras, 2004

Positivismo jurídico, realismo sociológico, y iusnaturalismo Eduardo García Mayne, 1968

A Three-Dimensional Theory of Law María José Falcon y Tella, 2010-04-27 What this book intends to do is to study three-dimensionalism (the distinction values-norms-facts) not in what could be called its historical dimension, but in its substantive aspect, as a "form" that, when applied to different legal themes, would add a "material content" to the three-dimensional theory. We can point out, as a study plan, the distinction between "three" perspectives: Those of the legal norm, of the legal order, and the legal relationship. Three-dimensionalism also appears in this work when one analyzes the "three" phases of the life of the law: The formation, the interpretation, and the application; and in the distinction between the "three" characteristics of the legal order: Fullness, coherence, and unity—the theory of legal validity, intended as legitimacy, as validity strictly speaking, or as effectiveness.

Constitutionalism versus legalism? Eugene E. Dais, Stig Jørgensen, Alice Erh-Soon Tay, 1991 Content: Sprache, Recht und Rechtsverbindlichkeit: R. Fukawa: An Analysis of the 'aeRules of Recognition Statement' u W. Krawietz: What does it mean to follow an 'aeInstitutionalised Legal Rule'? u N. MacCormick: Citizens' Legal Reasoning and its Importance for Jurisprudence u Y. Morigiwa: Hart's Theories of Language and Law u R. Tuomela: Supervenience, Collective Action, and Kelsen's Organ Theory u Recht und politische Kultur: G. Haney: Recht als Form von Kultur u A. Kojder: Dysfunctionalities of Legal Cultur u A. Lopatka: Law and Religion in Poland u M. Samu: Culture and Law: Legal Culture u Werteordnung als ideologische Basis des Rechtsstaats: R. Dreier: Konstitutionalismus und Legalismus u O. Maenpaa: Unilaterality and Consensualism in the Application of Law u K.-F. Lenz: Zivilprozeza und Spiel u M. Pavcnik: Ideologie der Rechtsanwendung versus argumentierte Rechtsentscheidung u J. Uusitalo: Legal Dogmatics, Epistemology, Radical Hermeneutics u Entwicklung der Rechtsordnung und soziale Gerechtigkeit: V. Luizzi: Legal Validity and Justice u H. Rottlenthner: Recht und

Technik in entwicklungstheor. Perspektive u S. Panou: Über die Gerechtigkeit des Rechts u A. Squella: Legal Positivism and Democracy in the 20. Century u D. Wyduckel: Konsens und gesellschaftlich-technischer Fortschritt u Soziale Mechanismen der Rechtsanwendung und Rechtsfindung: H. Aoi: Richterliche Rechtsfindung als Pattern-Matching-Prozeß u.a. (Franz Steiner 1991)

Positivismo normativo y derecho internacional Horacio Andaluz,2005

Liber amicorum,1988

México-España. Aportaciones a las teorías de la justicia Concepciones multidisciplinarias Laura Alicia Soto Rangel (Autor y Editor),García González, Dora Elvira (Autor y Editor),Elena Trapanese (Autor y Editor),Raúl Alcalá Campos ,2024-12-12 García González, Dora Elvira (Coordinador editorial) Soto Rangel, Laura Alicia (Coordinador editorial) Trapanese, Elena (Coordinador editorial) Alcalá Campos, Raúl López Forjas, Manuel Mora García, José Luis Maqueira D'Angelo, Virginia Díaz Somera, Miriam Díaz Estrada, Francisco Espinoza Altamirano, Tania Haide Los artículos que conforman este libro, tienen como tema central las teorías de la justicia que a lo largo de la historia de los siglos XIX y XX han jugado un importante papel en el desarrollo de las sociedades, principalmente su papel en las sociedades mexicanas y españolas, así como también las ideas que al respecto se tienen sobre este tema en los años que lleva el siglo actual, se trata pues de la necesidad y la posibilidad de la justicia en ciertos momentos de nuestra historia, y la manera en que el análisis filosófico de nuestros días se ha enfrentado a esta problemática. Consideramos que estas presentaciones permiten una visión clara y amplia sobre el tema sin pretender abarcar todas las aportaciones que se han hecho al respecto, sin embargo, se procura tener un acercamiento que incite a los interesados en esta temática a acercarse a él.

Teoría esencial del ordenamiento jurídico peruano Marcial Rubio,Elmer Arce,2017-06-13 El ordenamiento jurídico de un Estado tiene componentes legislativos que empiezan con la Constitución y siguen con las leyes y demás normas jurídicas. Igualmente, existe un marco teórico de comprensión y aplicación de todas esas normas. Este libro, escrito por Marcial Rubio Correa y Elmer Arce, recoge todos los conocimientos esenciales que un abogado debe tener para manejar con competencia profesional estos distintos elementos normativos y conceptuales. Está hecho para su aplicación específica en el Perú, pero recoge las distintas versiones actualizadas de la doctrina jurídica vigente sobre la materia.

La argumentación como derecho Jaime Fernando Cárdenas Gracia,2024-11-03 El presente libro expone que el derecho no puede entenderse más como un conjunto exclusivo de normas. El derecho es también argumentación y procedimientos. El derecho centrado en la argumentación es un derecho vivo, dinámico, que entiende que lo jurídico está conformado por elementos culturales, sociales y contextuales, en donde el operador jurídico debe abreviar para encontrar las soluciones de los casos. La argumentación no es tarea sólo de los jueces y de las autoridades administrativas, es igualmente una ocupación de los legisladores, los dogmáticos, las partes en los procesos y, en términos gruesos, de la multitud de intérpretes jurídicos

que existen en cualquier comunidad humana. El derecho ha dejado de estar sólo en los códigos y en las leyes y ha pasado a ocupar su lugar en las decisiones de autoridades y jueces, y sobre todo en el debate cotidiano de la multitud de intérpretes jurídicos. El desarrollo del Estado de derecho y de la democracia se mide en función de la calidad y profundidad de la deliberación argumentativa. La atribución o determinación de sentidos que se hace con las normas y con el contexto a partir de las precomprensiones del intérprete es lo que define el derecho. Hace algunos años y por el influjo del positivismo tradicional veíamos el derecho desde la óptica del legislador, ahora se ve preponderantemente desde las visiones del juez, yeso implica un cambio fundamental en la cultura jurídica. Aunque en el caso de nuestro país tendríamos que preguntarnos si esto es así.

Positivismo jurídico, realismo sociológico e iusnaturismo Eduardo García Márquez, 1968

Teoría de la justicia y derechos humanos Eusebio Fernández, 2024-09-01 Han pasado cuarenta años desde que la primera edición de Teoría de la justicia y derechos humanos fuese publicada y sigue siendo un texto de lectura obligada pues las cuestiones que trata siguen vigentes, y sus tesis y argumentos mantienen su actualidad. El libro reúne una serie de trabajos que tienen como temas recurrentes el intento de elaborar una teoría de la justicia próxima a una ética racional, ilustrada, no dogmática y superadora del relativismo moral; el problema del fundamento de los derechos humanos y la necesidad de contar con buenas razones teóricas y axiológicas que los avalen; el interés por demostrar la viabilidad de un tercer enfoque que rechaza los modelos iusnaturalistas y positivistas tradicionales y que, no obstante, piensa que hay aspectos en las teorías iusnaturalistas y en cierto tipo de positivismo jurídico que son complementarios y que juegan un papel de elemento necesario para una teoría del derecho contemporánea; y el énfasis en la idea de que la búsqueda de una justificación a los sistemas jurídico-políticos actuales precisa de una teoría de la legitimidad de tipo democrático, que aquí se identificará con la legitimación contractual, y, en todo caso, defensora y respetuosa de los derechos humanos fundamentales.

Fundamentos para una introducción al derecho Diego Martínez Marulanda, 2000

El presente de la Filosofía del Derecho Milagros Otero Parga, 2021-07-01 El presente de la Filosofía del Derecho es un libro concebido para mostrar la vitalidad actual de la Filosofía Jurídica. Está escrito en la madurez de su autora, y por lo mismo huye de cualquier extremismo más propio de la juventud. Como ella misma dice, no busca una sola respuesta correcta para las preguntas que en él se formulan, ni para las posiciones que en este libro se defienden. Muy al contrario, simplemente ofrece un punto de vista personal, sobre los principales problemas que tiene planteados en la actualidad la Filosofía del Derecho. A través de sus páginas, se ofrece un relato, sobre el ser de la Filosofía del Derecho, la esencia del Derecho, y el pensamiento filosófico jurídico de los siglos XIX, XX y XXI visto con los ojos de algunos de sus principales protagonistas. También muestra un panorama de las relaciones entre el Derecho y la lógica, especialmente referidas a la interpretación, a la argumentación, y a la metodología jurídicas. Tampoco olvida la importancia del estudio de la relación del

Derecho con los valores, especialmente con la justicia, que es el primero y más importante de todos ellos. Por último, reflexiona sobre la deontología profesional, estudiando de forma más concreta, las particularidades deontológicas de los principales operadores jurídicos. Los temas elegidos forman parte de algunos de los más debatidos dentro de la Filosofía del Derecho actual. Reflexionar sobre estos problemas es una labor propia de todo jurista, en realidad lo es, de todo ser humano preocupado por entender y mejorar si es posible, el mundo que le rodea. Este libro modestamente pretende ayudar en ese intento. Milagros Otero Parga, nació en Santiago de Compostela en 1960. Es doctora en Derecho (1987) por la misma Universidad. En la actualidad y desde 2011, es Catedrática de Filosofía del Derecho. Ha publicado 16 libros y 138 artículos en revistas nacionales e internacionales. Los temas a los que presta mayor atención son Axiología Jurídica, Derechos Humanos, Historia del pensamiento Jurídico, Argumentación Jurídica y Mediación. Es profesora invitada en algunas de las más prestigiosas universidades de Buenos Aires, Santiago de Chile, Sao Paulo y Montevideo. Asidua visitante de México ha sido conferenciante en las universidades Iberoamericana, Panamericana, Anahuac, Intercontinental, Autónoma del Estado de México, Instituto Tecnológico de Monterrey, Universidad Judicial de Durango y Universidad Popular Autónoma del Estado de Puebla. Es asesora académica de la Comisión de Derechos Humanos del Estado de México y de la Escuela Judicial del mismo Estado. Este último organismo la nombró también Magister Honoris Causa. Es académica numeraria de la Real Academia Gallega de Jurisprudencia y Legislación. Fue decana de la Facultad de Derecho de la Universidad de Santiago de Compostela y secretaria de la Comisión de Doctorado y Tercer Ciclo de la Universidad. Tiene en su poder la Medalla de Plata de Galicia, la Insignia de Oro de la Facultad de Derecho, y la Insignia de Oro de la Universidad de Santiago. Ha sido Valedora do Pobo de Galicia (2015-2019).

Derecho internacional de los derechos humanos Claudia Martín, 2004 Introducción al derecho internacional de los derechos humanos - Relaciones entre el derecho interno y el derecho internacional - El sistema interamericano de derechos humanos - Los derechos humanos protegidos por los instrumentos interamericanos - Otros grupos vulnerables - Justicia penal internacional.

La filosofía del derecho de Uberto Scarpelli Morales Luna, Félix F., 2014-01-01 Uberto Scarpelli (1924-1993) es una figura central en la filosofía del derecho italiana del siglo pasado. Su original y sólida defensa del positivismo jurídico supone un aporte sorprendentemente actual, a pesar de lo cual no ha merecido mayor atención, en un debate centrado en el contexto anglosajón a partir de la polémica Hart-Dworkin. Sin embargo, su planteamiento sobre el positivismo jurídico no constituye sino un momento culminante de un recorrido intelectual en el que, valiéndose de los instrumentos conceptuales provistos por la filosofía analítica, particularmente la distinción entre lo descriptivo y lo prescriptivo, abordó el análisis del lenguaje normativo y, con ello, de los fundamentos del discurso ético, político y jurídico. Se trata de un pensamiento complejo que no solo expresa una filosofía honesta, coherente y rigurosa, sino que representa un incómodo recordatorio al jurista

sobre la responsabilidad moral y política en el que se asienta su trabajo con el derecho. Este libro constituye un estudio conjunto del pensamiento de Uberto Scarpelli, con particular énfasis en su análisis del lenguaje normativo y su concepción política del positivismo jurídico, en la idea de recuperar un pensamiento injustificadamente olvidado, que resulta de necesaria proyección en el contexto actual.

Vol. VIII Colección de Estudios Jurídicos Jorge Alberto Silva,2023-05-13 Compilación de diversos estudios jurídicos a lo largo de varios años en 8 volúmenes. Vol. VIII. Se compone de estudios o ponencias presentadas en algún evento académico o a alguna revista de investigación (generalmente ponencias o conferencias, así como algunos dictámenes). Varios de estos, se presentaron en algún evento académico o alguna revista de investigación (generalmente ponencias o conferencias, así como algunos dictámenes). Se trata de una compilación realizada por amigos y exalumnos. Puede consultarse el sumario de toda la obra en el Vol. VIII.

Discriminación por estereotipo de género Yamila González Ferrer,2023-12-08 No puede negarse que la cultura social ha sido esencialmente androcéntrica y patriarcal y hasta en la actualidad, en un momento en que se dice enfáticamente que hemos avanzado, personas de valía intelectual y reconocimiento en el mundo del Derecho no son capaces de ver los estereotipos que perviven e impregnán el razonamiento jurídico de la doctrina científica y se mantienen incólumes en las normas jurídicas con el pretexto - siempre 'valedero'- del respeto a las tradiciones culturales y a los cánones sociales, que no por ello dejan de seguir siendo tan patriarcales como siempre lo fueron. No cabe dudas que los civilistas debemos aprender a reconstruir las clásicas instituciones con las que hemos trabajado como orfebres durante años, desde esa nueva mirada. Solo a partir de su implementación podremos identificar prácticas inveteradas que dan al traste con los más elementales derechos de las mujeres como seres humanos. Nuevamente el peso de la tradición hace invisibles tales posiciones. Leonardo B. Pérez Gallardo.

Tres estudios sobre derecho penal Raúl Iruegas Alvarez,2019 Además de presentar una revisión histórica del Estado como instrumento punitivo, así como de los modelos de enjuiciamiento hasta llegar a lo establecido en los códigos actuales, este libro analiza algunos aspectos relacionados con las teorías del proceso, el delito y la prueba. El objetivo es explicar el actual modelo acusatorio adversarial mexicano, a partir de la evolución del derecho penal. El autor desarrolla tres ejes: el proceso dentro del sistema de enjuiciamiento acusatorio, el funcionalismo normativo como teoría de imputación de responsabilidad penal y el régimen probatorio en el modelo adversarial nacional. También hace una descripción de las ideas penales y sus cambios a lo largo de diferentes corrientes de pensamiento, y culmina con una evaluación crítica de la implementación del modelo acusatorio adversarial en nuestro país.

Filosofía del Derecho Virgilio Ruiz Rodríguez,2020-11-13 Quien lea este libro, encontrará algunos de los problemas más importantes de la filosofía del derecho, tales como el poder y el derecho, la justicia, los debates sobre los conceptos del

derecho y las relaciones entre el derecho y la moral.

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