

## Filozofija prava

### Pojem prava

- Pojem prava med normo in prisilo
- Legitimacija in limitacija državne oblasti
- Violentia in potestas

### Pravo in svoboda (I. Kant, G.W.F. Hegel)

- Razmejitev prava in morale
- Notranja in zunanja zakonodaja
- Dedukcija pooblastila za prisilo
- Abstraktno in spekulativno razumevanje svobode
- Pravo in priznanje
- Pravo in krivica
- Utemeljitev kazni

### Pravo in nesvoboda (J.J. Rousseau, K. Marx)

- Pravo kot legitimacija neenakosti
- Družbena pogodba
- Odtujitev
- Občanska družba in država
- Pravo in ideologija
- Človeška emancipacija
- Pojem lastnine

### Pravo kot forma (J. Austin, H. Kelsen, H. L. A. Hart)

- Pravo kot znanost
- Pravo med pravičnostjo in ukazom
- Problem ločevanja med zakonodajalcem in hudodelcem
- Pravo kot norma
- Uporaba in nastajanje prava
- Hierarhija pooblastil
- Temeljna norma
- Primarna in sekundarna pravila

### Pravo in postmoderna (R. Dworkin)

- Zaton ideje sistema
- Pravilo in načelo
- Pomen interpretacije za pravo
- Empirični in teoretski spor
- Ideja Herkulesa
- Pravo kot integriteta

## Philosophy of Law

### The concept of law:

- The concept of law between norm and coercion
- Legitimation and limitation of state authority
- Violentia in potestas

### The law and freedom (I. Kant, G.W.F. Hegel)

- The delimitation of law and moral
- Internal and external legislation
- The deduction of authorisation for coercion
- Abstract and speculative understanding of freedom
- Law and recognition
- Law and injustice
- Justification of punishment

### The law and non-freedom (J.J. Rousseau, K. Marx)

- The law as the legitimation of inequality
- Social contract
- Alienation
- Citizen society and the state
- Law and ideology
- Human emancipation
- The concept of ownership

### The law as form (J. Austin, H. Kelsen, H.L.A. Hart)

- Law as science
- Law between justice and order
- The problem of separating between the legislator and the wrongdoer
- Law as norm
- The use and emergence of law
- The hierarchy of powers
- Fundamental norm
- Primary and secondary rules

### Law and post-modern period (R. Dworkin)

- The decline of the idea of system
- Rule and principle
- The meaning of interpretation for law
- Empirical and theoretical conflict
- The idea of Hercules
- Law as integrity

