

# **Legal Positivism Revisited: A Philosophical Critique of Normative Legal Theory and its Ethical Implication**

Yajie Xu

East China University of Political Science and Law, China

xuyajie1013@126.com

**Abstract:** The aim of this research is to present a critical analysis of legal positivism including its philosophical basis, theoretical development and ethical aspects related to the normative legal theory. The starting point is the history of positivism which illustrates how the separation of law and morality and the importance of social facts within legal explanations developed. In the philosophical discussion, the notion of legal positivism is deconstructed and compared with other schools like natural law and legal realism. Indeed, the study investigates the ethical implications of applying a legal positivist approach, including the advantages and problems of isolating the law from ethical considerations. The study invokes the usage of theoretical instances and case studies for the illustration of the effective implementation of legal positivism in different contexts. Lastly, the work discusses the current debates within legal philosophy and offers new questions to explore, which pinpoints the enduring role of legal positivism in our understanding of the intricate connection between law and morality.

**Keywords:** Legal Positivism, Normative Legal Theory, Law and Morality, Social Facts, Philosophical Basis, Theoretical Development, Ethical Aspects, Natural Law, Legal Realism, Legal Philosophy

## **1. INTRODUCTION**

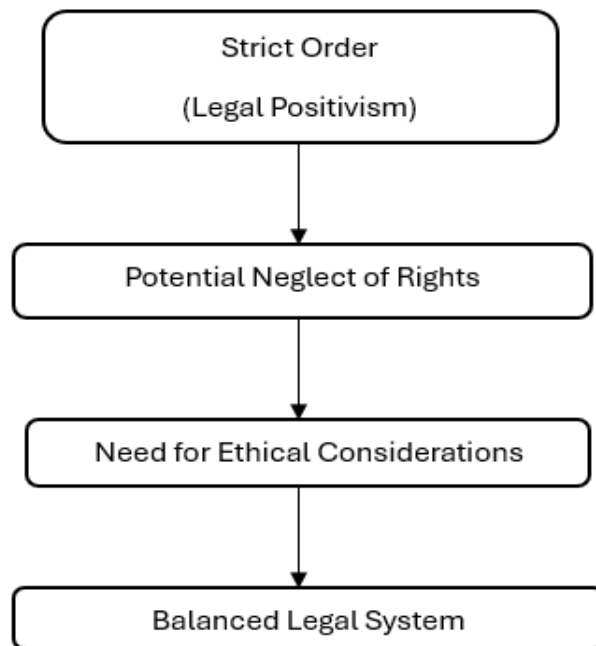
Legal positivism, the dominant school of legal thought, states the legitimacy of a regulation is determined by social fact alone (Dindjer, 2020). Similarly, contrary investigations have pointed to rules of morality and laws as two aspects of the same phenomenon (Hariri, Wicaksana, & Arifin, 2022). Thanks to disputes of continual character Jones Kelsen, Gerald Postema and Andrei Marmor, law academics, exposed doubts about the very notion of legality which applied to legal positivism and brought in different views (Atiq, 2023). In this area of jurisprudence, the positivist approach is also present by implying that attorneys have ethical responsibilities towards their clients (Spaak, 2018). Contrariwise, those opponents to it assert that this approach neglects the moral side to legal practice because there may arise a situation in which the law does not offer a solution (Wendel, 2017). These principles stress the need for a law-ethical set that takes on the complexity of the law-moral principles relation, while

at the same time taking into accounts society's deeper implications of legal theory. Beyond this, not only is a historical analysis of the origin of legal systems and relationship between legal words and moral principles illuminating in this regard but it goes also to explain the evolution of the present legal philosophy. During this experimentation, the drawbacks of positivist approach will be identified recommending the incorporation of principles which ensure the implementation of the rule of law when tackling issues of ethical representation. Legal pluralism constitutes central reason of Legal Positivist theory, especially in the multi-cultural societies that formed due to historical reasons like colonialism. Identifying the role played by different legal systems and their impact on national law as a pluralistic nation calls for sufficient knowledge of ethics implications underpinned by law.

### 1.1. Background and context of legal positivism

The legality principle and the concept of unity of law, which are closely connected to the positivist notion of law, are grounded in legal positivism, a significant legal philosophy. Humans create rules, not moral authority, according to the principle of the rule of law. From this perspective, the purpose of the law is largely to establish and maintain social order and stability, with a particular emphasis on the government's responsibility for creating and enforcing laws (Hariri et al., 2022; Jiménez, 2023). Legal positivism, rooted in historical settings and bolstered by positivist doctrines, consistently prioritises communal interests over human rights. Although legal positivism has faced criticism for its possible disrespect of human rights and freedoms, it also plays a crucial role in defining permissible behaviour, avoiding rights violations, and ensuring legal clarity and safety (Stadnik & Bondar, 2019). Despite the undeniable reputation of imperialism for upholding order, there are numerous delicate balances in law that require careful consideration. Furthermore, the positivist view of international law stemming from the national legal systems has particular difficulties in the development of rules applicable in relations between states. It alleges the neutrality of legal principles and, therefore, puts substantial geometrical difficulties in the way of harmonising various systems of law around the Earth. The multiplicity of these components emphasizes more precisely the importance of carefully analyzing the ethical connotations of legal positivism in light of the overall legal normativity theory system. It uses a philosophical position in the field of legal positivism to expose the basic ethical problems and flaws of this normative

dimensions. It aims to emphasize the influence of jurisprudence on legal principles by applying its principles and attempting to comprehend its implications for both the rule of law and the well-being of the state.



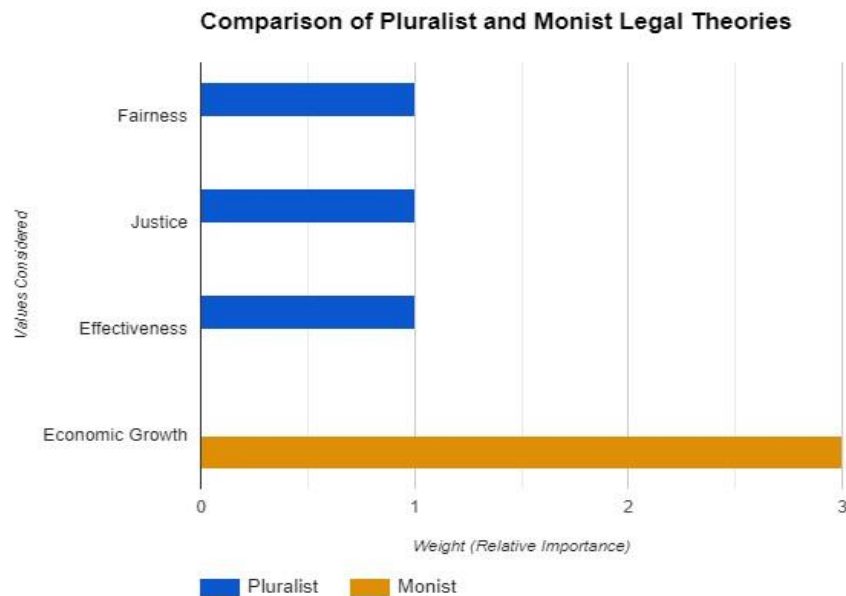
**Figure 1:** Legal Positivism

This above flow chart shows how legal positivism potentially leads to a situation where rights are neglected, which then creates a need to reintroduce ethical considerations, ultimately influencing a more balanced legal system.

## 1.2 Brief overview of normative legal theory

Normative legal theory provides recommendations on the structure of the law, similar to how individuals provide rules for a gaming strategy. There are two primary methodologies: pluralist and monist. Pluralist theories take into account all significant values, including fairness, justice, and the effectiveness of a law in practical application. They navigate between these numbers to find the most suitable solution, much like carefully adjusting the ingredients in a dish. In contrast, monist theories prioritise a singular value, such as economic growth (maximising financial gain), to avoid making difficult decisions (Araszkiewicz, 2022; Nevvazhay). Over the past ten years, monist concepts, particularly those related to economics, have become more prevalent. The main point to remember is that legal study should encompass both the theoretical aspect, which pertains to what the law should be, and the practical aspect, which concerns how the law functions in reality. According to examine experts, normative

theories should adopt a pluralistic approach, as focusing just on one value can lead to disadvantages. In addition, legal scholars bear a significant duty to scrutinise the present legislation and procedures, examine the efficacy of established measures, and propose improved alternatives, all within the confines of the existing frameworks. Furthermore, this allows us to establish a connection between the theoretical concepts and their practical implementation in real-world scenarios.



**Figure 2:** Comparison of Pluralist vs. Monist Theories in Legal Research

### 1.3 Thesis statement and purpose of the review paper

The statement of the manuscript: "The Legal Positivism Philosophy and the Ethical Connotations of Its Application to Modern Legal Theory" brings in a nuanced examination of legal positivism, elucidating the intricate philosophical bases beneath the concept and the ethical implications it has on modern legal philosophy. The research relies heavily on the application of a mixed number of scholarly methods because both up to date and long since known sources of academic writing are examined in detail. Following this line, the important material for this investigation is the examination of Hans J. Morgenthau's definition of the law (Chas, 2023), which provides the theoretical basis for grasping what moral elements are presupposed in legal positivism. Besides, the paper uncovers more of the arguments in favor of lawyers and judges adopting the Legal Positivism understanding of law (Jiménez, 2023), an attempt to examine the tangible consequences of law positivists in the legal environment. However, some parts are dedicated to setting regional legal systems on the discussion stage, and to generalizing the big theoretical

debates by applying them in such systems, like in Indonesia (Frydrych, 2022). The exploration in this topic will compare and contrast the forms which legal positivism takes in different social setup and situations. Also, the paper provides both exact and conditional normative legal positivism as well as those which point to the need for definite metaphysical order and mutual agreement among the individuals (Hariri et al., 2022). The article is going to discuss different approaches to the theory of legal positivism, noting that the problems with it are rooted and so is the conflicts in the philosophy. The article concludes with the difficulties of the LR-LP thesis, which the possible link between American Legal Realism and Legal Positivism, and with that, the studied connection. By critically looking into this thesis, the review in addition becomes a part of the existing debates within the legal theory which in its turn contributes to challenge the existing ideas of the nature of relationship between these two modeling approaches. Legal positivism in applied ethics is a multifaceted viewpoint and in the paper examination of it will be comprehensive. This paper is intended to review, through a thorough investigation of legal positivism, its intricacies and expand ethical implications of it with critical thinking.

Table 1: Thesis, Purpose, and Focus Areas of the Legal Positivism Review

Aspect	Description
Thesis Statement	Legal positivism is a complex philosophy with significant ethical implications for modern legal theory.
Purpose of the Paper	<ol style="list-style-type: none"> <li>1. To explore the nuances and philosophical foundations of legal positivism.</li> <li>2. To examine the ethical considerations that arise from legal positivism within legal systems. * To analyze how legal positivism manifests in different cultural and legal contexts. * To engage in ongoing theoretical debates, particularly the connection between Legal Positivism and American Legal Realism.</li> </ol>
Key Areas of Focus	<ol style="list-style-type: none"> <li>1. Theoretical Basis: Examining Morgenthau's definition of law and different types of legal positivism.</li> <li>2. Ethical Implications: Exploring arguments for and against the adoption of legal positivism, and its challenges in applied ethics.</li> <li>3. Cross-Cultural Analysis: Comparing how legal positivism is implemented in various legal systems (e.g., Indonesia).</li> </ol> <p>*Theoretical Debates: The relationship between Legal Positivism and American Legal Realism, and analysis of the LR-LP thesis.</p>

## 2. HISTORICAL DEVELOPMENT OF LEGAL POSITIVISM

The legal theory of positivism experienced a huge development from past to now mainly thanks to the brilliant ideas from H.L.A. Hart and Hans Kelsen who are two of the most important legal philosophers. By the help of Hart's treatise "The Concept of Law"(H. Hart, 1961) the jurisprudence of positivism again was enlivened with its knowledge on commands only (Jiménez, 2023). He insisted on the difference between ethics and law by stating that the source of legal authority is not necessarily its ethical unity. All the branches of jurisprudence science give just as big an importance to soft positivism as their hard positivism counterparts. As Zimmerman (2017, 3) has noted, scholars such as Joseph Raz (Raz, 2009) still find legal positivism a useful approach in contemporary legal theory especially as it helps in understanding legal development, rule of law and the authority of judicial review. The adoption of a positivist conception of law is considered to be more congruent with fundamental concepts such as:

### 2.1 Reasonable Disagreement

Positivism accepts that moral disputes can be seen as reasonable, which greatly influences pluralistic societies (Raz, 1986), Joseph Raz, "The Morality of Freedom").

### 2.2 Majority Rule

It provides the generally accepted system of law according to the rules that might not be acceptable to everyone (Waldron, 1999), Jeremy Waldron "Law and Disagreement").

### 2.3 Law's Moral Standing

Positivism doesn't deny the possible connection between law and morality, but it enables one to review the law by its own merits, in other words, its internal coherence and consistency (Raz, 2009), Leslie Green "The Authority of the Law").

#### 2.3.1 Limitations of International Legal Positivism

Nevertheless, the international legal positivism which borrows its methodology from the domestic law has difficulties which are caused by its association with some premises which were typical to the development of the modern European states (Martti Koskenniemi "The Gentle Civilizer of

Nations")(Koskenniemi, 2001). These obstacles include the absence of the central legislative body in the international area and the multifarious legal systems which connect into it. The historical growth of legal positivism concerns identifying different traditions and elements of the contemporary international legal positivism which will be unveiled in the subsequent sections.

### 3. CORE TENETS OF LEGAL POSITIVISM

Legal positivism, as described in the above context comprises of several fundamental propositions which are stated as follows: To begin with, it focuses on legitimacy, that, the basis of law lies in the fact that it is made by a state and that it applies within a certain geographical jurisdiction (Hariri et al., 2022) H.L.A. Hart "The concept of law"). It is a view which contrasts natural law theories that argue that moral qualities are the basis of legitimacy of laws. Moreover, the legal positivism supports that the role of state includes recognizing and incorporating human rights as well as identity and sociality (Dworkin, 2013) but one should see that the validity and range of rights are question of admission and delineation. Academics like Joseph Raz (Raz, 1986) have specifically analyze the possibility of the existence of legal rights that are not the product of mere morality. Adding to this, the basic principle of legal positivism is the dichotomy between the law and morality. The positivist legal theorists in the school like H.L.A. Hart (H. L. A. Hart, 2017) insisted that the validity of a law has got nothing to do with its moral aspect. Parent law, and not ethical value, is responsible for the application of morality. Moreover, on occasion law and ethics might strive to be in line. Moreover, on top of that, legal positivism confirms the opinion that the principle of law should be based upon positivist principles which are in agreement with fundamental values of a multicultural society. The principles encompass: Positivism believes that genuine morality exists, but what is right or wrong is determined by the community. Communities or people with diverse points of view would define moral values differently (Raz, J., "The Morality of Freedom", pp. 20-44). Majority Rule: So, this kind of system of law brings a possibility of making a legitimate legal body whereby not everyone is in a completely agreement (on majority of issues related to the legal system, there is no unanimity) (Waldron,J., "Law and Disagreement," 6). The law positivism helps in passing a validity test and a coherence test of the law with only formal analysis and lacking the actual legal morality (Waldron, 1999).

Table 2: Core Tenets of Legal Positivism

<b>Tenet</b>	<b>Description</b>	<b>References</b>
Legality	Laws derive their legitimacy from being enacted by the state and binding within a specific jurisdiction.	(H. Hart, 1961)
State's Role in Rights	The state recognizes and incorporates individual and social rights within the legal framework.	(Dworkin, 2013) (Raz, 1986)
Separation of Law and Morality	The validity of a law is independent of its moral content.	(H. Hart, 1961)
Positivist Concept of Law	Legal positivism aligns with key principles in a pluralistic society: 1. Reasonable Disagreement: Acknowledges the existence of diverse moral viewpoints. 2. Majority Rule: Enables a legitimate legal system even with disagreement. * Law's Moral Standing: Allows for independent evaluation of law's internal coherence, separate from its moral content.	(Raz, 1986) (Waldron, 1999)

### 3.1 Definition and explanation of legal positivism

Legal positivism, a significant legal philosophy, highlights the significance of social facts in determining the legitimacy and substance of law (Jiménez, 2023). The emphasis on social facts, as opposed to subjective moral concerns, sets it apart from non-positivist theories such as natural law (Atiq, 2023; Plunkett & Wodak, 2022). The social fact provides a contrast to subjective idealistic approaches, like Natural Law (Atiq, 2023; Plunkett & Wodak, 2022), which rely on an idealistic viewpoint. The user's text is (H. L. A. Hart & Green, 2012). H.L.A. Hart, a prominent proponent of legal positivism, argued that the government, often through the imposition of social pressure or penalties, establishes and enforces laws as a meticulously constructed legal framework. The jurisdiction Naturrechtsschule emphasises the presence of a well-defined authoritative figure (sovereign) and a system ruled by laws, which aligns with the principles of legal positivism, a key feature of this school of thought. Complete legal unification best illustrates this technique. The proponents of legitimism advocated for the establishment of a unified legal system with its own jurisdiction, aimed at achieving uniformity and coherence (Jiménez, 2023). Legal positivists reject the idea that there are several legal systems with different norms or legal traditions. Joseph Raz, a prominent legal positivist, emphasised the significance of unification in expediting the

process and enhancing predictability within the legal system. In addition, the positivist school supports the stance that restricts alternative approaches that rely on a universal moral basis for the law (Hariri et al., 2022). Legal positivists like Hans Kelsen argue that the legitimacy of the law derives from its source within the legal system (Kelsen, 1967). Several natural law theorists assess the legitimacy of a law by examining its compliance with a specific set of natural rules (Raz, 2009). The desirability of a law is often based on its ability to safeguard the interests of a large number of individuals and encourage morally acceptable behaviour. Due to the distinct separation between law and morality, legal institutions can adapt to changing socio-cultural norms and events, even when upholding traditional ethical principles. Legal positivists assert that concrete social beliefs and values must connect the legislative aspect of law. However, the specific laws and terminology may shift throughout different historical times and cultural contexts while still maintaining the same underlying meaning (Raz, 2009). However, we can trace their origin to distinct historical backgrounds that share certain similar characteristics, such as laws and efforts to debunk certain beliefs, thereby establishing legal positivism as a universally accepted doctrine.

### 3.2 Separation of law and morality

Philosophers and lawyers have argued about the connection between ethics and the law for ages. One of the primary points brought up in relation to this subject is the debate between natural law and legal positivism. The natural law school of thought, which may have its origins in Aquinas and Grotius, exemplifies the interconnected nature of law and morality. Their reasoning establishes laws only when their principles align with moral ones (Finnis, 2011). Therefore, laws that contradict the Greatest Law thesis are considered invalid or bad law (Juanli, 2023). For instance, the United Nations' Universal Declaration of Human Rights and human rights would both violate a law that legitimizes slavery as a morally acceptable practice. Legal positivists advocate a similar division between law theory and morality. H.L.A. Hart and Hans Kelsen's legal positivism fundamentally posits that the legitimacy of laws stems solely from their placement within a specific legal system, rather than any inherent morality within them (Bakti & Tarigan, 2022). Legitimate authorities who followed the correct protocols approved them, regardless of individuals' moral beliefs. Furthermore, the court system can gain greater flexibility through legislation differentiation because it is no longer reliant on outdated,

antiquated ethical standards (Ralston, 2000). But there are times when the line between right and wrong becomes blurry enough. Ronald Dworkin and his contemporaries were not unfamiliar with the concept of a morally-informed legal rule, even if they were working within the positivist paradigm (Fuller, 1964). This is in addition to the fact that the legal system is dynamic, constantly changing in response to societal shifts in morality and the development of new standards. The notion of this relationship may be challenging due to the ever-changing backdrop of modern society. People may become ethically estranged from the system because societal changes occur at a faster rate than the legal system can keep up with (Shapiro, 1987). Since the ethical concerns are not well defined, they have an impact on law firms as well as on society's moral fiber.

#### 4. PHILOSOPHICAL CRITIQUE OF NORMATIVE LEGAL THEORY

Mainly normative legal theory, which aims to assess and provide legal principles, has been the object of philosophical criticism in many aspects, as those theories challenge the basic assumptions and notions. Starting from marginal reference points, these accusations trace exotic paths that lead to various shortcomings of the current legal theory. John Dewey, as an example, places the value of the practical in democratic societies ("A Critique of Normative Ethics. Some motifs in Schopenhauer's Philosophy of Law," 2020). It appears that this vision of law reflects its modest nature and humanity, as abstract a priori legal constructs are not a foundation for establishing new principles. Only thoughts, brought to life by the practical experience of society and democratic voting, have the basis to set new norms. Akin to this, Plunkett and Shapiro attack the obstacles that stand in the way of purely normative jurisprudence. They assert that normative jurisprudence is not the only applicable trick in the litigator's bag but also the critical and descriptive assessment of the practices and institutions of law (de Almeida & Rêgo). This more general approach orients us to what really goes on on the Hayekian plane in which law functions. Another way in which Redondo differs from the positivist school of thought is that his alternative positivist approach is an allowance of the fact that not all legal theorizing is based on metaphysical assumptions that are sometimes hidden (Luque & Martínez Torres, 2021). Redondo suggests more openness in disclosing these metaphysical sovereignties, which can best be handled by a more solid foundation for legal analysis of spatial legitimacy in decision-

making. In addition, critics address the issue of the significance of the scientific approach to normative legal theory in its substantiation (Zorzetto, 2021). While normative legal theory says what should be the recommended principle of the law, the criteria that are applied in defending this opinion are also defined by a very subjective opinion. Acknowledging the distinction of this feature gives grounds for a discerning look at the specific requirements and grounds of normative legal knowledge. Legal scholars, through the critique of this approach, can enter the discussion for a more analytical and profound juridical theory. The complaints pose a generative headache-debiasing issue in that objectivity, intersubjectivity, and ethics-law connection all come into play in the formation of legal values.

#### 4.1 Overview of normative legal theories

Legal normative theory analyzes, evaluates, and then critically examines legal practices, relying on traditional scholarly methodology (Araszkiewicz, 2022; Nevvazhay; Taekema, 2018). The principle is that they develop conceptual frameworks for research in legal theory directing towards interaction between normative theorization and empirical investigation of law (Werner, 2017). This also includes asking for the particular setting of scientific knowledge within the scope of legal philosophy. Structured efficiency, good communication, and the visible effect of scientific research in the implementation of laws are key to these theories of norms (Alexy, 2009). Furthermore, such theories acknowledge the relationship between legal theory, the philosophy of law, and the sociology of law. This method leads to the incorporation of both the normative description and the proscription in one multi-tiered framework. Norm-descriptive analysis allows for understanding the present operation of legal norms within a system, while norm-prescriptive analysis allows for the assessment and formulation of norms that correspond to the accepted legal principles (Marmor, 2014). This is the main framework through which one is able to see the detailed and complicated aspects of legal reasoning and legal practice.

#### 4.2 Critique of normative legal theories from a legal positivist perspective

The positivistic view of law, which enhances normative legal theories, best captures the essence of legal positivism (Jiménez, 2023). This view has found widespread support owing to the fact that it coherently correlates with basic concepts like the legitimacy of majority rule, the acceptability of dissent, and the ethical balance of the law. Dworkin supports this view

when he claims that "the positivist perspective is preferable to non-positivists since it stimulates the development of genuine legal integrity" (Gaido, 2022). This attack becomes more complex because Redondo draws a contrast between the "internal" legal positivism and the "external" aspect of the legal framework. He asserts that the situation's moral justification stems from its legality, thereby requiring legal theory to distance itself from morality (Zorzetto, 2021). Whereas normative legal theories base their judgment of legal principles and values on factors outside the jurisprudence system, the rejecting position denies utilizing the sources, which are not part of moral philosophy. Zorzetto suggests that legal positivism is a normativity view that offers a third perspective; this way of thinking makes legal theory a social exercise (Jiménez, 2023). The passage emphasizes the need to scrutinize the corresponding metaphysical assumptions and ethical-political decisions that judicial reasoning typically overlooks. This approach aims to strengthen the pragmatist notion that morality forms the foundation of normative law. Each of them reveals the relevance of legal positivism in the dynamics of ethical principles from a legal viewpoint, which asserts both critique and progress. Positivism of law can become the basis for different schools of legal thought, keeping in mind that this excursion allows us to consider the nature of law and its link to ethics from a deeper historical point of view.

## 5. ETHICAL IMPLICATIONS OF LEGAL POSITIVISM

Ethical issues that arise from the legal positivist philosophy, a prominent paradigm in legal philosophy, are of particular topicality in legal systems. This criticism highlights the theory's enshrined idea of complete separation between the law and morality, in contrast to natural law theories that suggest an intrinsic connection between the two (Dewi, 2022), (Zorzetto, 2021). Such divisions can lead to moral issues that are difficult to address under legal norms. The opponents of this view argue that legal professionals, including lawyers, cannot exclusively rely on written regulations for this sort of case and that sometimes they should resort to ethical judgments (Atiq, 2023). Furthermore, the things that legal terminology signifies have changed with the phases and civilizations, which, in turn, is a barrier against positivists' interpretations of law. Such discrepancies made a reasonable case for the reconceptualization of a legal philosophy to fit the complexities of the legal system in all possible situations (Jiménez, 2023). In opposition to natural law theory, legal

positivism is concerned with the functions of judges, lawyers, and other participants involved in the legal system. Advocates of positivism claim that since it stresses the concept of differentiated morality and law, it is somewhat the same in terms of the idea of logical disagreement, the rule of majority, and an overall notion of legal coherence. Conversely, critics often criticize the absolute disconnection between law and morals, citing the potential for unpredictable moral consequences within legal domains. Hence, the growing detachment from morality in legal positivism presents a significant ethical challenge for both legal theory and practice. The debates mentioned address the problem of developing a good understanding of the relationship between law and morality in legal systems.

## 6. DISCUSSION AND CONCLUSION

This review primarily examines many criticisms of normative legal theory, particularly legal positivism, and its significant ethical implications. This work highlights the main focus of the debate between two contrasting philosophy legal positivism and natural law. Legal positivists, for instance, H.L.A. Hart (1958) maintain that society establishes the law, a phenomenon which is quite separate from morality. The law is settled by legislation and precedent and not its contents (Moorthy & Naidu, 2022). On the other hand, the natural law theorists, such as John Finnis (1980), argue that laws by nature are moral in nature. Morality basis of laws is founded on rationality and natural principles of equality (Zorzetto, 2021). The article stresses the fact that ethical issues remain the dominant factor at the core of legal regulations (Moorthy & Naidu, 2022). Legal system of Indonesia is discussed in the paper after its diagnosis. At this stage the paper analyzes the principle of legal positivism. Adnan Buyung Nasution (2004) views the Idonese legal system as formal and distinctly separated from morals (Hariri et al., 2022). It is contrary to the natural law theory that postulates that social norms, moral principles, and the law should desire harmony to create a more amicable legal structure (Zorzetto, 2021). It sharply contributes to the discourse of the age-long positivism-natural law controversy. The review focuses on the controversial relationship of metaphysics and common sense by using the law framework. According to Laura Nader (1997) legal thinking often posits that the truth, fairness and rights are guided by metaphysical or epistemological assumptions. Neil MacCormick (1994) points the incomparable role of common sense in the

activities of determining and comprehending legal decisions. Evaluation of the proposed approach backs the fact that the approach should be built on the transparency, which is the key ethical issue and is political as well. This is crucial because it has a wide indirect impact on legal theory. The legal positivism still retains the magnitude and pertinence in the arena of law. It is commonly attested to as the leading school of legal philosophy whose primary idea is that of the rule of law. The doctrine of positivism which regards laws as the only source of law and legal validity has influenced the development of legal education and the evolution of professional bodies. Besides that, in the field of criminal law or criminology several schools of legal positivism have been examined and it is important to understand the origins of crime and social factors contributing to it. Also, international legal positivism, which adopts the principle of domestic law, stumbles against complex features of the existence of international legal system. This proves the point that the discussion and analysis regarding its direct linkage to different parts of international law is imperative. In general, the legal positivism's consistent and systematic views on law remains a major part in the field of jurisprudence till today.

## 7. FUND PROJECTS

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