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General concepts of law
Noções gerais do Direito
Nociones generales del derecho

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Abstract:
This article addresses the general notions of Law, its foundations, objectives, and social functions, focusing on the distinction between Law, morality, and justice. Through an introductory analysis, it seeks to understand how Law organizes life in society, ensures rights, and imposes duties. The main sources of Law are explored, such as legislation, jurisprudence, and customs, as well as its divisions into branches such as Public Law and Private Law. Based on authors such as Norberto Bobbio, Miguel Reale, and Maria Helena Diniz, the article offers a panoramic view that underpins the study of legal sciences, highlighting the importance of Law as an instrument of regulation and social pacification. It concludes with the relevance of basic legal knowledge for citizenship.

Keywords: law; legal; notions.

Resumo:
Este artigo aborda as noções gerais do Direito, seus fundamentos, objetivos e funções sociais, com enfoque na distinção entre Direito, moral e justiça. Através de uma análise introdutória, busca-se compreender como o Direito organiza a vida em sociedade, assegura direitos e impõe deveres. São exploradas as principais fontes do Direito, como a lei, a jurisprudência e os costumes, bem como suas divisões em ramos como o Direito Público e o Direito Privado. Com base em autores como Norberto Bobbio, Miguel Reale e Maria Helena Diniz, o artigo oferece uma visão panorâmica que fundamenta o estudo das ciências jurídicas, destacando a importância do Direito como instrumento de regulação e pacificação social. Conclui-se pela relevância do conhecimento jurídico básico para a cidadania.

Palavras-chave: direito; jurídico; noções

Resumen:
Este artículo aborda las nociones generales del derecho, sus fundamentos, objetivos y funciones sociales, con énfasis en la distinción entre derecho, moral y justicia. Mediante un análisis introductorio, se busca comprender cómo el derecho organiza la vida en sociedad, garantiza derechos e impone deberes. Se exploran las principales fuentes del derecho, como la ley, la jurisprudencia y la costumbre, así como su división en ramas como el derecho público y el derecho privado. Basándose en autores como Norberto Bobbio, Miguel Reale y Maria Helena

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Diniz, el artículo ofrece una visión panorámica que fundamenta el estudio de las ciencias jurídicas y destaca la importancia del derecho como instrumento de regulación y pacificación social. Se concluye que el conocimiento jurídico básico resulta relevante para el ejercicio de la ciudadanía.

Palabras clave: Derecho. Jurídico. Nociones.

Introduction

Law is one of the pillars underpinning the organization of modern societies. Its function goes beyond simply regulating human conduct, encompassing ethical, political and social aspects. Understanding the role of law requires familiarity with its general concepts: what it is, its objectives, its sources and the principles that govern it.

This article aims to provide an introduction to the legal sphere, addressing the fundamental concepts needed to understand law as a normative social science. Drawing on established authors such as Norberto Bobbio (1995), Miguel Reale (2002) and Maria Helena Diniz (2009), it discusses the nature of law, its importance in structuring social relations and its distinction from morality and justice.

The concept of law

The Portuguese word “direito” can take on different meanings: it may refer to the set of legal rules in force in a society (objective law), or to an entitlement recognized as belonging to an individual (a subjective right). According to Norberto Bobbio (1995), law can be understood as “a set of rules of conduct imposed by a sovereign authority with the aim of regulating social relations”.

Thus, law seeks to organize human coexistence through rules, establishing legal certainty, preventing conflicts and promoting justice. It encompasses both coercive rules and fundamental guarantees of citizenship.

Law, morality and justice

One of the first distinctions to be made in studying law concerns its relationship with morality and justice. Although frequently associated, these are distinct concepts. Morality refers to the set of personal or social values and principles that guide individual behavior, whereas law is imposed by the State and backed by legal sanctions.

Through his three-dimensional theory of law, Miguel Reale (2002) proposes that law comprises three elements: social fact, value and norm. In his view, law cannot be understood

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solely as a norm or a value in isolation, because it arises from social facts, is guided by values and is expressed through norms.

Justice, in turn, is an ethical ideal often pursued by law, but not always achieved. Justice represents a value that guides lawmakers, yet may diverge from legality.

Sources of law and their classification

The sources of law are the means through which legal rules are expressed. The main sources are:

- Legislation: written rules issued by the legislature;
- Custom: repeated practices accompanied by a belief that they are binding;
- Case law: repeated court decisions;
- Legal scholarship: contributions made by legal scholars.

Maria Helena Diniz (2009) emphasizes that sources may be material (the social facts that give rise to rules) or formal (the ways in which legal rules are expressed).

Law is also divided into branches, the main ones being public law (which regulates relations between the State and individuals) and private law (which regulates relations between private parties). These include constitutional, civil, criminal and administrative law, among other fields.

Public law and private law differ primarily in the interests they protect and the parties involved. Public law regulates relations between the State and private individuals, or between State entities, on the basis of the primacy of the public interest and legal inequality between the parties; examples include constitutional, administrative and criminal law. Private law, in turn, concerns relations between private parties on an equal legal footing, seeking to balance individual interests, as in civil and business law. The central distinction therefore lies in the presence or absence of State power exercised from a position of authority.

An analysis of the general concepts of law makes it possible to understand its structuring function in social life. The distinction between law, morality and justice reveals law as a normative instrument claiming objective validity, while also being influenced by ethical and social values.

Identifying the sources of law shows that its development is dynamic and responds to specific social and cultural demands. Exploring its classification and main branches reveals the broad scope of law, which permeates every sphere of human life, from family relations to matters of State.

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Reflection based on renowned authors enriches the understanding of law as a complex, multifaceted phenomenon whose analysis requires an interdisciplinary and critical approach.

Conclusion

Studying the general concepts of law reveals the importance of understanding it for legal professionals and all citizens alike. We live in a society governed by rules, and basic legal knowledge contributes to the exercise of citizenship, the defense of rights and the fulfillment of duties.

As demonstrated throughout this article, law is more than a set of rules: it is a social construction, influenced by values and expressed in various forms. Understanding it requires a dialogue between theory and practice, norms and values, and justice and legality.

Authors such as Norberto Bobbio, Miguel Reale and Maria Helena Diniz contribute significantly to this understanding, providing essential conceptual tools for those beginning their journey into legal knowledge.

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