

“Natural Law” and its Influence on Legal Systems

Natural law is one of the classic themes of legal, political and moral philosophy and, in general, of anthropology. It is, moreover, a topic that is inextricably linked to the ideas of order of the universe and to the principles of causality and purpose, so that his study ends up always being linked to the most transcendent issues that he is able to deal with the human mind, as are those studied by ontology and natural theology (Rigby, 1998). The natural law is called the natural phenomena that are constantly repeated given certain necessary conditions. The aim of science is to be able to explain the causes of the same phenomena.

The foundation of human rights lies in natural law. The right to moral and physical integrity, freedom, legal defense, etc., constitutes a basic legal provision equal to all men, above all discrimination. The origin of human rights cannot be the Constitution, nor an international agreement, since this would imply that they can be freely suppressed or modified by the constituent legislator or by the signatory authorities of that agreement. Therefore, they would cease to be intangible fundamental rights (Finnis, 2011).

Evolution of legal systems

The evolution of law started off before history was documented with laws accumulated one by one mainly because conflicts were resolved. Actually, the progression of laws in society predates both courts as well as the written law. For centuries, traditional as well as private legal approaches alone mandated human pursuits. The potential of customary law is located in the point that it can be mirrored in the behavior of individuals toward one another. The law is basically determined, not created. Law is a systemic discovery course concerning the encounters of consecutive generations. According to most of the doctrine, it can be affirmed that the functions of the Law are the following:

- Social orientation function.
- Function of integration or social control.
- Function of treatment and resolution of conflicts.
- Function of legitimation of power.

Application of law ordering life in community and composition of interests, legal rules must necessarily be imposed. On this imposition, even coercive, of observance of norms, the order also fulfills a work of social formation, by providing in advance to citizens the criteria of organization of their lives and relations with others, along with the Threatening the possible penalty that can be incurred if the standards are met (Nelson & Grossberg, 1988).

There are two types of application of law: judicial enforcement and non-judicial enforcement. There is a non-judicial application of the law when the acts of concretion or enforcement of what is generally regulated in the legal norm are carried out by authorities or administrative bodies, ie by bodies acting on behalf of the Executive (Nelson & Grossberg, 1988). On the other hand, a judicial application of the law is given when the juridical realization of the general juridical norms is realized (Nelson & Grossberg, 1988).

Weber's ideal types of legal systems

Weber distinguishes three types of legitimate authority:

- *Traditional authority*: when subordinates consider that the orders of superiors are justified because that was always the way things were done. Traditional power is not rational, can be transmitted by inheritance, bone, by virtue of status of heir or successor (Weber & Dreijmanis, 2008). Example British Monarchy
- *Charismatic authority*: when subordinates accept the orders of superiors as justified, because of the influence of the personality and leadership of the superior with which they identify. The charismatic power is without rational basis, is unstable and acquires revolutionary characteristics. It cannot be delegated, nor received in inheritance (Weber & Dreijmanis, 2008). Example Soviet Union.
- *Legal, rational or bureaucratic authority*: when subordinates accept orders from superiors as justified, because they agree with a set of precepts or rules that they consider legitimate and from which the power of command derives (Weber & Dreijmanis, 2008). Example France

Functionalism and the Marxist approach.

Marxism and Functionalism are a couple of sociological concepts which have been present for a long period. Whilst both of those concepts possess the prevalent denominator of being a study of societal system altogether, both of them include distinct concepts regarding how societal system functions along with the objective of it.

The fundamental concept of functionalism is usually that society is an organism and that every section of societal system is an essential component, among them criminal behavior. The perspective of Marxism tends to be that it really is a idea of class struggles and also never will contemplate the aspects of modern society as required or as an organism, nevertheless as a means of displaying how distinct areas of society wrestle.

Functionalists are convinced that society is amongst common ideals ; Society functions collectively as well as shares views to attain common ends. Marxism thinks it to be unique as well as rather recognizes societal system as a tradition of dominance in which an

individual set excels other individuals. Heads tend not to disclose the subordination as well as anguish of the functioning classes.

Conflict Approach and Critical Legal Studies

Generally different definitions of "*conflict approach*" are available, variations that appeal our focus to complementary areas of the notion : "A progression that commences when one party sees that an additional has impacted it in an extremely adverse manner or which is intending to influence in a very detrimental manner, A number of their interests "and an additional perspective social conflict is a struggle for beliefs as well as for the position, power as well as limited resources, in the midst of which opposing members would like to counteract, destroy or eradicate their competitors (Unger, 2015). A conflict will likely be social the instant it transcends the person and then continues from the very composition of societal system.

A Critical Legal Studies (CLS) is a theory that challenges as well as overturns acknowledged norms as well as traditions in legal philosophy as well as exercise. Proponents of the theory think that logic as well as structure caused by the rules spread away from the power associations of the contemporary society (Kennedy & Forde, 1999). The law is present to encourage the needs of the party or class that shapes it as well as being simply an accumulation of values as well as prejudices that legitimize if not encourage the injustices of community (Kennedy & Forde, 1999).