

SURSE JURIDICE MAI PUȚIN STUDIATE

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***Abstract:** The law, according to Hans Kelsen, is a system of norms. Norms are ‘ought’ statements, prescribing certain modes of conduct. Unlike moral norms, however, Kelsen maintained that legal norms are created by acts of will. They are products of deliberate human action. For instance, some people gather in a hall, speak, raise their hands, count them, and promulgate a string of Words. These are actions and events taking place at a specific time and space. To say that what we have described here is the enactment of a law, is to interpret these actions and events by ascribing a normative significance to them. Thus Kelsen believed that the law, which is comprised of norms or ‘ought’ statements, cannot be reduced to those natural actions and events which give rise to it. The gathering, speaking and raising of hands, in itself, is not the law; legal norms are essentially ‘ought’ statements, and as such, they cannot be deduced from factual premises alone.*

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