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The Relationship between the Law, Legal Norm, Legal Order and Normativity in Postmodern Society

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Abstract

It is widely accepted that the existence of people in society cannot happen at random, but be organized. In one way or another, all human activities are generally subject to the law, meaning that they cannot unfold in an unorganized manner or outside of a certain social order without being subject to rules and principles promoted either by the group or by society. Based on these considerations, this article aims to discuss the particularities of the relationship between law, legal norms, order legal and normativity in postmodern society.

Keywords:

Law, legal norm, normativity, legal order, postmodern society.

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Introduction

The relationship between the law, legal norms, normativity and legal order has long been one of the main points of reflection not only in legal doctrine, but also philosophy and sociology, with certain of its particular aspects being highlighted throughout time, at certain periods in the development of society. In this context, the purpose of this article is to present a number of ideas specific to postmodernism, starting with the fact that human society is the result of human activities in a precise social-historical environment. It is a complex system of inter-human relations and clearly coexistence would be impossible without a minimum amount of rules. The law has emerged and developed along with society, given that it is indispensable to it. Given that the aspects of the relations here analyzed are extremely rich and the methods used are numerous and various, we consider it necessary in exploring this subject to clarify at first the concepts of normativity, law and legal order. This has proved to be of great use in reaching our goal. The law was initially considered a gift of the gods and subsequently of god and man, who created positive law through the discovery of natural law. Therefore, we will demonstrate in this article that in postmodernity, the power of man to create laws comes from force of human will as the sole founding authority behind the law.

1. Defining the Right - An Elusive Goal

Trying to define the law proves a daunting task because, based on St. Augustine's statements in his work "Confessions" "if no one asks me, I know, and if I wanted to explain it to someone who asks me, I do not know " the same character can paradoxically be found in the case of the law, you know what it is if no one asks you, but if you want to explain it, you realize that you do not understand it anymore. There action of practitioners and even of many theorists is to avoid the problem or treat it lightly, considering it trivial. Hence, the uncertainties of some people, who either believe "the law is the law in force" while others consider that "the law is what the judge says" or "the law is the power to do justice." Apart from a linguistic context, the term "law" is ambiguous, which is why famous remark "if you want to talk to me, define your terms" still applies.

It appears that not only the content of the definition of law is questionable, but the very definition of status (Rials, 1990, p. 5). What

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should this definition reflect? It should be one in essence, one of proximal and specific difference, one explanatory or constructive, one of the law as it is or as it should be or perhaps a combination of the two hypotheses is required? General theory still hesitates on defining the law which gives it, according to P. Amselek (1964), "an ambiguous quality".

Etymologically speaking, the word "drept", ergo "law", has its origins in the Latin "directus, directum" or "dirigo", which translates as "direct", "straight", or in other words, "to direct", "to guide".

In postmodern society, the term is used in everyday language to mean "what is just", "justice", while for jurists it means the rule of law. For some, it is an ideal while for others it is a positive norm. Some see but a discipline of action, intended to establish or defend a certain state of society, therefore a mere social discipline, while others seek in it a set of rules of conduct. For some, the law is an aspect of social phenomena, like sociology or history. Others say that the law is a mental representation that arises from its own principles, independent of social or historical phenomena. It also shows that the law is the temporary result of centuries of struggle between social forces, or the idea that the law comes not only from a state evolution and natural determinism, therefore arguing that the law does not spring from human activity alone (Milide, 1976, p. 37).

Over time, the law was given various definitions, some more profound and detailed, others simplistic, defined either by reference to its essence or by such proximal and specific difference, either in a constructive or explanatory way, as a phenomenon each bringing outstanding contributions to legal thinking and reflecting the legal conceptions of its authors. For example, Mircea Djuvara (1999) considered that the law is "a product of human reason, however rudimentary it may be in primitive societies and the organization that produced results thereof" (p. 167). The author we quote here asserts that rational law should be based on positive law, to give it direction "...the law as a science, a discipline that dominates its practice daily is based on an idea that controls it entirely, that influences its whole life - that of justice" (Djuvara, 1999, p. 167). Mircea Djuvara (1999) sees the rule of law is "the norm unconditioned by irrational conduct pertaining to external of people in society"(p. 586). On the other hand, E. Speranţia (1946) noticed that the need for law in society: "If people's lives did not be forever dependent upon meeting certain requirements, if it did

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notinvolve the pursuit of certain goals, if not resume itself to the possession of certain values and if a this tendency did not lead to rivalries and conflicts between people, the would have reason to exist"(p. 347).

The current Romanian doctrine defines the law as "the system of rules of conduct, developed or recognized by the power of the state, which guides human behavior in accordance with the social values of that society, establishing the legal rights and obligations the observance of which is a necessity in order for the state to exert its public power" (Ceterchi & Craiovan, 1993, p. 28). In another definition, "the law is the set of rules of conduct established or sanctioned by the State which express the common and general will and interests in their application, which is requiresby the coercive force of the state" (Mazilu, 2007, p. 78).

In trying to find a definition of the law, a contemporary doctrinaire rightly asks "how may we word a definition of objective law [the set of social rules (...), etc.], the subjective law (the individual power to ask of others the respect of their goods and actual being, obtained by invoking a rule from objective law) and natural law (principles of justice derived from the nature of things or reason)? Objective law (positive law), contains legislated rules, fixed laws; within the subjective some rights are not the result of regulation (right to life), others result from conventions (laws of the parties), others in customs (where custom is a source of substantive rights); natural law is neither one, nor the other. However, in its definition, the law should include both, just as the definition of energy must also include vital energy, spiritual energy and physical energy. Likewise, we cannot give a single answer that would cover the whole question: why does the law exist (Romanian, Swedish, Sudan; older non-specific law; political nature; domestic, international, etc.)?" (Mihai, 2009, p. 173). Furthermore, the same author criticizes the way in which jurists try to find a definition of law: "Jurists do not define the law so that the definition include natural and positive law and the national and international law, the law as virtue and political laws, customary law and legislated law. Usually, they refer only to positive law, with many recognizing natural law, the law as virtue, common law as law. When venturing to define the law, legal thinking does not envisage finding common elements of all historical forms of law" (Mihai, 2009, p. 184).

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Rightly so, an incontestable definition of the law cannot be outlined, which is why the list always remains open, however, a pertinent solution is to define the law from several perspectives.

As far as we are concerned, we support those defining the law as "a set of rules of public conduct both general and abstract, with its foundation in the cohesion of a social group and as a rule susceptible, by structuring all inter-relations, ensure the coexistence of freedom in an organized society" (Dănişor, Dogaru & Dănişor, 2008, p. 35).

2. Objective, Subjective, Positive Law. Conceptual Limits

Undoubtedly, the concept of law likely has several meanings. We tried to define above objective law, which concerns that imperative coordination through rules. This is the necessary premise for various forms of freedoms to co-exit. As follows from the definition provided, objective law contains legal standards that address all people, so that society may protect itself from excesses. Rules of conduct in this case are general, since they address either all subjects of law, or only certain categories of legal subjects (Voicu, 2006, p. 33). Objective law includes impersonal, abstract legal rules that are in force, but also those no longer valid or those which will enter into force.

The quality of objective does not have the philosophical sense of "existing outside consciousness and independent of it", but reveals the impersonal nature of rules, a fact that they do not refer to actual people and depend, as a product of state bodies with legislative powers, not on the subjective will of the individual (Humă, 2003, p. 15).

A brief overview of the doctrine allows us to conclude that there is some tendency to identify objective law with positive law, more precisely the set of legal rule sin force at any given time in a given society. Obviously, we consider such a vision too narrow, since the state law in a state at a given time cannot be dissociated from the broader phenomena or isolated from its sources or its context. It is closely connected with history and human, social, economic the environment. Specifically, positive law is part of object law and is composed of all legal rules in force at any given time in a society, more preciselyit is the law applied immediately, continuous, and mandatorily and it is likely to be carried out through the coercive force of the state, when ignored.

Another meaning of the concept of law is subjective law. In this context, we understand the legal power granted to a person enabling

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them to use a thing or to benefit from a service. At this point we make no reference to the law in general, but to the law and we use the phrase "subjective law", since the term invokes "legal credentials holder". The classic example is ownership: I exercise my right to own a property x, in the common language the term used is "object x is mine."

The terms subjective in the phrase "subjective law" carries no philosophical meaning, but refers to something that belongs ontologically to that specific consciousness. In the legal sense, the attribute in question highlights this specific difference of this aspect of the law, subjective law, which pertains to persons, to prerogatives recognized by the law of a subject or the role they perform. Subjective law signifies the faculty of a subject to wish and claim to which an obligation a topic assigned to you and claims, which corresponds to an obligation on the other part.

In some languages there are different words to describe the two distinct meanings of the notion of law. For example, in English *law* designates the objective law and right, subjective law. In German, although the term Recht is widely used, the term Berechtigung is sometimes used for subjective law. In French, objective law is expressed by the word "Droit" with higher-case D, and subjective law is designed by the same word with a lower-case d "droit". It is also well known that Roman law had used different names for the two meanings of the law. Objective law was called *norma agenda* while subjective law *facultas agendi*.

Over time, the concept of subjective law has been and is extremely controversial, given that ideologists have supported the existence of independent subjective rights of objective law, and others (Duguit, 1907, p. 16) who have gone so far as to deny the concept itself and its usefulness. In order to define the subjective law, it is necessary to begin with its elements, namely: the subject of the law, the object of the law, the legal relationship inherent to the law and legal protection.

The subject of the law is the holder of the right, a physical person or legal entity, in which case we are in the presence of subjective rights or a public authority. In case we are in the presence of certain competences, through them referring to the powers inherent to authority (i.e. jurisdiction), but in both cases we are faced with the power of the law, i.e. a prerogative conferred by the legal power to the person.

The object of subjective law has generated lively debate, mostly due to doctrinarians that accept this concept, but generally speaking only

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the objective of legal relationship. Thus, the legal relationship is the conduct of the parties, meaning the activity or inactivity to which the subject is entitled and to which the passive subject is bound. In this way, property is considered as an object derived from the legal relationship.

The object can be both tangible and intangible one and the value of the object of law may be intellectual, moral, or simply human - the inherent value of the human person (personality rights); tangible property (movable or immovable), intangible assets (intellectual creations); benefit of another person (in money, labor, non-compete); status and functions belonging to civil and commercial life (guardian, administrator of a company, public office, etc.) (Duguit, 1907, p. 16).

As regards the legal relation, it is inherent to the law since the law can only manifest itself within the relation, but it can be viewed from two points of view. From the point of view of the object of law, subjective law appears as an exclusive relation of ownership and possession. Thus, subjective law means the exclusive disposition, reserved for the holder over the value that represents the object of the law. As to the relationship with the subjects of law, subjective law appears as a link of obligation to the other (Dănişor, Dogaru & Dănişor, 2008, p. 296).

Last but not least, the subjective law is protected by legal order. There is no law in the absence of such protection. As such, the right to own of a person exists because objective law acknowledges it. Likewise, limiting the right of ownership by objective law affects the subjective law, respectively the holder of that right.

It is obvious that between objective law and subjective law there is a tight link but there is also the question whether there are rules of objective law which give rise to individual rights on the one hand and, on the other hand, if there are prior subjective rights and beyond their consecration by object law. In this respect, a prominent doctrinaire has shown that "legal rule founds and legitimizes the constitution and affirmation of subjective law, which otherwise could be but a simple unregulated faculty and without value. Subjective law cannot exist outside the rule of law, outside objective law, understood as being an imperative form of coordinating freedom since true liberty begins only when the natural possibility to take action is accompanied by a guarantee, by respect (Del Vecchio, 1993, pp. 245-248)".

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On the first issue we discussed above, French doctrine (Pescatore, 1960, p. 243) has stated that not all the rules of objective law create individual rights, or subjective obligations linked to a determined right. Thus, according to the Constitution, the state must ensure a standard of living and the right to work but these rules do not create individual rights, in the sense that the individual cannot claim the state for certain benefits based on this. It is the same for rules of criminal law which do not give rise to individual rights, but constitute rules of discipline, far different from the concept of subjective rights and obligations. Hence follows that objective law has a wider sphere than subjective totality of rights and obligations. The individual can benefit from the existence of certain legal norms without creating individual rights in his favor, just as feeling the effects of certain effects without being restricted by a subjective obligation. In these cases, we consider that we see reflex effects of legal rules.

A recent paper (Dănişor, 2011, p. 136) shows that postmodernity is faced with inconsistent theories that do not know how to distinguish the law from rights while at the same time maintaining a unity of opposites. The author of the said paper criticizes the way in which postmodernism has tended to prioritize rights and develop the law in relation to them, leading to the imbalance that caused the weakening of social cohesion.

Regarding the second question, the answer may be sought rather in the philosophy of the law since we are faced with a paradox. On the one hand, there are some subjective rights that pre-exist their consecration by legal rules, for example the right to life, and their legal regulation appears as extra protection, because it is clear that objective law gives us the right to live, but on the other hand it is equally true that individual rights exist only through their legal consecration. Complicated as it may seem to find an answer, the solution doctrine proposes is so simple "legal order creates individual rights, not at random, but based on the subjective, natural, moral rights, which ensures the validity of the legal system itself. Therefore the law is subordinate to the moral order. Schematically, things would look such moral order - natural rights - legal orders - rights issue" (Dănişor, Dogaru & Dănişor, 2008, p. 299).

In conclusion, we define the subjective law as so many other theorists (Pescatore, 1960, p. 243; Dănişor, Dogaru & Dănişor, 2008, p. 296) have also done as a prerogative provided by law and guaranteed by

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the law, which is the possibility to possess an object of value which is recognized as belonging to that person.

3. The Relation between Normativity, Positive Law and Legal Order

Generally, normativity involves establishing rules that organize human action. No social process can take place in society, therefore, without standardization or regulation (Vlăduţ, 2000, pp. 117-118). E. Speranţia (1988) noted that "Creation of rules is as regular and natural a phenomenon as possiblein society. It comes from the laws of life in general, and the laws of the human mind, and finally, the nature and conditions of social life"(p. 214).

The standardization of activities of society's members is achieved by developing a set of rules, requirements, constraints, obligations, rights and duties of moral, religious, judicial, economic, political, aesthetic, etc., regulating the individual and group behavior within the social system. Different categories of existing norms in society give rise to specific types of social order. This explains the fact that the same society there are different forms of order order, a moral, legal and others, but they operate simultaneously, without excluding each other, and their result is merely called generic social order (Vlăduţ, 2000, p. 118).

Over time, the concept of order was explained from a variety of perspectives. Sociology sees it as a set of interdependent, harmonious relationships, in society, or as the result of an organic relationship between man, society, nature - in metaphysics. In theory and sociology of the law, the order is synonymous with the imperative provision - command, prescription or it is considered as a set of standards and fundamental values in a society from which it is forbidden to stray, under penalty of nullity, either constituting the framework fortraining, performing and deciding the rules or principles that can be accepted as law, in a society (Arnaud et al, 1993, pp. 415-417).

Society has its own order, containing a dynamic system of rules - legal, political, economic, moral - principles and values, called synthetically legislated and the law represents a dimension of this order. Each dimension of social normativity includes specific values and receives direct or indirect influences from the others. Related and interdependent, they tend to be come together to organize a dynamic

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unit, whose integrity and efficiency is guaranteed by the law (Mihai, 2009, p. 318).

Concerning the level to which the role and ubiquity of the law is acknowledged has been shown in doctrine: "(...) all our lives take place in a world of rules. We think we are free but in reality, we are caught in a web of rules of conduct, which directs our actions one way or another from birth to death. Most have become so common that we do not even realize their presence" (Bobbio, 1996, p. 19). Thus "legal experience is a normative experience."

The law appears an important component of social normativity, given the pronounced imprint brought by social balance, but as a legal phenomenon it should not be perceived only as normativity (as a set of rules - the objective), because "it contains both individual judgments, individual commands, immediate interests" (Mihai, 2002, p. 98), as we showed when we defined the law and when we considered the law as a normative phenomenon.

The legal order in society, regarded as a dimension of social order expresses the two aspects of positive law - constraint and harmonization, achieving it through rules which sanction and guarantee the exercise if rights and impose obligations. Recent literature (Mihai, 2009, p. 319) has identified the following attributes of the legal system: it is in general social normative, pluralistic, unifying, modeling, fluid, and these attributes actually resides and functions of positive law.

Although frequently used in legal literature, the nature of the concepts of public and private order is not always clarified. As such, given that the law is an organic system, which corresponds to a particular community, the unity of society generating the unity of the legal system, so that in the same society several legal orders cannot coexist to oppose each other. We consider that public order and private legal law, as they are commonly used in legal language are aspects of the same order implying that the rules of public law and private law differ, but do not exclude each other.

4. Law and Justice

Many times, not just in language, but also in legal language, the law is identifies with regulations. It is estimated (Uţă, 2011, p. 116) that the confusion of the two words would have as a starting point their etymology. Thus, on the one hand as the word derives from the Latin

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"*directum*", which comes from the verb "*dirigo, dirigere*", to correct, to comply with the rule, and on the other hand all the Romans used the word "*jus*" meaning both a right and the law. Some theorists have shown that "jus" comes from the verb "*jubeo, juber*" to command, while others believe that the origin of the term should be sought in the Sanskrit word "*ju*" which signifies link.

The same differences of opinions were expressed as to the origin of the Romanian word "*lege*". Some authors consider that the term derives from the Latin "lex", while others are considering the verb "*lego, legere*" which means to read, get informed, which in our minds leads makes us think of the written law.

As we have seen, recent doctrines (Popa, 2008, p. 73) define the right as "the set of rules provided and guaranteed by the state, aiming at organizing and disciplining human behavior in the main relations in society, in a context specific to the coexistence of freedoms, defending basic human rights and social justice, "and through law, in its broadest sense conveys any form of laws, so that the law would identify itself written law, as opposed to the unwritten law represented by legal custom (Popa, 2008, p. 163). Furthermore, German legal literature, for example, shows that "both custom and law established by the state - both *lex non scripta* and *lex scripta* are included in what we call the law, the normative act. In a narrower sense, the law means the established law, the written as opposed to the unwritten law (...)"(Stammler, Sohm & Gareis, 1913, pp. 32-33).

As far as we are concerned, we do not criticize these ways of defining the law, respectively the law text, but the wrong perception of this definition. "The drawback comes from a misperception –as appreciate a contemporary author - that equates to law and regulations, and the reproach of a certain forced similarity is the subsequent insistence to limit the concept of "law". The law should and can only be considered in some sensee quivalent to the concept of law; beyond this, it designates all the forms which the idea of ordering behaviors may take on" (Ionescu, 2008, p. 28). The written law is defined thus as a set of rules of conduct expressly formulated in a general and abstract manner the efficiency of which is given by their legal force. It is actually what currently designates, though incorrectly the word law. Thus, the law should be a written rule only.

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However, the written law is not confined to the normative act. It also includes rules not unilaterally enacted but conventionally as a legal contract. The written law has a double origin: it may emanate from the public authority (legislative act) or the will of the interested parties (conventional law) (Dănişor, Dogaru & Dănişor, 2008, p. 127).

In the same vein, Mircea Djuvara (1999) appreciates by challenging the relationship between law and positive law that "...in the absence of laws, there is always habits or customs applied or used by courts, in which case we are faced with realities of positive law. What is more is, the law is not in itself, strictly speaking, an absolute representation of positive law, even in a system of written law, such as ours, because the law may have certain requirements to be implemented is another way. This happens very frequently. It is well known how important jurisprudence is, how it goes beyond the law sometimes even sometimes seemingly contradicting the text of the law and leading to conclusions that the lawmaker did not even consider" (p. 319). It is therefore clear that the law cannot be reduced to its text, even from a *lato sensu* point of view.

Also, doctrine shows that it is impossible to define the law without defining its sources as their meaning is only found through its relation to the law, because tohandle the sources of law is to clarify the concept of positive law, and this because in positive law must be understood that system of legal rules effectively governing and giving form and life to a people at a particular historical moment. That is also the claim of other theorists who insist that "the law includes all its legal sources, apart from laws, referring to ordinances, resolutions, orders, conventions, custom, and even judicial practice and judicial precedents" (Muraru & Tănăsescu, 2011, p. 6). Here we have other arguments supporting the claim that the law should not be confused with the law text, which, indeed, is its main source, but not the only one.

Conclusions

We believe that in a state of law, the rule of law must not be reduced to a set of rules, but must be based on a system where rights dominate the law. Doctrine shows us that a genuine rule of law is "only that in which the ratio of law and legality is built and maintained through this algorithm: the law is the goal value and legality, the middle value" (Moroianu, 1989, p. 331). In the same vein, we consider sound

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statements those existing in doctrine which qualify the law in its substantial meaning, showing that it "is intended to provide legal reality in a given society; its purpose is justice, i.e. the equitable regulation through objective and rational means of individual legal rationales between people. It therefore does not have a value of its own, but exists depending on what it must accomplish" (Djuvara, 1999, p. 319). Thus, the law thus integrates itself in the whole rational construction of the law to fulfill its goal as well as possible, i.e. to guarantee justice.

Definitions given to the law, as a legal phenomenon are based on the fact that it is a set of legal rules, i.e. at the foundation of legal order is the legal norm, seen as "a general and mandatory rule of conduct whose purpose is to ensure social order, rule which can be accomplishedif necessary through coercion" (Popa, 2008, p. 123). In the same time, the law, *lato* sensu, is defined as being "a general legal rule both mandatory and permanent, imposed by a public state authority, eventually also sanctioned by the public state authority" (Popa, 2008, p. 163), but *stricto sensu* as a normative act issued by Parliament in exercising its legislative function.

In postmodern society, reducing the law to the legal norm alone has become a bygone attitude, contrary to a systematic development of the law, in which the main element is the legal norm and the law is the external form of expression of that norm, of the lawmakers wish to give shape to certain social commandments most often modelled in the majority of cases after a plurality of legal norms.

References

Amselek, P. (1964). *Méthode phénoménologique et théorie du droit*. Paris: Librairie Générale de Droit et de Jurisprudence.

Arnaud, A. J., Belley, J. G., Carty, J. A., Chiba, M., Commaille, J., Deville, A., Landowski, E., Ost, F., Perrin, J. F., Van de Kerchove, M. & Wroblewski, J. (1993). *Dictionnaire encyclopédique de théorie et de sociologie du droit (deuxième éditio)*. Paris: Librairie Générale de Droit et de Jurisprudence.

Bobbio, N. (1996). *Teoría general del derecho*. Madrid: Debate Publishing House.

Ceterchi, I. & Craiovan, I. (1993). *Introducere în teoria generală a dreptului*. Bucureşti: All Publishing House.

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Dănişor, D. C., Dogaru, I. & Dănişor, Gh. (2008). *Teoria generală a dreptului*. Bucureşti: C.H. Beck Publishing House.

Dănişor, Gh. (2011). *Filosofia drepturilor omului*. Bucureşti: Universul Juridic Publishing House.

Del Vecchio, G. (1993). *Lecţii de filosofie juridică*. Bucureşti: Europa Nova Publishing House.

Djuvara, M. (1999). *Teoria generală a dreptului. Drept raţional, izvoare şi drept pozitiv*. Bucureşti: All Beck Publishing House.

Duguit, L. (1907). *Traité de droit constitutionnel*. Paris: Ancienne Librairie, Fontémoing et Co.

Humă, I. (2003). *Teoria generală a dreptului*. Galaţi: Editura Fundaţia Academica „Danubius" Publishing House.

Ionescu, S. (2008). *Justiţie şi jurisprudenţă în statul de drept*. Bucureşti: Universul Juridic Publishing House.

Mazilu, D. (2007). *Tratat de teoria generală a dreptului*. Bucureşti: Lumina Lex Publishing House.

Mihai, Gh. C. (2009). *Fundamentele dreptului. Ştiinţa dreptului şi ordinea juridică*. Bucureşti: C.H. Beck Publishing House.

Mihai, Gh. C. (2002. *Inevitabilul drept*. Bucureşti: Lumina Lex Publishing House.

Milide, M. (1976). *O introducere critică în drept*. Maspero.

Moroianu, E. (1989). *Adevăr, dreptate, stat de drept în lumina filosofiei dreptului. Studii de drept românesc*, 1, 331.

Muraru, I. & Tănăsescu, E. S. (2011). *Drept constituţional şi instituţii politice.* Bucureşti: C.H. Beck Publishing House.

Pescatore, P. (1960). *Introduction à la science du droit*. Louxembourg: Centre universitaire de l'État.

Popa, N. (2008). *Teoria generală a dreptului*. Bucureşti: C. H. Beck Publishing House.

Rials, S. (1990). *Ouverture, Définir le droit*. Droits, 10, 5-10.

Speranţia, E. (1946). *Introducere în filosofia dreptului*. Cluj: Tipografia Cartea Românească.

Speranţia E. (1988). *Lecţiuni de enciclopedie juridică*. Bucureşti: Minerva Publishing House.

Stammler, R., Sohm, R. & Gareis, K. (1913). *Systematische Rechtswissenschaft*. Berlin: Leipzig.

Uţă, L. (2011). Unele consideraţii despre ordinea de drept, dreptate, lege şi justiţie. *Cogito - Revistă de Cercetare Ştiinţifică Pluridisciplinară*, 1, 111-117.

DUMINICA, R. (2014). The Relationship between the Law, Legal Norm, Legal Order and Normativity in Postmodern Society. Postmodern Openings, Volume 5, Issue 3, September, Year 2014, pp. 21-35

Vlăduţ, I. (2000). *Introducere în sociologia juridică*. Bucureşti: Lumina Lex Publishing House.
Voicu, C. (2006). *Teoria generală a dreptului*. Bucureşti: Universul Juridic Publishing House.

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DUMINICA, R. (2014). The Relationship between the Law, Legal Norm, Legal Order and Normativity in Postmodern Society. Postmodern Openings, Volume 5, Issue 3, September, Year 2014, pp. 21-35