



Hart's Theory on Nature of Law

Topic: Law | Words: 1700 | Pages: 6

Introduction

Law is one of the fundamental institutions of any civilized society needed for stable development and growth. The existence of strict regulations guarantees that all members of a particular community will be protected from abuse, unfair use of power, and the rule of the strongest. The law also ensures the even distribution of benefits and helps to avoid anarchy. For this reason, starting with ancient times, every society had its own set of regulations and codes of behavior acting as the law and establishing a particular system of relations between individuals. The significance and scope of this phenomenon resulted in numerous philosophers' attempts to investigate its nature and formulate the essential elements needed for the work of the legal system. Hart was one of the thinkers who offered his view of law and the factors necessary for its work.

Hart's Theory

In general, Hart's theory rests on the idea of the primary and secondary rules' union. Starting his cogitations on the legal system, he assumes that only a small community with ties of kinship can successfully live using the regime of unofficial rules (Hart 92). These regulations will prevent members from committing crimes, such as theft, violence, murder, and other undesired acts (Hart 91). However, in any other conditions, this system will fail to perform its major functions as it will have the three defects, and it will demand supporting structures and regulations ensure the stable work of a society (Hart 92). These problems are uncertainty, the static nature of all rules, and the

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