

## Editorial

# Complex trends in the construction of legal knowledge and law

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### ***Social Sciences from complexity.***

The situations, realities, and problems of the current scientific world in the first quarter of the 21st century is constantly changing in complexity and uncertainty that involves the necessary interconnection of the different areas of knowledge. In the case of the social sciences, this complexity is produced from the approach to problematic situations in the construction and deconstruction of the theoretical and empirical, with its duality being unavoidable for the study of law and related sciences. The perspectives in the generation of knowledge, both philosophical, epistemic, and methodological, are presented in a multiplicity of rigorous, verifiable processes of shared views and interrelations, both from the legal and political science perspectives.

This confluence of the rigor of knowledge and methods requires contributing theoretically and in practice to a complex, relative, versatile ontology subject to an axiological framework of practical commitment to inclusion and plurality (Hernández, 2021). In addition, to investigate the complex and systemic interweaving, we must achieve understanding from interconnected representations with explanatory models, assumptions, and new categories about these systems with the possibility of self-regulation (Gómez, 2021).

In this sense, from the complexity of the social sciences, understanding that the law in its implementation must fit from its normative corpus in the context of the application, upholding inalienable principles that promote full justice, inclusive and accessible, also, from political science with its study of human relations in societies, around power, governments, institutions, and political structures, in the vindicative



searches, for the effective plenitude of citizen recognition.

Specifically, in Legal Science, starting from human acts in an explicit correspondence, the law must be shown in the adjacent relationship between disciplines, recognizing these interrelations to generate complex, diverse, timely, and purposeful science for people. In this order of ideas, a brief approach is presented below from the perspective of law with scientific production.

### *Some views from the law*

According to [Pattaro \(2022\)](#), the law can be approached in a diachronic (historical) or synchronic (static) way, from a philosophical perspective (legal philosophy), scientific perspective (legal dogmatics), or any other type such as the general theory of law.

Law can be studied using scientific methods. Therefore, it is unnecessary to enter into a discussion about the scientific nature of the legal discipline because the extensibility of the scientific method, as [Bunge \(1975\)](#) spoke of, can be applied. However, legal research depends on the researcher's conception of law and its function. That is why dogmatic studies reveal a positivist position of the legal phenomenon, the main problems of these investigations being the competence, validity, and interpretation of the normative complex, but also, as [Bobbio \(1991\)](#) pointed out, the defense of positivism as a theory.

On the contrary, critical studies of law, seeking to dismantle the supposed neutrality of law, resort to history, politics, economics, and other disciplines to account for law as a tool to impose a specific social order of the conditions and possibilities of the most disadvantaged in order to propose a non-state law, such as, for example, to denounce how prisons reveal a bias in the application of penal norms by the judicial system ([Molina Ochoa, 2015](#)), or how even, from the scientific construction, the views of certain groups that tend to occupy the spaces of appropriation of knowledge are revealed. ([Piana, 2023](#)).

The plasticity of law as an object of study has not changed in recent years with the curricularization of the teaching of methodology in the study plans of law degrees since it is still a marginal space in terms of the number of hours and peer recognition compared to codified subjects ([Lista, 2022](#)). Moreover, this is a long-standing challenge.

The problems, object, research techniques, methodological strategies, and very aims of the research intersect with the current trends of legal research. Therefore, at the risk of simplifying, some of the most common themes, techniques, and problem topics in recent research will be highlighted.

Firstly, the method: it has already been pointed out that several types of legal studies resort to methodologies typical of the social sciences; however, comparative law, the hermeneutics of norms and jurisprudence, as well as the argumentation based on the doctrinal source that resorts instead to the authoritative source than to the method of systematic reviews are detected as their own ([Rodríguez Cairo et al., 2024](#)).

Regarding topics, studies are still grouped around the classic disciplinary fields, perhaps due to a legal teaching scheme replicating the classic classifications of Law (Manelli, 2024). Thus, constitutional law and neo-constitutionalism predominate in public law issues. Studies on conventionality control are one of the most prevalent topics in human rights issues. On the other hand, new contracts and objective civil liability are predominant in civil and commercial matters. Finally, socio-legal studies linked to criminology are the majority in criminal matters.

In another sense, the legal challenges in protecting patents and copyrights in the digital age and the ownership and authorship of creations derived from generative artificial intelligence are new issues. The challenges facing legal research are the new problems of technological progress that do not yet have a regulatory legal basis or are scarce. Many studies on generative artificial intelligence, for example, follow the logic of the current legal framework, the selective support of comparative law for recommending specific legislation. The technology field should not contaminate the research of legal facts with legislative or regulatory advice to avoid overstepping the scientific method.

### *The vision of law as a problematized object*

In his need to understand the world, man has guided the cognitive process from very early stages. This action includes the association of images and the relationship that the subject found between his thoughts and language in a specific historical and cultural dialectic.

Within this context is legal science, located as a social factual science, characterized by its inexactitude that tries to reveal, understand, and justify its problematized object of study through the formulation of a theoretical framework, objectives, and methodological steps, where the researcher faces an epistemological plurality when researching in this discipline.

Based on this reality, it is essential to highlight that in the context of the research process, various methods, including empirical and theoretical, are linked to techniques as instruments for their materialization. In this space of intellectual construction, researchers must give valid reasons for constructing their theoretical framework and methodological proposal, as well as overcome epistemological obstacles for constructing their discipline. To do so, they can use various research methods.

Under the above, Martínez (2023) points out from the theoretical approach the following: the logical method with the use of analysis, synthesis, deduction, and induction studies concepts, principles and legal theories, thus achieving an understanding of the actions of interpretation and implementation of the system of existing norms; the historical method with the analysis of normative evolution focuses on the understanding of the evolution of law as a historical social phenomenon in its central moments and subsequent stages from the universal and individual perspective with a very marked philosophical and moral background.

For his part, Granados (2020) also expresses the existence of the content analysis method that focuses on law as a political-social phenomenon, making critical assess-

ments of the legal norm and its evolution, marked by an axiological component; the comparative method that seeks to contrast differences and similarities between different legal provisions; and finally, the exegetic method, which starts from a line that is linked to the interpretation and application of legal norms and institutions, both substantive and adjective, as well as the actions of legal organizations and operators.

In the empirical approach, there is the social method, where the law is assumed to be a cultural product, being the axiological-legal dimension and the deontological-legal of importance, generating significant contributions in the psychological, anthropological, and sociological research processes linked to the legal; the Delphi method allows to carry out structured, systematic, participatory investigative processes to predict the legal phenomenon in the future through the criteria of experts and the application of surveys or questionnaires, collection and processing of data, and, finally, the statistical method is perhaps the least used however from the technological development, it has become important the collection, organization, and processing of information for the legal discipline.

In general terms, legal research is a process that involves observing, internalizing, conceptualizing, and analyzing in a coherent, rational, and systematic manner through the use of methods and techniques to the problematized object of study, providing practical and ethical solutions to contemporary challenges within this discipline.

Such synergies are necessary to promote their contributions through the dissemination of knowledge with scientific impact, which is the task of the Jurídicas CUC journal.

## ***Jurídicas CUC 2024***

From the previously mentioned trends on complexity, Legal Sciences, Political Sciences, and Law in correspondence with the scope of Jurídicas CUC, the contributions to knowledge are presented from the scientific production of its articles and authors, scientific, reflective, and review constructions in line with the philosophical, epistemic and methodological rigor of the Social Sciences, in harmony with the diversity of conceptions, positions, updates that are necessary to address so many problems and situations in their heterogeneous manifestations and contextualization.

There are your contributions!

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