

LEGAL TOOLS AND THE INSTRUMENTAL DIMENSION OF LAW: THEORETICAL AND PRACTICAL REFLECTIONS

Special Workshop 78, at the 31st World Congress of the International Association of Law and Social Philosophy

July 9th, 14h- 18:15h Soongsil University, Seoul, South Korea

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Law is conceived as a means to achieve ends. This signifies that law can be intentionally created and applied to achieve specific objectives. Nevertheless, there has been insufficient reflection on the distinct legal tools available within and outside the legal arena for the realization of these ends. Theoretical analyses of this instrumental dimension of law frequently focus on its role as a specific social technique, as exemplified in the work of Kelsen. However, these analyses often neglect various considerations. For example, the functions of norms extending beyond mere directives in the realization of ends through the law, the role of bodies interpreting and applying the law, or the involvement of legal actors in strategic litigation to advance these ends.

Now this debate assumes a new dimension with the questions raised by numerous contemporary legal tools or innovations. Instruments such as nudges, symbolic or communicative legislation, visual law, or possibilities allowed by technological developments, such as the use of artificial intelligence in regulation, or the use of collective intelligence in the production of law, represent just a few of the recent additions to the legal sphere. This workshop aims to advance the theoretical and practical understanding of the instrumental dimension of law, particularly as it relates to these legal tools.

Structure of the event:

14:00 - 14:15 **Convenors' welcome words**

First Part: The instrumentality of law

14:15 - 14:40 **Diego Almonacid Almarza** (University of Genoa, Italy): Explaining the Instrumentality of Law: What does it involve?

14:40 - 15:05 **Agnès Díaz Castellano** (University of Genoa, Italy): Augmented Collective Intelligence as a tool for law-making

15:05 - 15:35 **Maria Victoria Kristan** (University of Ljubljana, Slovenia): Shaping the law: social norms & the rule of law

Second Part: Instruments for Law

Section A. Technological Instruments for Law

15:35 - 16:00 **Yudong Chen** (Nanjing Normal University School of Law): Navigating Legal Development Between Formal Justice and Substantive Justice: A Perspective Through the Lens of Holmes' Legal Pragmatism Advocates

16:00 - 16:15 *Coffee break*

16:15 - 16:40 **Anna Di Giandomenico** (University of Teramo, Italy): The European Pillars for the Regulation of AI: the AI Act

16:40 - 17:05 **Thiago de Mello Azevedo Guilherme and Andrea Naccache** (Pontifícia Universidade Católica de São Paulo, Brazil and Universidade de São Paulo, Brazil): What Fears Us About Neurotechnology and Brain-Computer Interfaces? Legal-philosophical aspects of the subject of Neurorights

Section B. Various Instruments for Law

17:05 - 17:35 **Mila Đorđević** (University of Belgrade, Serbia): Who works more, and who works smarter? Comparing judicial performance in Europe

17:35 - 18:00 **Adi Ibnu** (University of Birmingham, UK and Djuanda University Bogor, Indonesia): Central Bank Independence in Indonesia and Its Political Acceptance

18:00 - 18:15 **Closing remarks**