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# Why conceptualise energy law as a legal discipline?

### The added value of conceptualising energy law

- Influences the way energy law scholars and practitioners frame and comprehend the field's normative material.
- The concepts, principles and theories of a legal field are the structure within which individual laws and judicial decisions operate.
  - They can stabilise the energy sector and assist legislators, courts and lawyers in identifying, valuing and interpreting legal norms.
  - They can bring coherence and predictability to the field and, with that, ensure the equity of energy law decisions.
- What if energy laws were only interpreted in light of the foundational principles of environmental and climate law?

## The added value of conceptualising an area of law

- Discussed extensively in special jurisprudence literature, which is an area of legal theory interested in theorising distinct areas of law.
- Special jurisprudence has recognised several functions for conceptualising an area of law
  - coherence
  - legitimacy
  - social acceptance and
  - efficacy.
- There are also pedagogical reasons, and all these functions are tightly interlinked.

How to conceptualise energy law as a legal discipline? Approaches and imaginaries

#### The "usual" process

- Many legal fields have emerged in response to developments in legal practice; in their early stages, such fields are often largely unconceptualised and shaped primarily by practice.
- Over time, if a field gains sufficient social and professional recognition, it may begin to attract the attention of law schools, which introduce specialised courses to give students a competitive edge in entering the field.
- In response, textbooks and law review articles follow, along with successive efforts to develop theoretical frameworks.
- How about energy law?

#### Understanding what is needed

- Identifying gaps in and criticisms of legal scholarship.
- The legal concepts and principles of a legal field emerge from and are grounded in legal sources.
- However, they become doctrine only after 1) constructed and developed in legal scholarship and 2) recognized by legal professionals (judges, attorneys, legislators).
  - only this leads to a gradually maturing understanding of which concepts and principles are pivotal and how they form the theoretical framework of each legal field.
  - requires deep engagement and interaction with and exposure to criticism from the broader community of legal scholars.

#### Approaches of this panel session

- Theorizing Energy Law as a Field of Law
  - Seita Vesa, Professor, University of Eastern Finland
- Reshaping International Energy Law for the Just Transition: Bridging Theory and Practice in a Changing Energy Order
  - Tedd Moya Mose
- Conceptualising International Energy Law: Insights from International Environmental Law and its Influence in the Governance of the Energy Sector?
  - Melanie Schneider
- Systematic Literature Review of International Energy Law
  - Mohammad Hazrati and Nivedita S.