



Cognitive Strategies for Learning Roman Law

Estrategias cognitivas para el aprendizaje del derecho romano

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ABSTRACT

The training in Roman law for future legal professionals must be conceived as the epistemological foundation for the development of contemporary legal thought. Therefore, the effective incorporation of cognitive strategies aligned with the new paradigms of teaching and learning Roman legal knowledge constitutes the main challenge for this discipline. In this regard, this research aims to establish cognitive strategies within the process of Roman law education as a means to update, refine, and ensure the curricular relevance of Roman law instruction in the current legal education of lawyers, through a methodology that integrates a qualitative analysis of the region's major curricula, the classical principles of the educational process, and the methods specific to legal science—particularly the historical-logical, legal-theoretical, and exegetical-analytical approaches. This made it possible to establish the didactic, pedagogical, and Roman law foundations of the teaching-learning process, as well as the integral actions of awareness-raising, attention, acquisition, personalization, monitoring, retrieval, and transfer, as the basis for the stated cognitive strategies.

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1. Introduction

The university, as a center of higher intellectual activity and a preserver, creator, and developer of culture, must achieve the appropriate reorganization and flexibilization of its processes as a means of fulfilling its mission.

Therefore, professional education must be grounded in three determining factors that characterize and condition it: the anthropological, which recognizes the educable nature of human beings and their predisposition to develop knowledge, skills, and values; the teleological, which envisions educational goals and the purpose of education; and the methodological, as a system of actions guided by human rationality and effective teaching-learning strategies. This educational logic applies to all professions, and therefore to legal education as well—particularly to foundational and epistemological courses such as Roman Law.

In the specific field of Roman law, teaching focused solely on a historical or dogmatic perspective reduces its study to a collection of chronological facts and institutions from a specific historical moment and, by , thereby undermining its contribution to the development of legal thinking. As a result, it can be viewed as knowledge that is disconnected from the modern legal profession.

Therefore, the main challenge facing the discipline is to adopt an approach centered on new pedagogical paradigms for the teaching and learning of Roman legal knowledge, through the effective incorporation of relevant teaching strategies capable of transforming the content of Roman law into learning experiences aligned with the demands of contemporary legal education.

In line with the above, this research aims to establish cognitive strategies as a means to update, refine, and ensure the curricular relevance of Roman law instruction in the current legal education of lawyers.

2. Methodology

This research is based on a methodology that integrates the qualitative approach of the social sciences with methods specific to the field of law. The qualitative approach is grounded in the social nature of legal relationships and facilitates the analysis of historical and current documents, programs, and regulations in the pedagogical and legal spheres, thereby offering a holistic view of law as a complex social phenomenon.

In this regard, the analysis of the discipline's curricula in Hispanic and contemporary America and the major pedagogical works by classical researchers on the subject of the research are particularly noteworthy.

Similarly, the methods specific to legal science contributed to the achievement of the objective, particularly those related to:

Historical-logical: This approach allowed for a comprehensive view of legal evolution through the different stages of Roman civilization and its incorporation centuries later into the contemporary legal structure.

Legal-theoretical: This facilitated the analysis of the economic, social, political, and cultural context underpinning the normative construction in the legal codes analyzed.

Analytical-exegetical: This approach contributed to the internal analysis of the normative and pedagogical structures underpinning each of the models and trends of the research subject throughout human history.

This approach enabled the logical organization of the research process and contributed to the development of the didactic, pedagogical, and Roman law foundations of the teaching-learning process regarding the legal phenomenon as the basis for the stated cognitive strategies.

3. Results

The determinants outlined above are embodied in the various pedagogical models recognized throughout the historical trajectory of the educational phenomenon and in the didactic

characterization of its personal and non-personal components. The essence of this phenomenon is described in previous research by the authors; therefore, the main ideas on this subject are presented below (Alfonso Caveda and Alcívar García, 2022)

The widespread social adoption of education in the late 17th century laid the foundation for what is known as the Traditional School. The state assumed the role of providing education. As a result of traditional conceptions, the teacher was viewed as a custodian of knowledge, and teaching was regarded as “the transmission of established truths that summarize the experiences of previous generations” (Alfonso Caveda, 2010, p. 5)

This model focuses on ensuring that students demonstrate their memorization of the lesson through objective learning, and the educational process gains relevance when it succeeds in shaping “character with a humanistic and religious emphasis” (Vives Hurtado, 2016, p. 44)

In the second half of the 19th century, a new vision of learning emerged, based on the needs and interests of the learner through active teaching. The Escuela Nueva (New School) movement achieved, through structured content, active, experiential, and motivating learning that adapted to the learner’s individual characteristics.

Learning by doing became central to this theory in its later stages, giving way to the well-known constructivist theory and its student-centered approach, in which students construct and interpret their own educational experiences. The educational process is considered effective to the extent that it fosters meaningful learning.

Technological developments in the 20th century underpinned a new way of teaching and learning. The Technological School marked the beginning of programmed and efficiency-oriented learning, grounded in behaviorist psychology and characterized by the use of mass media in the school setting, learning through sophisticated machines that motivate students, individualize content, and develop reproductive memory—defined by the student’s ability to rationally and efficiently reproduce knowledge.

The theories, conceptualizations, and doctrinal positions analyzed serve as the starting point for one of the most important educational approaches of all time: the Historical-Cultural Approach of L.S. Vygotsky (1968) and his followers.

This theory, which emerged in the second half of the last century, offers a novel and holistic integration of the educational phenomenon. It reinterprets the teaching-learning process from historical and cultural foundations and recognizes the individual as a social being by nature—a product of society and an active participant in social relations.

This highlights the complex historical evolution of pedagogical models, marked by a transition in the ways of conceiving the educational process—from a “Pedagogy of Knowledge” to a “Pedagogy of Being”; from a traditional approach to a developmental approach. An educational process based on learning: learning to know, fostering understanding; learning to do, developing competencies to influence the environment; learning to live together, based on the principles of human participation and cooperation; and learning to be, through a holistic education.

In this way, university education becomes a comprehensive and lasting experience, both cognitively and practically, which highlights a dialectical relationship between professional training and the process of professionalization—understood as the graduate’s ability to solve problems inherent to their profession.

The logic described above manifests itself, with its own particularities, in the training of legal professionals. Consequently, the influence of different pedagogical models is also evident in the development of this field.

The Teaching of Law: Nature and Educational Models.

The content of the teaching-learning process regarding legal phenomena has, on numerous occasions, undergone transformations and adaptations to respond to the new challenges of higher education, thereby underpinning the various teaching models in the field of law.

In this regard, numerous classic scholars on the subject stand out, such as Carnelutti (1940); Canfux (2000); Prieto (2001); Ortiz (2005); Witker (2006); Bloom (2006); and Encarnación Fernández (2006), who explain it from the perspectives of traditional, technocratic, and critical teaching paradigms.

Traditional teaching is characterized by authoritarianism in the learning process. The professor serves as the center of communication, and the student as a passive recipient. It does not specify the skills students should develop, which leads to the professor being valued more as the subject of the teaching process than the students themselves (Canfux, 2000). Teaching is conceived as the transmission of fixed truths, which prevents transformative learning.

Traditional legal education conceives of law as a mere set of rules intended to regulate the conduct of citizens in a given society. Essential issues such as the historical foundations of legal institutions and the analysis of the socio-legal context are omitted, as they are considered unnecessary in an education based on a conception of law that is independent of social relations, aseptic, and neutral. Legal practitioners, in their teaching roles, engage more in legal ideology than in the science of law, thereby perpetuating an institutional context subordinate to a hegemonic apparatus of global political domination (Witker J., 2006).

The second model focuses on the stimulus–response relationship; it is based on the well-known method of programmed instruction and the psychological school of behaviorism. Its content is detached from historical and social context and aims to develop neutral teaching activities. The learning objectives are clear, precise, and unambiguous descriptions of the behaviors that students are expected to achieve and demonstrate by the end of an instructional cycle (Bloom, 2006).

Skill development in this model is conditioned by the one-way delivery of content. Learning is reduced to receiving knowledge—through technological stimuli designed to motivate—and reproducing it. Theoretical and creative thinking is not fostered in students.

The teaching and understanding of legal phenomena are explained from positivist foundations, which prevent a comprehensive and critical analysis of essential dialectical categories such as society, rights, legal effectiveness, efficiency, and legitimacy.

The third paradigm emerges as a reaction to the two previous positions. Its aim is to achieve a more conscious and meaningful teaching practice (Witker, 2006, p. 224). The educational phenomenon is explained not only from the perspective of the school but also from that of society, based on the principles of cooperation, respect, and equality. Teaching takes on a transformative role and highlights the importance not only of cultural heritage but also of knowing how to think, analyze, and draw conclusions based on that body of knowledge (Hernández Díaz, 2000).

The critical teaching model poses major challenges for the teaching of law. Its acceptance presupposes an epistemological break that goes beyond normativist conceptions, insofar as it recognizes law's nature as a complex social phenomenon—one that is markedly diverse and influenced by economic, political, social, and cultural factors.

Critical Education Based on the Complexity of the Legal Phenomenon: Specific Aspects of Teaching Roman Law.

The analysis of previous teaching models constitutes the historical-pedagogical foundation that underpins the new vision of the teaching-learning process of the legal phenomenon and the assumptions that contextualize it. Thus, as noted by :

adopting a broad, inclusive, and perfectible concept of law that promotes the implementation of behavioral patterns;

recognizing an axiological conceptual framework and a system of principles underpinning the norms within the legal system;

to integrate contemporary studies on legal and epistemological theory with the factors and components involved in the implementation of legal norms and their integration into broader social contexts.

These premises foster a scientific education grounded in a research process with its own methods and oriented toward the study of socio-normative effectiveness and efficiency, where legality and social regularity, ethical validity, and political reality are mutually intertwined (Aguilera, 2008)

Based on these premises, education in the field of law will be shaped by a body of legal knowledge that, once processed and operationalized, enables its application to situations encountered in professional practice and fosters—through instruction, education, and professional development—the capacities to transform the legal system and adapt it to changing social needs.

The well-known tripartite theory of the legal world—as articulated by Recaséns Siches (1939); Cossío (1944); Goldschmidt (1960); Reale (1969); Bulté (1996); Prieto (2001); Witker (2007)), is grounded in the idea of law as justice (Dikeology) and, therefore, in the service of human fulfillment. This determines the existence of a three-dimensional “legal world” —or body of legal knowledge—that is identified from three interdependent perspectives or dimensions: the Science of Law, the Sociology of Law, and the Philosophy of Law.

The Science of Law deals with the normative dimension and issues related to its structure; therefore, as a normative discipline, it describes, illustrates, and analyzes what the current normative system is and how it functions, making its object the process of interpreting, applying, systematizing, and providing feedback on existing law.

Legal Sociology reflects the social dimension and focuses on effective, socially accepted law, as well as on identifying the system of values incorporated by society. For its part, the Philosophy of Law addresses the evaluative dimension of law and issues concerning the foundation of law. Its focus is on justice (Fernández, 2016)

However, within the theoretical framework, the first of these dimensions is seen as responsible for integrating the social and the philosophical. In this case, and based on its object, the science of law undertakes the task of constructing fundamental legal institutions and concepts and of systematizing the legal (normative) order. This theoretical activity is ultimately directed toward the application of norms in social reality and the resolution of real-life conflicts.

This means that it is grounded in a theoretical-practical activity. To the extent that it deals not only with norms but also with their application by legal practitioners, it investigates and reports on the effectiveness of the law (social). Finally, it also addresses the system of values incorporated into positive law (axiological).

This approach fosters an educational process centered on the development of knowledge, skills, and values within a socio-communicative context that ensures professional learning, transformative action, and a conscious process that addresses what, how, and why we learn—all informed by the democratic, dialogical, and scientific nature of the teaching-learning process and the objectives of each subject in the curriculum.

Embracing the above implies recognizing a curricular logic that promotes education grounded in the study of the historical, evolutionary, and epistemic foundations of law, alongside its theoretical, procedural, and normative content. Thus, the organization of the curriculum must consider levels of general, basic, and professional education, which, in an ascending manner, fulfill the stated graduate profile.

This overarching vision is reflected in the organization of the courses that make up the curriculum, their content, and learning outcomes, as they are viewed within a system of academic disciplines—some of an epistemological nature and others focused on professional training. This logic naturally applies to the subject of Roman Law.

The history of Roman civilization reveals a gradual evolution in the conception of law as a phenomenon intertwined with politics and growing economic influence. Thus, the prevailing political conception at each historical moment—will determine the creation of law and, consequently, its teaching (Agudo Ruíz, 2010)

The political stages of Roman history themselves determined the nature, scope, and sources of legal knowledge. For fourteen centuries, legal education oscillated between the supremacist pontifical monopoly—the custodians of tradition and the formalities of procedural and contractual acts

(Fernández de Buján, 2008) — the process of secularization with the publication of the Twelve Tables and the *ius civile Flavianum*, which increased legal certainty and paved the way for interpretatio among future generations of jurists (Agudo Ruíz, 2010) , and the emergence, during the Dominate period, of the first institutions of higher education.

Another hallmark of the period was the emergence of the first teaching methods: **audire**, or oral instruction; **instituire**, the teaching of the theoretical and epistemological foundations of law; and **instruire**, intended for advanced-level students and consisting of work on procedural cases and the drafting of legal instruments.

Justinian's reforms to legal education brought this long period to a close. The new vision set forth in the **Corpus Iuris Civilis** called for a fresh approach to teaching and learning, framed within a broad constitutional reform of the culture and legal organization of the Roman state (Agudo Ruíz, 2010)

The well-known **Constitutio Omnium** of 533 AD modified the curricula of the universities of Berytus and Constantinople. Notable aspects of these reforms include the extension of studies to five years, the designation of the Justinian corpus as the fundamental text for legal education, the recognition of law as a science, and the requirement to begin the learning process with the **Institutiones**.

This constant process of educational adaptation, driven by Rome's own legal—and thus political, sociocultural, and economic—progress, constitutes the core of Roman law's enduring relevance as a cultural pillar, an interpretive tool serving as the basis or foundation, and the substrate of the current positive law in the various European and Latin American systems (Carla Masi, 2021) .

The 11th century marked the resurgence of Justinian Roman law in the first universities. This phenomenon took shape in Bologna and became the definitive development of European legal science, which drew upon Roman and canonical law. Both are considered the foundation of the European *ius commune*.

In any case, during the period under analysis, it is an academic certainty that Roman studies existed as an independent discipline in university settings and that, through processes of imitation or transplantation, they would gradually be assimilated in Latin America, thanks to significant new codifications that would constitute genuine and authentic cultural and organizational commonalities between diverse continents (Carla Masi, 2021)

The *novus orbis* rapidly assimilated Roman concepts, whether as a result of Spanish dictates governing relations among its people and with its indigenous subjects (Hinestrosa, 2013) , or due to the richness and practicality of its normative content. This adoption also marked its continental adaptation through the integration of indigenous institutions, serving as the foundation for what would become the Latin American legal system—a result of the enduring emphasis on its content in university classrooms.

Numerous authors attest to this in various studies. Catalano's studies on the elements of unity and resistance within the Latin American legal system are particularly illuminating, recognizing the existence of a Roman-Iberian-pre-Columbian bloc, resulting from the integration of common American law and the "transfusion" into pre-Columbian codifications and institutions (Catalano, 1991) , which, from a cultural foundation, uphold common elements related to the vision of the individual as integrated into the community and the family as the center of society.

Notable in this vein are the studies by Professor Schipani and Professor Gayosso y Navarrete. The former focuses on the natural freedom of man as a human being and the debated issue of "Indian doubt," drawing on the general principles of civil common law and its distinction between *liberi* and *servi*, with the latter status arising from specific factual assumptions (Schipani, 1994) and the latter, in his extensive analyses of Roman law and its connections to the worldview of pre-Columbian cultures, particularly regarding man and the person within his beloved Nahuatl culture.

For his part, Professor Lobrano delves into the principles of the Latin American legal system, in relation to the idea of the "sovereign" and its manifestation as People—society, Cities—communities, and Citizens—partners (Lobrano, 2025)

These ideas are also reflected in Guzmán Brito's assertion of the term "derecho propio" (own law), grounded in the Roman law foundations of the Partidas of Alfonso X the Wise, which were exported to the Americas and, years later, became the basis for the major Latin American codifications—thus ensuring the legal unity of the former Indian kingdoms, now transformed into independent republics

The studies presented demonstrate the complexity and depth of the reception of Roman law and its importance in the training of the continent's jurists. In this regard, the historical record of education attests to its presence as early as the 16th century in the core curricula of American educational institutions.

The earliest indications are found in the inventories of the Casa de Contratación in Seville, which, under its strict monopolistic control, required knowledge of all products and items shipped to the colonies, including books and educational materials. Castán Vázquez notes this, confirming the presence in the cargo of ...Castilian law books such as the annotated Partidas, the Ordinances of Castile, the glosses on the Leyes del Toro, and works of Roman law such as Justinian's Institutes... (Castán Vázquez, 1984)

This event, of momentous historical importance, also marked the beginning of Roman law studies in the Americas, under whose influence great Roman law scholars such as Bello, Freitas, and Vélez were trained. It is therefore easy to deduce the reason for the Roman law influence on the early Latin American codification movements.

In line with the above, a review of curricula from different periods substantiates the influence described. Coinciding with the early centuries of Spanish colonization (16th–18th centuries), the following stand out: the second Constitution of the National University of San Marcos, which outlined the courses to be taught, including "Prima y Víspera de Leyes" and "Instituta," in 1576, based on Roman principles (Nizama Valladolid, 2015), the statutes of Judge Pedro Farfán from 1580, and his method of textual revision and glossing; the study of Canon Law and Civil Law in the Viceroyalty of New Spain (1580), with two chairs of law: Code and Institutes (Adame Goddard, 2017), and that of New Granada (1710), taught by lecturing professors in Latin.

This approach took root in the first American universities, reflecting the teaching methods employed at the University of Salamanca since the 13th century, which in turn were derived from the University of Bologna itself; that is, the traditional study of the original texts of the Codex, the Instituta, and the Digestum organized throughout the years of training, during which instructors taught the concepts, classifications, justifications, and interpretations that Roman jurists had developed regarding legal institutions (Stringini, 2018)

The second period coincides with the spread of the Enlightenment in the Spanish colonies, spurred by French thought and the rise of the Bourbon dynasty. These new ideas reshaped ways of thinking and marked a shift in education, particularly in teaching methods and curricula, which adopted more scientific and humanistic approaches; it is not surprising that they were integrated into efforts to establish public universities as a means of breaking the ironclad clerical dominance.

The new academic proposals advocated a return to the teaching of Roman history and its institutions as a means of understanding domestic law. This aspect, essential to educational reform, reflects a new method of learning: conceptualizing the current Indian law through the lens of Roman institutions. This form of comparative study established a systematic connection between national and Roman law (Cellurale, 2007), an in-depth study of its political and legal history, and the inclusion of Roman law prior to Justinian (Cortés Falla, 2003)

Various examples of curricula demonstrate this: the so-called "Provisional and Interim Method for Studies to Be Observed by the Schools of Santafé..." by Moreno and Escandón, in effect from 1774 to 1779, and that of the Board of Studies convened by Viceroy Caballero y Góngora, drafted in 1779, both in New Granada; although the latter was less comprehensive, as it omitted comparative studies.

In Argentina, Casagamas (Stringini, 2018), who served as a professor from 1832 to 1833, delivered his lectures in accordance with the provisions of the Siete Partidas and other Castilian legal codes; and in Mexico, the National School of Jurisprudence, in the early 20th century,

implemented a curriculum that went through several phases, culminating in the elimination of the subject as it was integrated into a course with the generic title “History of Law” (Morineau and Iglesias, 1985) .

The most recent period covers Roman law studies from the 20th century to the present, a time marked by changes in teaching methods, such as , as a result of new pedagogical and scientific advances and questions regarding the subject’s relevance. The initial outcomes are evident in changes to the curriculum—whether by designating the course as an elective or by permanently removing it from the curriculum—at various Latin American institutions of higher education.

Based on the logic outlined above, the subject of Roman Law is approached in accordance with the prevailing view of its utility and objectives in the training of future jurists. This is reflected in the diverse curricular and pedagogical positions regarding the subject, ranging from viewing it from a purely historical and cultural perspective to considering it an indispensable theoretical, doctrinal, and legal-philosophical foundation for the comprehensive training of legal professionals.

Given this reality, university-level Roman law studies face the challenge, on the one hand, of adopting new learning strategies grounded in contemporary pedagogical theories and the use of technological tools, and on the other hand, of enhancing the understanding of its importance within the current educational and legal context.

An analysis of this idea reveals two essential, interrelated aspects. The first, of a pedagogical-didactic nature, involves adopting operational teaching components (methods, resources, approaches, and assessment) as means of active motivation, thereby achieving meaningful learning—which manifests itself in the learner’s ability to apply what has been learned to new situations within the legal context.

Thus, in contrast to traditional activities and methods of knowledge transmission, other methodologies stand out that integrate cognitive, volitional, and affective elements into their approach within a motivating educational context centered on the development of the learner’s personality.

The second aspect focuses on repositioning the Roman law tradition as the foundation for the training of today’s legal professionals. This foundational knowledge is essential for intellectual development in structural aspects of analysis and thought for the contemporary legal professional (Cortiñas Barajas, 2024) . Thus, within the logic of the professional training process, knowledge of Roman law constitutes the original core of professional practice. This, combined with the need to master the science of the profession—its origins, evolution, and epistemic and practical manifestations—justifies the necessity of this course as part of current curricula.

Another function of Roman Law focuses on the ability to integrate, in appropriate proportions, legal knowledge, professional training, and the learner’s personality. Thus, the informational content of law, its categorical system, and learning methodologies must evolve in response to technological development, the needs of the workplace, and the social models to which we aspire as a human community.

This should become the mission of all law schools to produce professionals with a dynamic perspective on legal phenomena, equipped with the intellectual tools that allow them to gain a comprehensive view of the legal order and to place their knowledge at the service of the community (Witker J. A., 2019) , in pursuit of a more just and equitable society.

Cognitive Strategies as Means of Modernizing the Teaching of Roman Law.

The concept of learning strategies is inherent to the educational process. As old as education itself, these strategies evolve alongside it, taking into account the instructional and educational goals pursued in each historical period. Ancient Greece and Rome incorporated them into their teaching methods as the ideal means for retaining and storing information—an essential skill for public service at the time.

The major schools of European thought have revisited these strategies in the context of sociocultural and scientific transformations, drawing on psychological theories and focusing primarily on students' academic performance.

Thus, these strategies are interrelated with the learning process, since acquiring knowledge involves performing certain mental activities that must be properly planned to meet expectations (Beltrán Llera, 1998). This determines a series of logical steps—or an algorithm for learning acquisition—that take shape in a system of strategies and a specific activity. The latter is driven by a motive within which a need takes shape as an object (Leontiev, 1981)

In turn, the motive provides direction and meaning to the activity, which facilitates the learner's identification with their profession and with their successful performance.

In this logical process, activity and motive generate know-how, and this development of skills results from acting with conscious knowledge, based on what has already been learned and using the appropriate means. In this way, learning becomes conscious and meaningful.

Along these lines, authors such as Gagné (1974); Cook and Mayer (1983); Thomas and Rohwer (1986); Shuell (1988), among others, identify sequential learning processes centered on the phases of selection, organization, and elaboration of information, giving rise to various learning strategies determined by needs and motives. This variety of possibilities, grounded in pedagogical, psychological, and behavioral principles, explains the different interpretations of the term under analysis.

Monereo conceptualizes them as processes that facilitate the assimilation of information entering the subject's cognitive system from the external environment, which involves managing and monitoring the input, labeling (categorization), storage, retrieval, and output of data (Monereo, 1990).

Muria Vila defines them as planned behaviors and physical activities that select and organize cognitive, affective, and motor mechanisms for a specific purpose (Muria Vila, 1994). For his part, Beltrán, a Spanish educational psychologist, defines them as mental operations or activities that facilitate and develop the various processes of school learning (Beltrán Llera, 1998)

Díaz García identifies them as the incorporation of new knowledge into prior knowledge, in order to encode, understand, and recall information (Díaz-García et al., 2023)

For Peñarreta Aldaz, they are a set of activities that lead to learning by intentionally, organizedly, and systematically drawing on comprehension, memory, and the recall of information and knowledge (Peñarreta Aldaz et al., 2024)

Thus, cognitive strategies are recognized as an organized and planned process that facilitates, within the context of the teaching-learning process, a system of personal and collective actions for the effective completion of a task. This nature allows them to be applied in any educational or professional program. Within the scope of this study, it becomes the guiding principle for revitalizing the study of the Romanist tradition and its importance in the training of jurists in the present century.

Its effectiveness will depend on its ability to adapt to new legal contexts, as a means of fulfilling its dual educational function: as a vehicle for a universal legal culture and as a tool for understanding future challenges in the practice of the profession (Rojas Quintana, 2024). Therefore, the teaching and learning process of Roman law becomes the ideal vehicle for this purpose. Its didactic structure must take into account—starting with the proper organization of the curriculum—the cognitive strategies and learning environments relevant to understanding legal phenomena.

In this regard, the didactic integration of cognitive strategies with the content of the Roman law curriculum helps students develop professional skills and logical algorithms to become familiar with the conceptual terminology of law; understand the systematic logical structure of legal institutions; and contribute to the development of a legal mindset (Nizama Valladolid, 2015)

From our perspective, the algorithmic logic of the learning process proposed by Professor Beltrán constitutes a valid approach to learning Roman law content. Therefore, we present below—based

on Professor Beltrán's approach—specific actions of a Roman law nature that distinguish this proposal and the teaching of the discipline itself.

Thus, the content of each stage and its corresponding actions are identified as follows:

a) Awareness: This represents the initial framework of learning. It consists of three processes: motivation, emotion, and attitudes.

This initial process largely determines the success of learning. Motivation, as a psychological process, involves, on the one hand, satisfying the learner's physiological needs and, on the other, fostering positive motivation by creating expectations about new knowledge and even promoting them through problematic situations, the resolution of which is possible with the help of the action to be performed (Talizina, 2018)

This fosters both positive emotions and a positive attitude toward new learning.

In this awareness-raising phase, the following subject-specific activities are proposed: audiovisual materials on the history of Rome or specific moments in its history; knowledge-based activities on the specific geography of the civilization; the presentation of significant laws or legal codes in Roman civilization; and profiles of Roman jurists, politicians, and military figures.

b) Attention: This is identified as the initial process of learning. Motivation is its necessary preceding action and operates at the sensory level. The selection, discrimination, and analysis of information will depend on established strategies, which determine selective attention and, therefore, the type of information that will reach short-term memory (Beltrán Llera, 1998)

In this phase, proper planning and organization of the activity are crucial; they govern the learning process, ensure the execution and verification of the action, and predict—or modify—success or failure (Solovieva and Quintanar Rojas, 2021)

In this process of information discrimination, cognitive strategies related to the construction of concept maps, infographics, and the review of historical documents are recommended. The student engages in the task of selecting and identifying the requested information.

c) Acquisition: This stage builds on the information selection from the previous process and facilitates the actions of comprehension, retention, and transformation; as a result, the learner is able to make sense of and understand the information. This is the most important moment in learning—the moment when the learner meaningfully constructs their knowledge (Beltrán Llera, 1998)

In this process, the student grasps the information based on their own personal and experiential strategies. In this way, knowledge is transformed and internalized by the learner through their own cognitive process, which allows them to make it their own and thus meaningful.

This highlights the importance of incorporating the concept of the Zone of Proximal Development (Vygotsky, 1979) into the learning process—as the space that exists between an individual's actual development and their potential development. Learning must therefore be oriented toward a future stage of development; only in this way can it become a source of development.

In light of the above, strategies in this phase should be aimed at developing the processes of analysis and synthesis; identifying main ideas; organizing information—including the purpose of the analyzed material and an introduction to professional research—among other skills, linked to content such as the characterization of the different historical periods of Rome—monarchy, republic, and empire—based on clearly defined indicators (economic, political, social, and legal context); analysis of the sources of law in each stage, and the structure of legal norms.

This will enable students to understand that the legal phenomenon and its sources are the result of a historical situation determined by the relations of production, political organization, and the social classes involved in these processes, thereby allowing them to view law as a complex social phenomenon. In turn, it enables them to integrate key legal concepts such as the state, sources of law, political institutions, the legal system, legal norms, laws, and customs, among others, which help them recognize the Roman legal tradition as the foundation of many current legal systems.

d) Personalization and control: through this process, the learner takes responsibility for their own learning, ensures the validity and relevance of the knowledge acquired, and explores new frontiers beyond the established or conventional (Beltrán Llera, 1998). In this way, the student will be able to apply what they have learned to similar situations involving different content. The clearest example in the context of this subject is the ability to apply similar analytical indicators to the different historical periods of Roman civilization and its sources of law.

In this phase, it is interesting to develop innovative teaching strategies, many of which are linked to new technologies. It is important to clarify that new technologies are considered in this research as teaching tools that contribute to the effectiveness of the actions described.

Recognized methods include the flipped classroom, gamification (Kahoot, Socrative, Genially, or Quizziz), and storytelling—defined as the art of conveying events and connecting with the target audience through a story (Cortés Román, 2024)

This educational approach focuses on creating stories based on the course content, which requires students to understand the material so they can structure it digitally. Cortés Román clearly defines the principles underpinning this approach: depth, immersion and world-building, continuity and seriality, subjectivity, and performativity (Cortés Román, 2024)

The instructor recreates a digital world where students interact with the course content, encountering legal situations related to different branches of law: civil, criminal, property, inheritance, and contracts, among others. In this way, students develop a legal mindset, understand the human side of the legal system, and realize that law is not solely about legal rules, principles, and procedures (Blissenden, 2010)

e) Recall: This process acts as a categorical framework that students use to organize new knowledge. Mentally, students reorganize the information they have obtained or new information based on key points, concepts, and indicators that allow them to classify that knowledge. It is an effective tool for applying historical, political, and social foundations to the specific study of the branches of law recognized by Roman civilization.

f) Transfer: This is directly related to the student's ability to master the skill in its two aspects: in a situation similar to the one in which they learned it, and in new scenarios, understanding that they can apply it. It constitutes the advanced stage in which the student acquires the skill, automates it, and thus generalizes it, which involves strategies across a variety of legal scenarios and contexts to learn how to transfer the skill. In the field of Roman law education, the case study is fundamental to achieving this phase.

This activity integrates all the elements analyzed: motivation, application of concepts, analysis and synthesis, algorithmic logic, legal mindset, and the identification and application of current legislation. The instructor must properly plan and organize the activity, taking into account the objectives to be achieved and the specific area of law.

Through this strategic activity, students are introduced—based on their knowledge of Roman law—to a process that will enable them in the future to litigate with the skill required in judicial proceedings, using a relevant and coherent strategy and presenting logically structured arguments in a court

The proposed learning process concludes with assessment. This component allows for an evaluation of the extent to which the process aligns with the proposed objective and the levels of qualitative transformation in the learner. This implies understanding assessment as a dialogical, democratic, and transformative process that serves as a measure of the entire process's success, contributing to success and preventing failure.

4. Conclusions

The theoretical, historical, legal, and pedagogical study conducted demonstrates the progressive and multicausal nature of Roman law content as part of legal studies. Its internal system highlights its role in training today's legal professionals in the mastery of legal institutions, legal reasoning, and the ability to resolve conflicts.

The research conducted contributes to realizing the above through relevant cognitive strategies, grounded in didactic and pedagogical principles, a modern perspective on Roman knowledge, and actions focused on awareness, attention, acquisition, personalization, monitoring, retrieval, and transfer. The author recognizes these actions as a valid proposal for redefining the importance of Roman law education as the foundation of French-Roman legal systems.

5. References

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