

University Center Abdelhafid boussouf-Mila

Faculty of Law & Political Sciences

Departement of Law

Lessons in Legal Studies and Terminology in English

Addressed to First year-Law students Semester 1

The lessons are based on Terminology and Small Texts Selected and Treated

by

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Lesson 1 : Introduction To The Science of Law

Law is a set of rules that a society or government create to guide people's behavior and handle things like crimes, business agreements, and social interactions it's enforced by the state and the courts to achieve specific goals. According to section one of the Algerian civil code. The sources of law include legislation, sharia principles, customs, principles of natural law, and justice as well.

When it comes to classifying law there are two of main types. The first type is based on whether the law regulates public or private relationship, and the second type is based on how strongly the rules in the law are enforced.

1)Public law deals with the relationships between individuals within a state when the state itself acts on behalf of the acts of the entire community, it covers areas like constitutional law, administrative law, criminal law, and financial law.

-Constitutional law constitutional law stands at the top of the legal hierarchy in any country, serving as the fundamental law that shapes the foundation and pillars of the nation. It establishes the principles upon which a state is built and governs its organization and structure. The constitution acts as the cornerstone for all other laws and regulations in the country.

-Administrative law: administrative law is a branch of law that deals with the structure, organization, powers, and functions of administrative bodies and other government entities. It focuses on the relationship between these bodies and individuals or other entities. Administrative law establishes the rules and procedures that administrative bodies must follow when making decisions, implementing policies, and performing their functions.

-Criminal law: criminal law is a branch of law that deals with crimes and penalties imposed on offenders. The purpose of criminal law is to protect society and enforce justice by defining prohibited actions and determining appropriate punishments for violators. Criminal law includes classifying crimes, identifying the prescribed penalties for each offense it also encompasses legal procedures that deal with investigation, trial, and the execution of punishments

-Financial law: financial law also known as financial regulatory law, is a branch of law that governs financial institutions, transactions and markets it encompasses a wide range of legal principles and regulations that aims to ensure the stability, transparency and integrity of financial systems. Financial law covers various areas such as banking law, securities law, insurance law , and consumer protection. It establishes rules and regulations for financial institutions, regulates the the issuance and trading of financial instruments, and provides mechanism for investor protection and market supervision.

1-Private law : it deals with the relations among the individuals of the state themselves, or among the individuals and the state when the state acts as ordinary individual . Private law includes civil law, personal status law, commercial law and private international law

Civil law : civil law is a branch of law that deals with the legal relationships between individuals and institutions. It covers various areas such as marriage, divorce, family rights, inheritance, civil contracts, and civil liability. The purpose of civil law is to regulate personal and financial relationships between individuals and provide justice and protection to the parties

-personal status law : is related to civil law, but it has a special nature derived from the specificity of the issues it regulates related to family formation. It is connected to religion belief systems, and it varies based on the different religions and sects within a single country.

-Commercial law : also known as business law, deals with legal matters related to commerce, trade, and business activities. It encompasses various areas such as contracts, sales, partnerships, intellectual property, and corporate governance. Commercial law ensures that businesses operate within legal boundaries and provides a framework for resolving disputes and protecting the rights of parties involved in commercial transactions. It's an important branch of law that helps facilitates smooth and fair business practices. In addition, it is known for it's mixed nature, as it combines elements for both public law and private law. When there is no specific provision in commercial law, it refers to civil law regarding that matter.

-International private law : it is a branch of international law that deals with the rules and principles governing legal relationships between individuals and private entities in the international context. It covers issues such as the laws applicable to international contracts, legal disputes between individuals of different nationalities, and the recognition of foreign judicial decisions.

Terminology :

1. Legal Positivism : القانونية الإيجابية
2. Natural Law : الطبيعي القانون
3. Legal Realism : القانونية الواقعية
4. Legal Formalism : القانونية الشكلية
5. Jurisprudence : القانون علم
6. Legal Pluralism : القانونية التعددية
7. Legal System : القانوني النظام
8. Legal Norms : القانونية الضوابط
9. Rule of Law : القانون سيادة
10. Legal Interpretation : القانوني التفسير
11. Legal Philosophy : القانونية الفلسفة
12. Legal Ethics : القانونية الأخلاقيات
13. Legal Validity : قانونية صحة
14. Legal Rights : القانونية الحقوق
15. Legal Duty : القانوني الواجب
16. Legal Sanctions : القانونية العقوبات
17. Legal Precedent : القانونية السابقة
18. Legal Liability : القانونية المسؤولية
19. Legal Systematization : القانوني التنظيم
20. Legal Empiricism : القانونية التجريبية
21. Legal Certainty : القانوني اليقين
22. Legal Hermeneutics : القانوني التفسير
23. Legal Code : المدون القانون
24. Legal Validity : قانونية صحة
25. Legal Concept : القانوني المفهوم
26. Legal System : القانوني النظام
27. Legal Sociology : القانونية السوسيولوجيا
28. Legal Authority : القانونية السلطة
29. Legal Formalism : القانونية الشكلية
30. Legal Interpretivism : القانونية التفسيرية

Lesson 2 : The Constitutional Law

The Constitution is defined as a set of provisions which outline the form of the State and its system of government, its powers, the manner in which these powers are distributed, its terms of reference, and the rights and duties of citizens.

This definition of the Constitution applies to the definition of constitutional law ; constitutional law is the constitutional provisions applicable in a country, and the Constitution applicable in a country is the body of constitutional provisions specific to that country.

The Constitution was the most important law in force in the State, but the basis of those laws, and laws must not contravene a constitutional provision or provisions.

The Constitution is usually established by a higher authority than the legislature, called the Constituent Authority, and the procedures for amending the provisions of the Constitution are more complex than those for amending other legal provisions.

Sometimes the word constitution is used to refer to the document bearing that name, or what is meant by it, such as the Basic Law of the State, which is the formal meaning of the Constitution, but this definition comes out of what may be constitutional in nature if it is not contained in that document, such as the constitutional matters of which the custom originates.

The appearance of the formal meaning of the Constitution was the result of the proliferation of the modern-day codification movement, which began in the United States of America, from the United States to France, and then to the rest of the countries, where the Constitutions of the United States of America and its Constitution in 1778 were the first written constitutions in modern history, followed by the first Constitution of the French Revolution in 1791 and the subsequent publication of the Constitutions of the world.

Terminology :

1. Constitution : دستور
2. Amendment : دستوري تعديل
3. Bill of Rights : الحقوق ميثاق
4. Federalism : الفدرالية
5. Separation of Powers : السلطات فصل
6. Judicial Review : القضائية المراجعة

7. Due Process : النظامي القانوني الإجراء
8. Equal Protection : متساوية حماية
9. Executive Order : تنفيذي أمر
10. Habeas Corpus : الانتزاع حق
11. Jurisdiction : القضائية الولاية
12. Presidential Pardon : رئاسي عفو
13. Sovereignty : السيادة
14. Impeachment : عزل
15. Cabinet : الحكومة
16. Rule of Law : سيادة القانون
17. Supreme Court : العليا المحكمة
18. Legislation : التشريع
19. Civil Liberties : المدنية الحريات
20. Due Process Clause : النظامي الإجراء بند
21. Enumerated Powers : المعدودة السلطات
22. Appellate Court : الاستئناف محكمة
23. Writ of Certiorari : الاستئناف أمر
24. Constitutional Convention : دستوري مؤتمر
25. Naturalization : التجنيس
26. Bicameral Legislature : الغرف ثنائي تشريع
27. Eminent Domain : بالقوة النزوع
28. Preamble : الدستور مقدمة
29. Executive Branch : التنفيذية السلطة
30. Ratification : التصديق

Lesson 3/ TheAdministrative Law

Administrative law: means that law that is concerned with public administration, which is, administrative authority. There are two standards to clarify public administration. They are the formal standard that defines administration as a group of affiliated agencies, bodies, or organizations whose goal is to achieve public interests. This law governs these agencies in the state, whether they are Centralized or decentralized, and the other criterion is objective, which is concerned with activities, seeks to achieve the public interest, and is concerned with and focuses on the management function. The broad meaning is that the rules that are applied to individuals apply to the state, and the narrow meaning is that different rules are applied to the state from those rules that are applied to individuals. The emergence of administrative law. The first appearance of this law was in France after the French Revolution, where this revolution was based on preventing the intervention of judicial courts in administrative disputes. The aim of this matter was to achieve the independence of the administration from the judicial authority, based on the principle of separation of powers, since in that period the administration was granted. It has the responsibility and authority to consider and decide on all administrative disputes. At that time, it was called the Judicial Administration. Years later, the State Council was established as an alternative to the administration to resolve administrative disputes and disputes.

Terminology :

1. Administrative Law : القانون الإداري
2. Administrative Agency : الجهاز الإداري
3. Regulation : التنظيم
4. Executive Order : أمر تنفيذي
5. Bureaucracy : البيروقراطية
6. Public Administration : الإدارة العامة
7. Administrative Procedure : الإجراءات الإدارية
8. Ombudsman : المحقق الإداري
9. Public Policy : السياسة العامة
10. Quasi-Judicial : نصف قضائي
11. Regulatory Compliance : الامتثال التنظيمي
12. Administrative Decision : القرار الإداري

13. Administrative Discretion : التقدير الإداري
14. Delegated Authority : السلطة المفوضة
15. Rulemaking : صياغة القواعد
16. Administrative Tribunal : المحكمة الإدارية
17. Licensing : الترخيص
18. Due Process in Administration : الإجراء النظامي في الإدارة
19. Judicial Review of Administrative Action : المراجعة القضائية للإجراءات الإدارية
20. Administrative Law Judge : قاضي القانون الإداري
21. Civil Service : الخدمة المدنية
22. Compliance Audit : التدقيق في الامتثال
23. Merit System : نظام الاستحقاق
24. Administrative Code : القانون الإداري
25. Government Accountability : المساءلة الحكومية
26. Open Meeting Law : قانون الاجتماعات العلنية
27. Administrative Hearings : جلسات الاستماع الإدارية
28. Public Records : السجلات العامة
29. Whistleblower Protection : حماية الإبلاغ عن فساد
30. Administrative Sanctions : العقوبات الإدارية

Lesson 4/ Philosophy of Law

Philosophy of law means the scientific subject that specializes in studying the position of philosophy on the legal phenomenon, and studying the philosophical dimensions of this phenomenon. It does not know the law superficially, but rather is concerned with the origin of this law, its origin, and its appearance.

From here, several theories emerged that talked about the origin of the emergence of the legal rule, including formal doctrines, substantive doctrines, and mixed doctrines..

As for the formal doctrines, they were concerned with the formal aspect of the legal rule and its external appearance, and the study of the law here is limited to its binding aspect vis-à-vis individuals, and the mere command and prohibition issued by the ruler to individuals. Among the supporters of these doctrines are Austin in England, Hegel in Germany, Kelsen in Austria, and the school of explanation on texts.

As for the objective doctrines, they did not stop at the external purgatory of the legal rule, but rather looked at the essence of the legal rule and its subject. The supporters of the objective doctrines differed, as some of them turned towards the highest ideals in forming the legal rule, which is what the supporters of the ideal school called, while others turned to the concrete, realistic facts recorded by observations. And experiments, which is what was called the supporters of the realist school.

As for the mixed schools of thought, they tried to combine form and subject matter, and this was through the doctrine brought by the jurist Jenny.

Terminology :

1. Legal Philosophy : فلسفة القانون
2. Jurisprudence : الفقه
3. Legal Positivism : الإيجابية القانونية
4. Natural Law : القانون الطبيعي

5. Legal Realism : الواقعية القانونية
6. Legal Formalism : الشكلية القانونية
7. Legal Empiricism : التجريبية القانونية
8. Legal Interpretation : التفسير القانوني
9. Legal Hermeneutics : تفسير النصوص القانونية
10. Legal Ethics : الأخلاقيات القانونية
11. Legal Validity : صحة قانونية
12. Legal Norms : الضوابط القانونية
13. Rule of Law : سيادة القانون
14. Legal Rights : الحقوق القانونية
15. Legal Duty : الواجب القانوني
16. Legal Certainty : اليقين القانوني
17. Legal Concept : المفهوم القانوني
18. Legal System : النظام القانوني
19. Legal Sociology : السوسيولوجيا القانونية
20. Legal Authority : السلطة القانونية
21. Legal Reasoning : الاستدلال القانوني
22. Legal Principles : المبادئ القانونية
23. Legal Epistemology : المعرفة القانونية
24. Critical Legal Studies : الدراسات القانونية النقدية
25. Legal Discourse : الخطاب القانوني
26. Legal Ontology : الجودة الوجودية للقانون
27. Legal Dialectics : الجدليات القانونية
28. Legal Aesthetics : الجماليات القانونية
29. Legal Responsibility : المسؤولية القانونية
30. Legal Pragmatism : الواقعية التطبيقية

Lesson 5/ The History of Systems

Man is a civilian by nature and cannot obtain his needs except through cooperation with others, so there must be laws to regulate relations. Therefore, laws arose and developed with the development of societies. The current laws are an evolution of the ancient laws. It is necessary to refer to the old laws to learn about the new laws. The legislator needs to study systems to understand the emergence of laws because the law consists of fixed parts and others that change with changing times and societies.

Studying the history of legal systems gives researchers and students knowledge of the origins of law, its various sources, and the main reasons that contributed to its development, including knowledge of the stages that legal systems went through. Thus, we can link the present of law to its past and how to make the legal rule compatible with the environment. To be applied.

The student of law must become familiar with the historical stages of these legal systems so that he can know through them the intent of the legislator when enacting those laws

By studying the history of legal systems, the researcher is guided to know the development of human societies' attempts to find rules regulating human behavior, which helps in assimilating and understanding modern legislation and legal systems in which the legislator relied on his predecessors.

Studying the history of legal systems also enables researchers and students to study the similarities and identify the points of difference between the various comparative legal systems, in order to reach knowledge of the extent of similarity, the degree of difference, and the extent to which some subsequent laws benefit from the laws that preceded them.

Finally, studying the history of legal systems enables contemporary nations to benefit from the experiences of ancient nations and not fall into the same mistakes and gain experience.

Terminology

1. Legal History : تاريخ القانون
2. Jurisprudence History : تاريخ الفقه
3. Codification : التشريع
4. Precedent : السابقة القانونية
5. Roman Law : القانون الروماني
6. Islamic Law : الشريعة الإسلامية
7. Common Law : القانون المشترك
8. Civil Law : القانون المدني
9. Feudal Law : القانون الإقطاعي
10. Canon Law : القانون الكنسي
11. Legal Tradition : التقاليد القانونية
12. Historical School of Law : المدرسة التاريخية للقانون
13. Legal Revolutions : الثورات القانونية
14. Magna Carta : ميثاق الميجنا كارتا
15. Napoleonic Code : قانون نابليون
16. Constitutional History : تاريخ الدساتير
17. Colonial Legal Systems : الأنظمة القانونية الاستعمارية
18. Bill of Rights : ميثاق الحقوق
19. Independence Declarations : إعلانات الاستقلال
20. Legal Reforms : الإصلاحات القانونية
21. Legal Evolution : التطور القانوني
22. Human Rights History : تاريخ حقوق الإنسان
23. Legal Pluralism : التعددية القانونية
24. Post-Colonial Legal Systems : الأنظمة القانونية ما بعد الاستعمار
25. Globalization of Law : عولمة القانون
26. Legal Transplants : نقل الأنظمة القانونية
27. Constitutional Development : تطوير الدساتير
28. Legal Historiography : تأريخ القانون
29. Legal Heritage : التراث القانوني
30. Legal Archaeology : الآثار القانونية

Lesson 6 : The International Community

The term international community usually refers to a group of states that share some common interests and values and that contribute to maintaining and developing the stability or structure of this society by establishing a legal system capable of taming the conflicting interests of states and enhancing cooperation among them in most fields, in addition to establishing international institutions that can guarantee it. By achieving the desired goals of the idea of solidarity in itself, which makes the idea of the international community reflect a normative (ethical) aspect in relations between states, as it establishes mutual relations in the context of claims for rights and fulfillment of obligations more than in the context of the pursuit of power and control. The international community reflects that part in which the relations between a group of political entities, the most important of which is the state, are organized so that they are addressed by a single law with its rules, which is international law. They became his persons, and here Omar Saadallah defines the international community as “a collective entity of persons of international law who are linked to each other through multiple and diverse relationships, all of which are subject to the rules of international law.”

Terminology :

1. International community : التجمع الدولي
2. International Law : القانون الدولي
3. Sovereignty : السيادة
4. Diplomacy : الدبلوماسية
5. Treaty : المعاهدة
6. Statehood : الدولة
7. United Nations : الأمم المتحدة
8. International Organizations : المنظمات الدولية
9. Human Rights : حقوق الإنسان
10. International Court of Justice (ICJ) : المحكمة الدولية العادلة
11. Customary International Law : القانون الدولي العرفي
12. International Humanitarian Law : القانون الإنساني الدولي
13. Diplomatic Immunity : الحصانة الدبلوماسية
14. Extradition : التسليم القضائي
15. Universal Jurisdiction : الولاية القضائية الشاملة

16. State Responsibility : مسؤولية الدولة
17. International Tribunal : المحكمة الدولية
18. Arbitration : التحكيم
19. World Trade Organization (WTO) : منظمة التجارة العالمية
20. International Criminal Court (ICC) : المحكمة الجنائية الدولية
21. Immigration Law : قانون الهجرة
22. Refugee Law : قانون اللاجئين
23. Maritime Law : القانون البحري
24. Territorial Waters : المياه الإقليمية
25. International Environmental Law : القانون البيئي الدولي
26. Cyber Law : قانون الإنترنت
27. Soft Law : القانون الناعم
28. War Crimes : جرائم الحرب
29. Sanctions : العقوبات
30. Peacekeeping : حفظ السلام
31. Bilateral Treaty : معاهدة ثنائية