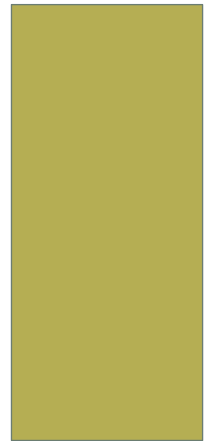


# PUBLIC AND PRIVATE LAW

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24. 10. 2010



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# THE THEORY

- This kind of division of law has roots in the Roman Law (*ius publicum, ius privatum*) => well-known definition by a Roman jurist Ulpian:
  - Public law governs legal matters that concern the **public interest**, while the private law serves the individuals (**private interest**)
- Inferiority and Superiority of the legal subjects (parties of a legal relationship)
- It depends on whether or not the state or some state power body is a party of the legal relationship

# PUBLIC LAW - DEFINITION

- Public law is simply distinguished from private law as a law involving the state.
- Public law is law regulating the relationship between individuals and the state.
- In Public Law one party (the state) of the legal relationship is superior to the other one and it presents itself as a stronger one (*potentior persona*). It is also called *the principle of subordination*.
- One legal subject has the authority to decide about the rights and duties of the other legal subject.

# PRIVATE LAW - DEFINITION

- It is law that relates to relationships between individuals.
- The legal subjects of the legal relationship or during a civil proceeding are in equal positions (a so-called *principle of equivalency*)
- The state itself is not a party nor the legal subject of the legal relationship, it just resolves the dispute between the two individuals and it may enforce some contractual obligations of the parties

# FURTHER DIVISION OF PUBLIC LAW

- Criminal Law
- Administrative Law
- Financial Law
- Constitutional Law

# FURTHER DIVISION OF PRIVATE LAW

- Civil law
- Family law
- Commercial law (Mercantile Law – old term, derived from the practices of traders rather than from jurisprudence)
- International Private Law
- Labour law
- Law of Property (Intellectual Property Law)
- Law of contracts

# OTHER BRANCHES OF PRIVATE OR PUBLIC LAW

- **Law of Probate**
- law dealing with arrangements relating to the validity of wills and the administration of estates after the owner's death
- **Law of Succession**
- tells us who and in which order is entitled to property after someone's death
- **Environmental Law**
- law regulating the interaction between human mankind and the environment, contains interational treaties, statutes etc.
- **Law of Torts**
- body of law concerning with compensating the victims of civil wrongs



# VOCABULARY (LEGAL TERMS)

- Damages (compensation)
- Prosecutor
- to seek remedies
- Plaintiff
- Will
- Principle of subordination
- Principle of equivalency
- Libel
- to sue
- to prosecute
- Tort
- Trust
- Injunction
- Defendant

# VOCABULARY NO. 2 (DEFINITIONS)

- Damages – a sum of money which the court orders the defendant to pay to the plaintiff as compensation for a breach of contract or tort
- Plaintiff – a person who takes a legal action against somebody in a civil case
- Remedies - means by which a right is enforced or by which the violation of a right is prevented or compensated
- Libel – a statement that attacks someone's reputation in a written form

# VOCABULARY NO. 3 (DEFINITIONS)

- Will – legal document where a person states how s/he wants to dispose of his or her property when s/he dies
- Tort – civil wrong which causes harm, damage, injury to an individual's person, property or reputation and who can obtain damages or other remedies
- Trust – legal relationship where a property is managed by a person or organisation for the benefit of someone else
- Injunction – order of the court which is awarded against the defendant not to do something which would be in breach of contract

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