

4 Classification of Law

Law may be classified in various ways, e.g. criminal law and civil law, public law and private law, substantive law and procedural law, national law and international law, etc. This unit deals with different branches of law as part either of public or private law and their formal definitions, focusing on the language and structure of such definitions.

Which of the following branches of law belong to private law?

- Constitutional Law
- Law of Property
- Law of Torts
- Civil Law
- Law of Trusts
- Administrative Law
- Law of Probate
- International Private Law
- Law of Succession
- Law of Contracts
- Land Law
- Family Law
- Criminal Law

Which of the following branches of law belong to public law?

- Law of Trusts
- Administrative Law
- Law of Succession
- Law of Property
- Law of Probate
- Family Law
- International Public Law
- Law of Contracts
- Land Law
- Criminal Law
- Law of Torts
- Civil Law
- Constitutional Law

Match the branches of law and those indicating a system of law to their formal definitions:

1.....can be defined as the system of law developed at Rome and in the Roman Empire.

2.....could be defined as the area of law relating to the organization of the family and the legal relations of its members, e.g. marriage, separation, divorce and the custody of children.

3.....may be defined as a special area of English law, which was first created by the Lord Chancellor, consisting of rules and remedies which supplement the common law when this is necessary for justice in a particular case.

4.....can be understood as the area of law of each legal system which regulates how to deal with cases involving a foreign element.

5.....could be understood as a body of law based on custom which is administered and developed by the courts in judicial decisions.

6.....may be understood as the law relating to the legal structure of government in a State and regulating the relations between private citizens and government.

7.....can mean the system of law which regulates relations between states and also between private citizens of one country and those of another.

8.....could mean the law relating to crime, i.e. illegal conduct for which a person may be prosecuted and punished by the State.

9.....may mean the area of law which deals with rights and interests related to owning and using land, the most important form of property.

10.....can be defined as the law governing the creation, variation, enforcement and annulment of legally binding agreements between persons.

11.....could be defined as the body of law concerned with compensating the victims of civil wrongs committed by one individual against another independent of contract.

12.....may be defined as the Law Merchant, the law applied in medieval times in maritime courts and local courts in certain market towns.

13.....can be understood as a legal system based on Roman Law as distinct from the English system of Common Law and also as a branch of law as opposed to criminal law.

14.....could be understood as the body of law contained in Acts of Parliament.

15.....may be understood as the area of law relating to functions and powers of government organization and how they operate in practice to administer government policy.

16.....may mean a body of codified Roman ecclesiastical law.

17.....can mean a body of law contained in previous judicial decisions and judicial interpretation of legislation.

18.....may be understood as the area of law dealing with arrangements relating to the validity of wills and the administration of estates after the owner's death.

19.....could be defined as the body of law which governs the management of personal affairs and the disposition of property of an individual in anticipation and the event of such person's incapacity or death for another person's benefit.

20.....can be defined as the body of law laying down who is entitled to property of an intestate relative and in which order.

Choose the possible class of concepts to be used in the following definitions:

an order of the court
a civil wrong
a wrongful act
a party
illegal behaviour
unlawful conduct
a legal document
a person
a binding agreement
a property arrangement
a sum of money
a defamatory statement

1. A tort might be explained aswhich causes harm, damage, injury to an individual's person, property or reputation and who can obtain damages or other remedies.

2. A contract might be referred to aswhich is made between two or more parties stating the exact details of promises.

3. A will may be understood aswhere a person states how s/he wants to dispose of his or her property when s/he dies.

4. A trust may be defined aswhich aims at transferring the property to one or more trustees who become the legal owner(s), which must they hold and administer for the benefit or advantage of another person or a group of persons or for a specific purpose.

5. Crime may be explained aswhich is prosecuted and punished by the State.
6. A libel may be referred to asthat attacks someone's reputation in a written form.
7. A plaintiff could be explained aswho takes a legal action against somebody in a civil case.
8. A defendant could meanwho is either sued for damages or compensation because of causing harm to somebody else or charged with committing an offence.
9. Damages may be referred to aswhich the court orders the defendant to pay to the plaintiff as compensation for a breach of contract or tort.
10. An injunction might be explained aswhich is awarded against the defendant not to do something which would be in breach of contract.
11. A prosecutor could be defined aswho brings a criminal charge against the defendant.
12. A loser of a civil action may be explained aswho has to pay the damages ordered by the court or who has failed to claim his rights.