

English for Lawyers 1

Lecturer: Miljen Matijašević

G10, room 6/I, Tue 14:15–15:15

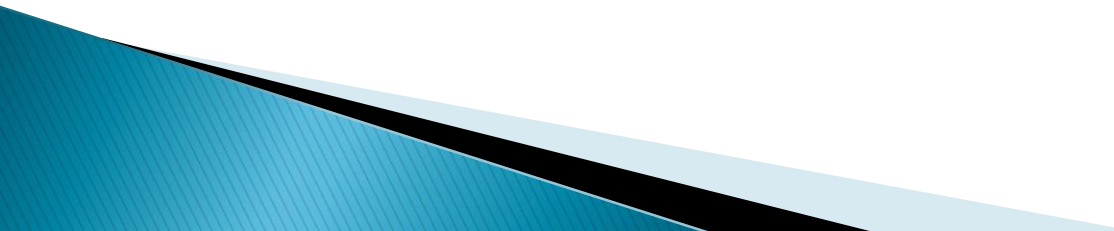
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Session 5, 2 Nov 2018

Law and Morality

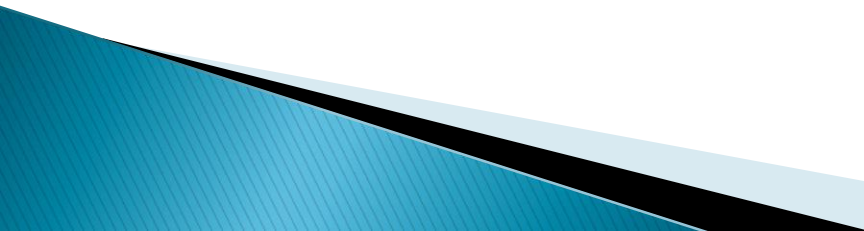


Law and morality

- ▶ Prepare answers in groups:
 1. What are the pros and cons of laws being based on morality?
 2. In your opinion, should the law be conformed to even if it deviates from morality? Give your arguments
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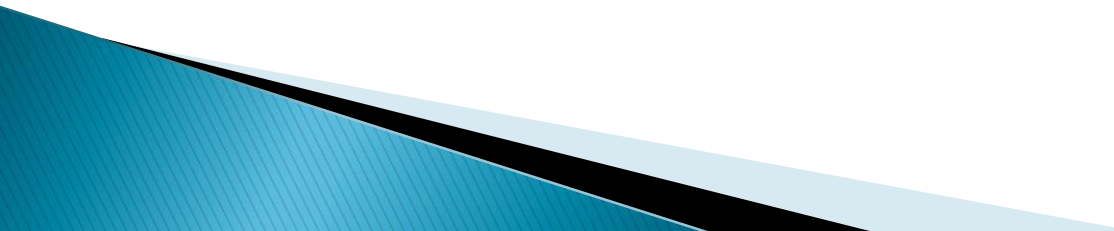
Hart–Fuller debate

- ▶ Germany, 1944
 - ▶ insulting remarks about Hitler
 - ▶ death sentence
 - ▶ service on the Russian front

 - ▶ post-war trial, West Germany
 - ▶ conviction
 - ▶ ‘the law offended the sound conscience and sense of justice of all decent human beings’
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Hart–Fuller debate

- ▶ H.L.A. Hart, Oxford University
 - decision was wrong
 - Nazi law formally valid

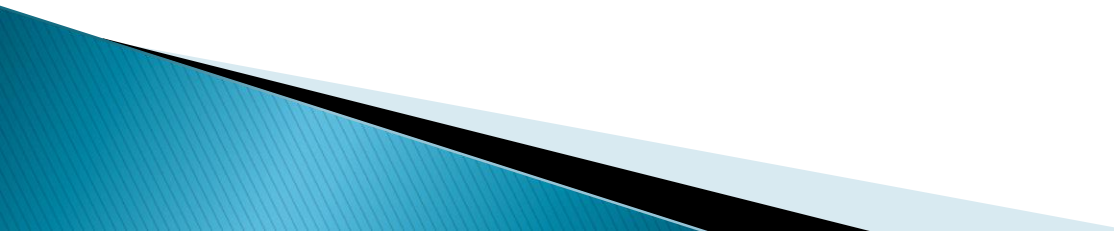
 - ▶ L. Fuller, Harvard Law School
 - supported the decision
 - Nazi law deviated from morality, could not qualify as law
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Branches of Law

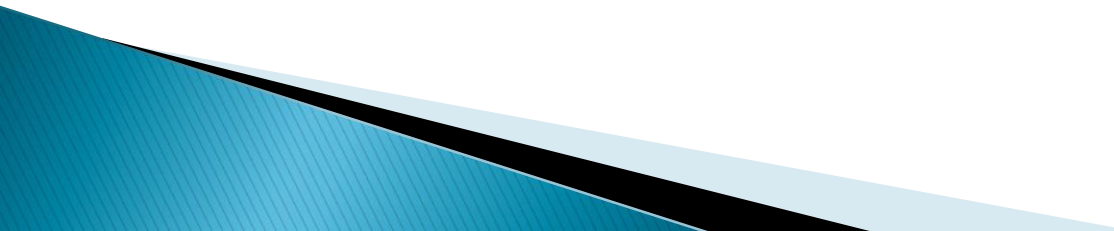


Unit 3

Branches of Law

- ▶ Law is a vast field of study and regulation and it regulates various areas of human life
 - ▶ Law is a system and it can be divided and subdivided into branches
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Classification of law

1. INTERNATIONAL LAW
 2. NATIONAL LAW
 3. SUPRANATIONAL LAW
- ▶ 1: international treaties, conventions, etc.; regulates relations between states and international organisations
 - ▶ 2: laws of a country
 - ▶ 3: legislation and court decisions of the EU
- 

Classification of law

1. PUBLIC LAW
2. PRIVATE LAW

- ▶ 1: Law which directly concerns the state
- ▶ 2: Law that regulates relationships and disputes between persons and facilitates various social arrangements

Classification of law

▶ PRIVATE INTERNATIONAL LAW

- a.k.a. conflict of laws
- rules of national law governing the resolution of private disputes containing a foreign element
- e.g. a dispute citizens of different countries, inheritance by foreign nationals, ownership of land by foreign nationals, breach of contract in another country, etc.

Classification of law

1. SUBSTANTIVE LAW
2. PROCEDURAL LAW

- ▶ 1: lays down rights and duties in various areas (e.g. marital rights and duties, punishment for crimes)
- ▶ 2: lays down the rules of court procedures and other types of law enforcement (rules of evidence, rules of police detention, etc.), regulates the way law is enforced

Classification of law

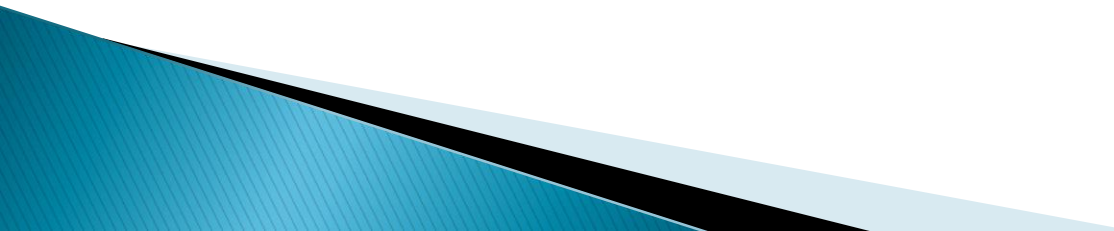
1. CRIMINAL LAW
 2. CIVIL LAW
- ▶ 1: involves the prosecution of and punishment for crimes by the state
 - ▶ 2: non-criminal law, deals with disputes between individuals and regulates other areas of life not involving the state

Which branch of law?


INTERNATIONAL / NATIONAL
PUBLIC / PRIVATE
CRIMINAL / CIVIL

- 1 divorce – 2 administrative disputes – 3 hijacking
- 4 liability for damage in the High Seas – 5 human rights
- 6 adopting foreign children – 7 training contract
- 8 discrimination at work abroad – 9 extradition
- 10 space law – 11 copyright law – 12 tax law

Areas of public law

- ▶ constitutional law
 - ▶ administrative law
 - ▶ criminal law
-
- ▶ What do you know about these areas of law?
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Areas of public law

- ▶ **CONSTITUTIONAL LAW**
 - organisation of government
 - main functions of government institutions
 - three branches of power: legislative, executive, judicial
 - fundamental rights of the citizens
 - ▶ **ADMINISTRATIVE LAW**
 - powers and duties of public authorities
 - ▶ **CRIMINAL LAW**
- 

Areas of private law

- ▶ contract law
 - ▶ law of torts
 - ▶ property law
 - ▶ family law
 - ▶ law of succession
 - ▶ company law
 - ▶ employment law
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Areas of private law

▶ CONTRACT LAW

- regulates contractual relations
- exchange of promises

▶ LAW OF TORTS

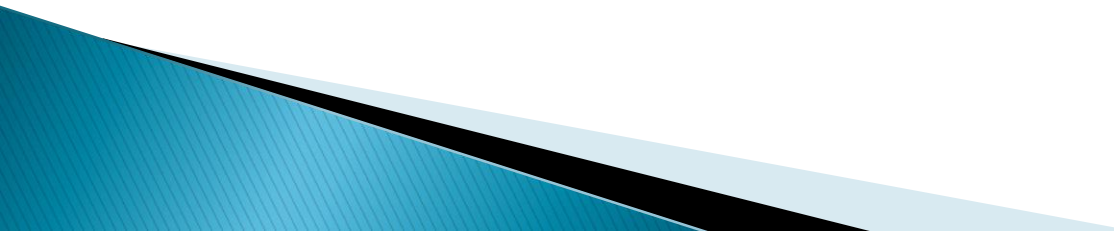
- deals with civil wrongs
- offences against the person and property, less serious than crimes
- trespass, nuisance, negligence, defamation

Areas of private law

▶ PROPERTY LAW

- rights or claims over property
- ownership and lease of land

▶ FAMILY LAW

- marriage, annulment divorce
 - validity of marriage
 - parental duties and obligations
 - rights of the child
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Areas of private law

▶ LAW OF SUCCESSION

- regulates inheritance of property

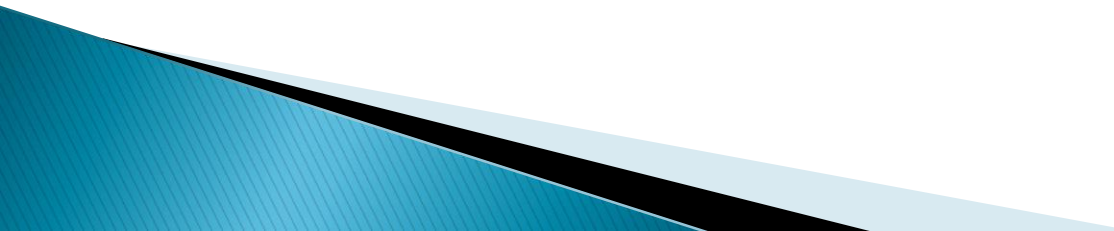
▶ COMPANY LAW

- regulations various types of business
- sole proprietors, companies
- rights and duties of shareholders and company management

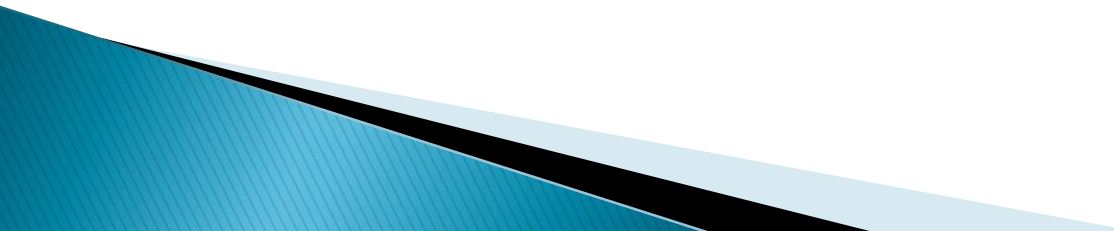
Areas of private law

- ▶ **EMPLOYMENT LAW**
 - contract of employment
 - rights and duties of employees and employers
 - end of employment: dismissal and resignation
 - redundancy, unfair dismissal
- ▶ **MARINE/MARITIME LAW**
- ▶ **COPYRIGHT LAW**
- ▶ **HUMAN RIGHTS LAW**
- ▶ **ENVIRONMENTAL LAW**

Translate into Croatian

- ▶ constitutional law
 - ▶ administrative law
 - ▶ criminal law
 - ▶ family law
 - ▶ company law
 - ▶ employment law
 - ▶ civil law
- 

Translate into Croatian

- ▶ constitutional law – ustavno pravo
 - ▶ administrative law – upravno pravo
 - ▶ criminal law – kazneno pravo
 - ▶ family law – obiteljsko pravo
 - ▶ company law – pravo društava
 - ▶ employment law – radno pravo
 - ▶ civil law – građansko pravo
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Translate into Croatian

- ▶ contract law
- ▶ law of torts
- ▶ property law
- ▶ law of succession
- ▶ copyright law
- ▶ human rights law
- ▶ environmental law

Translate into Croatian

- ▶ contract law – *ugovori (dio obveznog prava)*
- ▶ law of torts – *naknada štete (dio obveznog prava), građanski delikti*
- ▶ property law – *stvarno pravo, imovinsko pravo*
- ▶ law of succession – *ostavinsko pravo*
- ▶ copyright law – *pravo intelektualnog vlasništva*
- ▶ human rights law – *pravo ljudskih prava*
- ▶ environmental law – *pravo zaštite okoliša*

Thank you for your attention!

