

Salahaddin University-Erbil
College of Law
Law Department



LEGAL TERMINOLOGY

1st Year Students

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2020 - 2021

INTRODUCTION:

In any society, everybody is subject to law. Everybody must do as the law says, or face the punishments which can be handed out to law-breakers. In order to make people obey the laws of the society, there has to be punishments. The main reason that many people obey the law is that they know they may be punished if they break the law.

The main purpose of the following lectures is to meet the needs of students at the college of Law – Salahaddin University in English Legal Terminology, which deals with many concepts that are useful for the student to get a firm grasp of the meaning of terms which are frequently used.

WHAT IS LAW? DEFINITION OF THE LAW:

The law is a body of rules and principles which govern and regulate the social conduct of people, or formally recognized as binding and enforced by a controlling authority.

This means, law is:

- a body of rules and principles.
- governing the conducts, and can be enforced.
- binding individuals, e.g., an offender can be punished through criminal law, or a tradesman may be forced to compensate the damages for breaching a contract under the Civil Code.
- also, binding institutions, e.g., a government may be required to act; or refrain from acting.

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THE NECESSARY & PURPOSE OF LAW:

Law is "man-made", changes over time to meet the needs of society. Its issued by the legislative authority, applied by the courts (judicial authority) and enforced by the executive authority.

Accordingly, the law is very important to achieve the justice and to create a balance between what you want and what should you do. And give the enforcement to respect its rules against any violations (breaches). Ultimately, the society cannot be progressed without the existing of law to safeguard the structure of the state.

FUNCTIONS OF LAW:

1. Maintains order and provides protection.
2. Set out rights and obligations, regulates conduct and avoids or settles disputes.
3. To decide the legal system elements and sets up the structure of government.

THE RULE OF LAW:

The law in a broad sense, includes legislation, custom, religion, principles of justice, Judiciary and jurisprudence; while the law in a narrow sense, means only legislation or the legal rule, which means a body of general and abstract conduct rules to regulate the social relations that accompanying with a punishment, enforced by the public authority towards a violator.

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CHARACTERISTICS OF THE LEGAL RULES:

A rule of law is, always, characterized by the following attributes:

- 1) It is an outcome of human society, and its meaning can vary between different nations and legal traditions.
- 2) The rules of law must regulate the human conduct in the society.
- 3) It is, in the meantime, general and abstract.
- 4) It is enforceable by a punishment (sanction or penalty), via the controlling authority.

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THE DIFFERENCE BETWEEN LEGAL AND OTHER SOCIAL RULES:

1- Legal Rules and Religious Rules

A religion is a particular system of faith and worship derived from an unseen force that aims to achieve the welfare of humanity.

What are the differences between law and religion?

1-Religious rules are usually unchanging and apply only to followers of that religion, but laws can be amended or improved, and applicable to all, regardless of their religion.

2-Religious rules could be more effective than law in some societies; but in general, the law can be enforced on people more effectively than religion.

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2- Legal Rules and Moral Principles

Morality means principles concerning the distinction between right and wrong; or good and bad behaviour.

What are the differences between law and morality?

- 1-Morality derives from religion and life necessities; unlike law which is made by humankind.
- 2-There is no such materialistic (bodily) authority for the enforcement of morality; unlike law which is binding legal rules with punishment, it has enforcing authority and applies to all the citizens whether they want or not.
- 3-Moral disputes can be solved by the reconciliation, but legal disputes can only be settled by an appropriate court.

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