

CIVIL LAW SYSTEM:

It is also called ‘Latin or French System, in contrast, the civil law system is codified. Countries with civil law systems have comprehensive, continuously updated legal codes that are applied and interpreted by judges. e.g. Europe States, Brazil, and ... etc.

RELIGIOUS LAW:

Religious Law refers to a religious system or document used as a legal source. The main Religious Laws are Sharia in Islam, Halakha in Judaism, and Canon Law in Christianity. In some cases these are intended purely as individual moral guidance, whereas in other cases they are intended and may be used as the basis for a country's legal system. e.g. Iran, Saudi Arabia, and ... etc.

LEGAL PLURALISM:

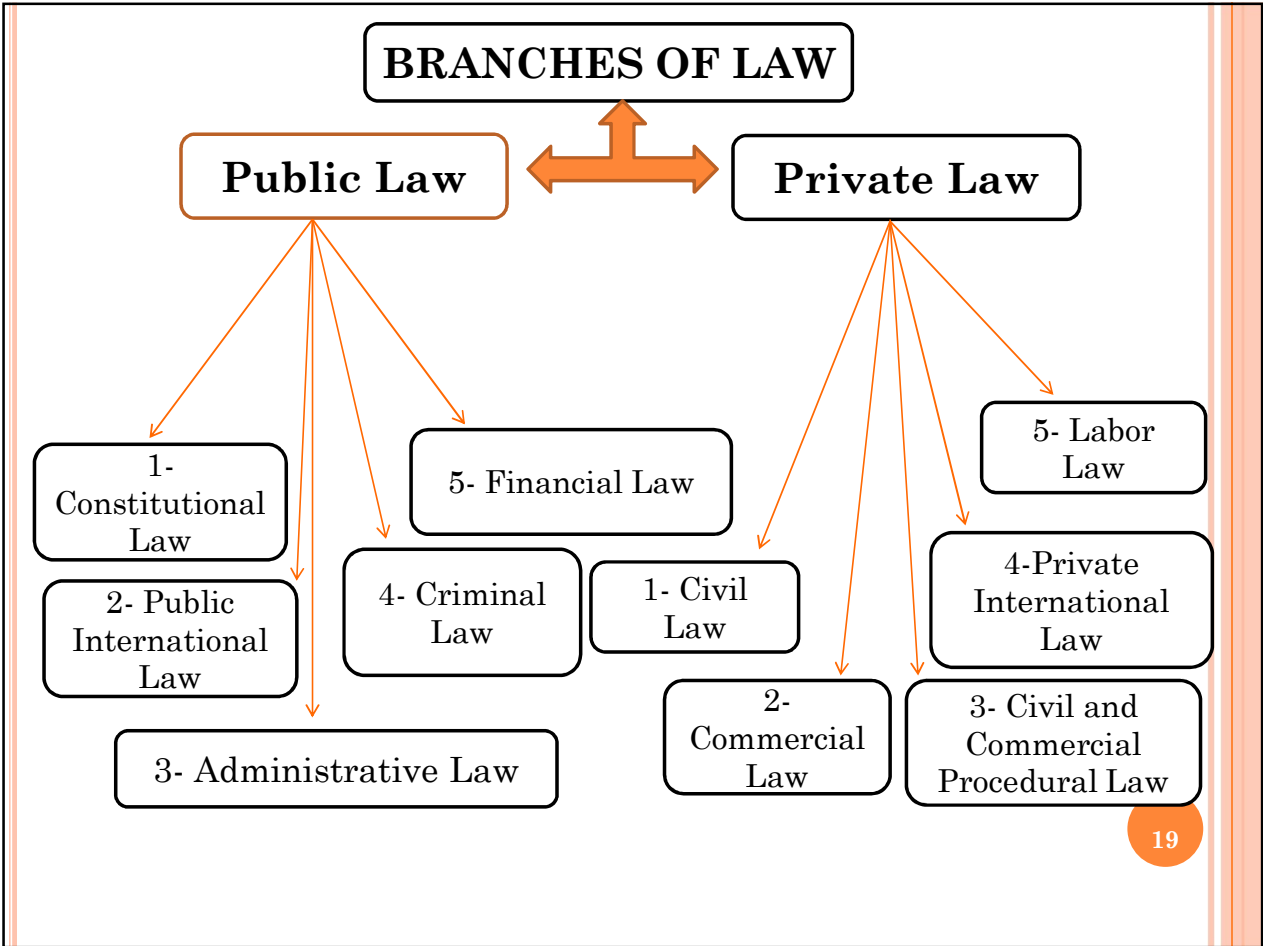
There are some countries that using two types of legal systems. These countries are called pluralistic countries. Such as: Israel uses common law and civil law; Indonesia and Malaysia use civil law and religious law.

17

BRANCHES OF LAW

The branch of Law is the body of rules governing the specific field from social life fields. It can be divided into two main branches: Public Law and Private Law, each one is classified into a number of sub-branches.

The distinction criterion between both is the existence of public authority in case of public law, in regarding that the State has sovereignty and the right of privilege in legal relationships, unlike the case of private law that governs individual relations among themselves on one hand, and between individuals and the State as a normal judicial person on the other.



FIRST: BRANCHES OF PUBLIC LAW:

1- Constitutional Law: We have taken the definition of constitution in previous lectures.

2- Public International Law:

Is that branch of public law which governs relations among subjects of Public International law. Such as: states, international organizations, and other interactive international entities (national liberation movements and sometime individuals); whether in time of peace or in time of war.

3- Administrative Law:

It is a body of rules which determines the administrative organization of the state and legal relationships between the State and individuals through Administrative Courts (State Consultative Council). It organizes the executive authority, and strongly linked with the constitutional law.

20

4- Criminal Law:

Criminal law is a body of legal rules which defines offences and punishments, which fixes procedures for the apprehension, charging and trial of accused. Nowadays, criminal law is increasingly concerned with the reform of the criminal rather than with retributive punishment. Its divided into two sub-branches:

a) Penal Law (whether Public or Private): It is a body of rules that defines which of human acts is regarded as crime and determines the punishment for it, through many procedures to be taken in the criminal courts.

21

b) Law of Criminal Proceedings: It regulates the activities of investigation and prosecuting authority in criminal matters. Its aim is to guarantee that the offenders can get an appropriate punishment and no innocent person is convicted.

5- Financial Law:

It deals with all financial aspects of the State activity. The most important topic of this law is the budget, state expenditures and national incomes ...etc.

22

SECOND: BRANCHES OF PRIVATE LAW:

1- Civil Law:

The term of civil law is used to designate the body of rules, which regulates the private relations of individuals, and deals with family relationships and contract obligations among the individuals.

2- Commercial Law (sometimes known as business law):

It is a body of rules that govern commercial transactions and relations between the merchants and all other commercial business activities, such as commercial contracts, brokerage, bankruptcy, commercial pledge and bills of exchange.

23

3- Civil and Commercial Law Procedure:

It is the body of rules which regulate the mode of presentation and adjudication by civil courts of various kinds of claims, controversies and disputes by persons against one another. Moreover, the law of civil procedure is concerned with the organization of civil courts, civil process, and methods of civil execution.

24

4- Private International Law:

It is a body of rules regulating relations between individuals with foreign elements. The private international law often referred to as “conflict of laws” governs the choice of law to apply when there are conflicts in the domestic law of different nations related to private transactions between those nations. It deals with a variety of topics such as contracts, marriage, divorce, jurisdiction, recognition of judgments, child adoption, etc.

5- Labour law:

Labor law also is known as employment law that mediates the relationship between workers, employing entities, trade unions and the government and deals with legal problems arising from employment.

25