

LAW & DATA

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Modern theory of the **SEPARATION OF POWERS**

Legislative

Executive

Judicial

MAKE

**IMPLEMENT
&
ENFORCE**

INTERPRET

LAW

separate and independent bodies
so to ensure
legal certainty, impartiality, equality before the Law

Montesquieu, The Spirit of the Laws (1748)



system of

CHECKS & BALANCES

to limit the power of a single individual/entity/body of government to ensure balanced and harmonious and relationships and co-existence



BRANCHES OF LAW

fundamental
universally accepted
exhaustive

PUBLIC LAW

PRIVATE LAW



TYPE OF STATE LEGAL SYSTEMS

MAIN DIFFERENCE
between

CIVIL LAW

COMMON LAW



SOURCES OF LAW

HARD LAW

binding legal provisions
which can be legally enforced
before a court

SOFT LAW

contents
(agreements, principles,
declarations, statements, etc.)
which are **not legally binding**

Usually cannot be enforced by a
party before a court,
but can be used by a judge to
interpret hard law

Examples of **SOURCES OF LAW**

- Treaties / Conventions
- Legislation (Constitution, acts, laws, statutes, regulations, codes, etc.)
- Case-law
- Public and Private Policies
- Doctrine
- Fundamental/General Principles of Law
- Customary Law



HIERARCHY

OF THE SOURCES OF LAW

