# LAW & DATA 2024/2025

## University of Padova

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# The Course

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# Main contents

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# Basic legal notions

- Notion of Law
- Basic legal notions
- Legal systems to be taken into consideration
- International Law
- European Union Law



## What is Law?







## What is Law?





plural laws

- 1 a (1): a binding custom or practice of a community: a rule of conduct or action prescribed (see PRESCRIBE sense 1a) or formally recognized as binding or enforced by a controlling authority
  - (2): the whole body of such customs, practices, or rules

    The courts exist to uphold, interpret, and apply the *law*.
  - (3): COMMON LAW

The Indian government is believed to have detained thousands of other people last year ... . The government said the move, decried by critics as draconian, was necessary to maintain *law* and public order in the region.

- BBC.com
- → see also LAW AND ORDER
- (2): the action of laws considered as a means of redressing wrongs

also: LITIGATION

developed the habit of going to law over the slightest provocation

- H. A. Overstreet

c: a rule or order that it is advisable or obligatory to observe

a law of self-preservation

**d**: something compatible with or enforceable by established law

The decrees were judged not to be *law* and were therefore rescinded.

e: CONTROL, AUTHORITY

The child submits to no law.







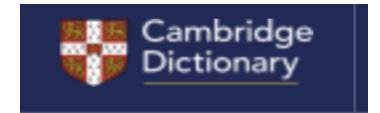
3 : a rule of construction or procedure

the *laws* of poetry

4 : the whole body of laws relating to one subject

criminal law

probate law



## law

noun

#### law noun (RULE)

Add to word list ;≡



a rule, usually made by a government, that is used to order the way in which a society behaves:

- · There are laws against drinking in the street.
- The laws governing the possession of firearms are being reviewed.
- They led the fight to impose laws on smoking.
- [+ -ing verb or + to infinitive] Many doctors backed plans for a law banning/to ban all tobacco advertising.



( often the law)

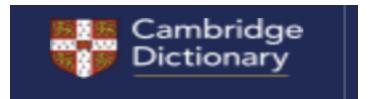
### the system of rules of a particular country, group, or area of activity:

- What does the law say about having alcohol in the blood while driving?
- Of course robbery is against the law!
- The judge ruled that the directors had knowingly broken the law.
- You can't take that course of action and remain within the law.
- They have to provide a contract by law.
- It was a detailed study of international human rights law.



### the area of knowledge or work that involves studying or working with the law:

- She's going to study law at university.
- · a law firm in New York









## a general rule that states what always happens when the same conditions exist:

- Newton's laws of motion
- the laws of nature/physics
- humorous The first law of (= the most important principle in) politics is if you're going to lie, don't get found out!





## law

**The law** is a system of rules that a society or government develops in order to deal with crime, business agreements, and social relationships. You can also use the **law** to refer to the people who work in this system.

Law is used to refer to a particular branch of the law, such as **criminal law** or **company** law.

A **law** is one of the rules in a system of law which deals with a particular type of agreement, relationship, or crime.

The laws of an organization or activity are its rules, which are used to organize and control it.

## Law

«Set of conditions under which the choices of each person can be united with the choices of others under a universal law of freedom»

## **Immanuel Kant**

The Metaphysical Elements of Justice

(Set of conditions under which the choices of each person can be united with the choices of others under a universal law of freedom)

## **LAW**



# WHAT IS A LEGAL ORDER/SYSTEM?

«A LEGAL ORDER is an aggregate or a plurality of general and individual norms that govern human behavior, that prescribe, in other words, how one ought to behave. That behavior is prescribed in a norm or, what amounts to the same thing, is the content of a norm means that one ought to behave in a certain way.

The concept of the norm and the concept of the "ought" coincide. To prescribe in a norm how one ought to behave is understood here not only as a command but also as a positive permission or an authorization.

A <u>plurality of norms</u> is an order if the norms constitute a unity, and they constitute a unity if they have the same basis of validity.

If the law is positive law, the norms of a legal order are "posited" or "created" through human acts. To say that a norm prescribing how one ought to behave is "posited" or "created" through an act is a metaphorical way of saying that the norm is the subjective meaning of the act. Acts through which the norms of a legal order are posited or created comprise legislative acts, acts constituting legally binding custom, judicial acts, administrative acts, and private law transactions, in particular contracts. These acts are characterized here as legal acts, and the individuals authorized by the legal order to perform such acts are characterized as legal officials».

H. **Kelsen**, The concept of the legal order, in The American Journal of Jurisprudence (translated by S.L. Paulson)

## The **LEGAL SYSTEM**

includes

## rules, procedures and institutions

by which activities, both public and private, can be carried out through legitimate means.

A legal system is a system for **interpreting and enforcing the laws**.

## **PLURALITY OF LEGAL SYSTEMS**

in light of several and different social groups

## Examples of what legal systems can be / where legal systems can be found

#### **STATES**

e.g. Italy, France, USA, India, China, etc.

### **EUROPEAN UNION**

Legal system encompassing 27 Member States

## **COUNCIL of EUROPE**

Legal system including 47 Member States

#### INTERNATIONAL LEGAL ORDER

Special legal system – independent from States

#### **WORLD WIDE WEB?**



# 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