Modern theory of the SEPARATION OF POWERS

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