



# **What Is Meant by Law?**



# Possible meanings

- Law – zakon, pravo, propis, pravilo, zakonik, načelo; legalitet, pravda, represivno tijelo, pravna znanost, pravna profesija

Source: M. Gačić, *Rječnik prava, međunarodnih odnosa, kriminalistike, kriminologije i sigurnosti*, Naklada Ljevak, Zagreb, 2004

- 
- 
- Law – pravo
  - A law – zakon
  - Conflict of Laws?

# Translation

- Translate the following sentence:  
Law is a common word, so common that most people never stop to consider what it means.
- Infinitive v. Gerund

# Problems with defining law

- A common word
- An abstract notion
- Law v. morality
- Many possible definitions (each depending on the point of view of the person making it)

# Law and morality

- Morality is what is right and wrong according to a set of values or beliefs governing a group's behaviour
- Law and morality usually overlap on major issues, but may differ on other matters
- Positivists state that law and morality are essentially separate, while proponents of the natural law theory believe that law and morality should coincide

# Task

- Think of your own definition of law!

# Possible definitions

- Law is a set of rules that plays an important part in the creation and maintenance of social order.
- John Austin's definition: Law is a command issued from a Sovereign power to an inferior and enforced by coercion.
- Sir John Salmond's definition: Law is the body of principles recognised and applied by the State in the administration of justice.



# The most common definition in English legal textbooks

- Law: rules of conduct  
imposed by a state  
upon its members  
and enforced by the courts

Elements of the definition: rules of conduct, state, courts

# Rules of conduct

- Social purpose of law: to regulate human behaviour – hence rules of conduct v. simply rules

# State

- A state – each state has different rules
- Upon its members – valid for the citizens of that state

# The courts

- Law exists to establish social order in a manner defined by the interest of the rulers of society
- Crime and punishment
- Crime as an offence against the community punishable by the state – the state acts as the prosecutor

# Reading exercise

- Read Unit 1 and list the words which are unfamiliar to you

# Vocabulary

- Conform – pridržavati se
- Neglect - zanemarivanje
- Infraction – kršenje
- To violate a rule – prekršiti pravilo
- Coercion – prisila ili prinuda

# Translation

- Translate Max Weber's definition:
- A rule is a law if it is externally guaranteed by the probability that coercion (physical or psychological), to bring about conformity or avenge violation, will be applied by a staff of people holding themselves specially ready for that purpose.

# Translate the following phrases with *law*:

- To break the law
- To read law
- To take the law into one's hands
- To enact a law
- To be at law
- To lay down the law
- The rule of law



# Answer key

- To break the law – kršiti zakon
- To read law – studirati pravo
- To take the law into one's hands – krojiti pravdu
- To enact a law - ozakoniti
- To be at law – parničiti se
- To lay down the law – propisivati zakon ili pravila (nametati svoje tumačenje kao autoritativno)
- The rule of law – vladavina prava, pravna država

# Legal systems of the world

- Civil law
- Common law
- Religious law

# Civil (continental) law

- Based on Roman law
- Main source of law is legislation
- Laws provide general principles and guidelines to be applied to each particular case
- Characterised by codification (written collections of laws which apply to all)

# Common law

- Developed in England in the 12<sup>th</sup> century
- Made by judges
- Main source of law are precedents (previous decisions made by superior courts on similar facts)

# Religious law

- Religious law refers to ethical and moral codes taught by religious traditions.
- Legal system using a religious system or documents as a legal source
- Usually follows the principles of either civil or common law
- Examples: Islamic sharia, hindu law

## Find definitions for these basic terms:

Legal action, court, tribunal, judge, the judiciary, legislation, rule, legal system, authority, govern

A body that is appointed to make a judgement or inquiry \_\_\_\_\_

A country's body of judges \_\_\_\_\_

An act or acts passed by a law-making body \_\_\_\_\_

Behaviour recognised by a community as binding \_\_\_\_\_

Legal proceedings \_\_\_\_\_

An official body that has authority to try criminals, resolve disputes, or make other legal decisions \_\_\_\_\_

A senior official in a court of law \_\_\_\_\_

The body or system of rules recognised by a community that are enforceable by established process \_\_\_\_\_

The control resulting from following a community's system of rules \_\_\_\_\_

To rule a society and control the behaviour of its members \_\_\_\_\_

# Answer key

A body that is appointed to make a judgement or inquiry TRIBUNAL

A country's body of judges THE JUDICIARY

An act or acts passed by a law-making body LEGISLATION

Behaviour recognised by a community as binding RULE

Legal proceedings LEGAL ACTION

An official body that has authority to try criminals, resolve disputes, or make other legal decisions COURT

A senior official in a court of law JUDGE

The body or system of rules recognised by a community that are enforceable by established process LEGAL SYSTEM

The control resulting from following a community's system of rules AUTHORITY

To rule a society and control the behaviour of its members GOVERN



**Thank you for your attention!**