

# FIRST SEMESTER LECTURES

A magnifying glass is positioned over a document. The words "LEGAL SYSTEM" are printed in a large, bold, serif font and are the central focus of the magnifying glass. The background of the document is slightly blurred, showing some faint text that appears to be "The legal systems of the world... civil law...".

## LEGAL SYSTEM

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# 1. Lecture 1 : an Overview of Law

## 1.1. The Definition of Law

Blackstone said that Law in its most general sense is : « that **rule** of action which is **prescribed** by some **superior** and which **the inferior** is **bound to obey** »

**Law** is the **system of control** « a set of rules » through which **society** operates .i.e. **citizens** must **obey** those rules.

**Law** is a **formal method** of controlling people and **society** through **rules set down** and than **enforced** through **the legal system**.

## 1.2. The Importance of Law

- It acts as a **guideline** as to what is accepted in society. Without it, there would be **conflicts** between **social groups** and **communities**.
- Law keeps everyone **safe**; it also provides **security, peace** and **protection**.
- Without law, people were **free** to do anything they wish. But, a law has **imposed** certain **limitations** and **restrictions** that have to **be followed** by each **citizen**.
- We need law to **ensure equality**, and security in communities.
- Thomas Jefferson states, “The **study** of the law **qualifies** a man to be **useful** to himself, his **neighbours**, and to **the public**.”

## 1.3.Areas and Branches of Law

Within national law, there is usually a clear distinction between public and private law.

- **Public law** involves the state or government in some way, while **private law** is concerned with **disputes** between private individuals or businesses.
- Both public and private law can be subdivided into different categories:

### 1.Public Law

#### A. Public International Law

Public international law governs the relationships between states and other entities operating on the international plane.

#### B. Constitutional law

✓ The rules which regulate the structure of the main branches of government: the **executive**, the **legislature**, and the **judiciary**, and their relationship to each other, and determine their main functions.

✓ Moreover, constitutional law defines the rights of the citizens.

#### C. Administrative Law

It governs the exercise of powers and duties by public authorities, or it governs the administration and regulation of government agencies.

#### **D. Criminal law**

- ✓ Sets out the types of behaviour, which are forbidden and are subject to **punishment**.
- ✓ A person who **commits a crime** is said to have **offended** against the state, and so the state has the right to **prosecute** them.
- ✓ At the end of the case, if the **defendant** is **found guilty**, the court will **punish** them for the **offence**, because they have **broken the criminal law**.

## **2. Private Law**

Private law has many different branches. The main ones are:

- \* **Law of contract**
- \* **Law of tort**
- \* **Family law**
- \* **Law of succession**
- \* **labour law**

#### **A. Law of contract**

**Law of contract** is the branch of the law, which determines whether a promise is **legally enforceable** and what are its legal consequences

#### **B. Law of torts**

**Law of torts** deals with **torts**, which can be defined as **civil wrongs**.

Examples of torts are:

- **nuisance**,
- **negligence**,
- **Defamation and trespass**.

### **C. Family Law**

**Family law** covers such matters as **validity of marriage**, rules for **divorce** and the **custody of the children**.

### **D. Law of Succession**

**Law of succession** regulates who **inherits property** when a person dies without a will, and establishes the rules for making a **valid will**.

### **E. Labour Law**

- Laws that define the **rights of employees** and protect them from **employer retaliation** for exercising those legal rights or reporting violations to the proper authorities.
- In other words, it is a law relating to **the rights and responsibilities of workers**.

## **F. Other areas of Private Law**

In addition to these areas of private law, there are also laws relating to **copyright and patents**, and many other topics, so it can be seen that private law covers a wide variety of situations.

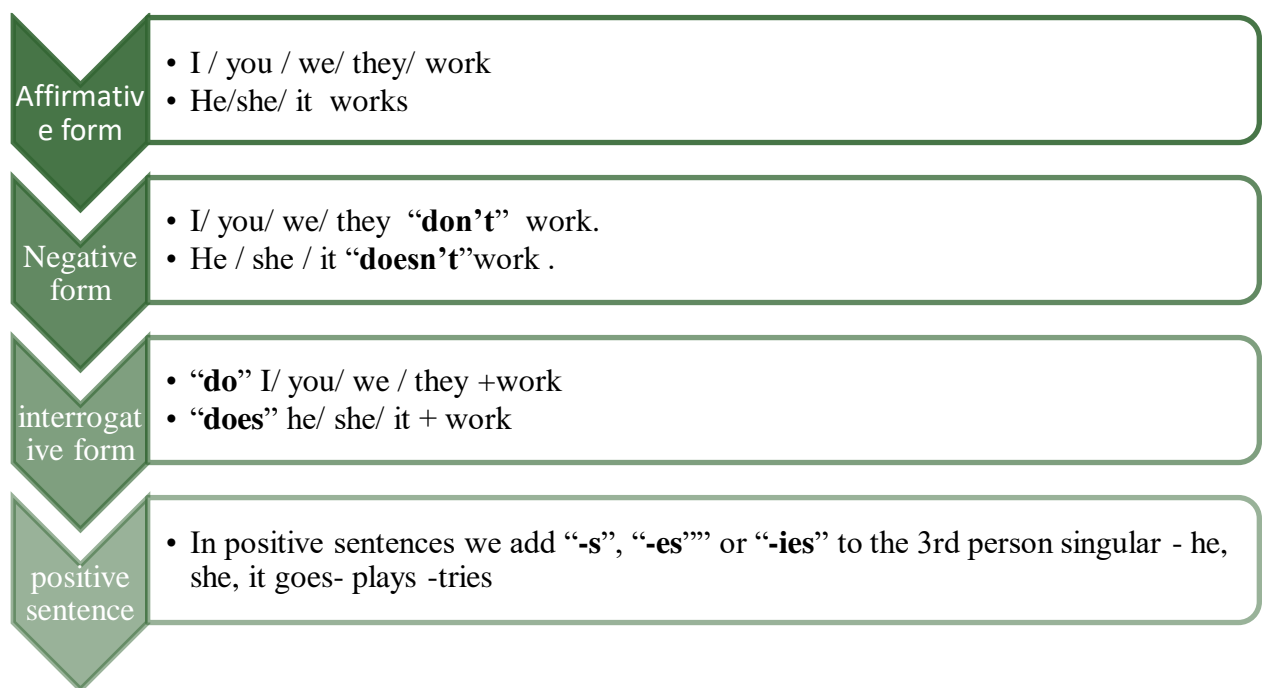


## 2. Lecture 2 : Tenses

In English grammar, there are mainly three types of tenses : **Present** , **Past** and **Future**

### 1. Present Simple tense :

#### ❖ The form



#### ❖ The use. We use the present simple to :

✓ **To express general truth, natural and scientific laws , or real facts:**

E.g. Water **boils** at 100° degrees.

Gaz **expands** on heating.

✓ **We use it for permanent situations :**

E.g. Julie **lives** in London.



✓ It is also used for habits or things we do regularly . We often use adverbs of frequency such as: often, always , sometimes, usually, everyday, or expressions like twice a week , every sunday...

E.g. I **play** football every **Friday**.

I **drink** coffee every **morning**.

✓ To talk about the future when we are discussing a fixed plan :

E.g. we **leave** Tlemcen at 10 pm,**next Tuesday**.

✓ To talk about the future after words like: until, before, as soon as ,when..

E.g. I will call you **when** I **have** time.

I won't get out **until** it **stops** raining.

✓ We use the present simple in the first and zero conditionals:

E.g. **If** it **rains**, we won't come.

**If** you heat water to 100°, it **boils**.

✓ We use it with verbs expressing feelings, emotions, perception and permanant state (state verbs) suchas : dislike, enjoy, love, see , hear, to suppose, to know, to smell, to taste, to look like ...

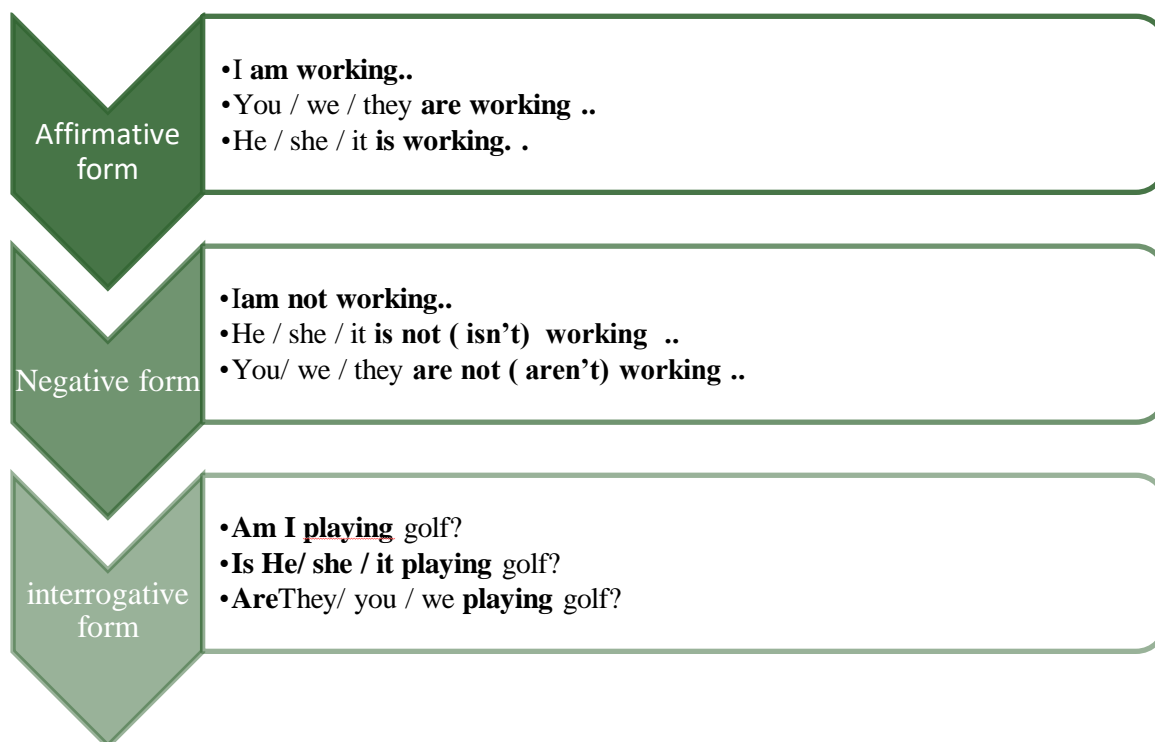
E.g. He **enjoys** reading lawbooks.

She **looks** nice.

I **suppose** you have finished.

## 2. Present continuous tense

### ❖ The form :



### ❖ The use: We use the Present Continuous:

✓ **for things that are happening at the moment of speaking**

E.g. I **am working** at the moment.

✓ **It is used to talk about temporary situations**

E.g. she **is staying** with her friend **for a week** .

✓ **Temporary or new habits , we often use this with expressions like: these days , at the moment , now , today ...**

E.g. I'm **drinking** too much coffee **these days** because I'm so busy at work.

✓ **To describe actions**

E.g. **While** the teacher **is explaining** the lesson, the students **are listening**.

✓ **For a definite future arrangement. In this case, we have already made a plan and we are sure that the event will happen in the future.**

E.g. he **is getting** married **tomorrow morning**.

✓ **We use it to talk about developing or changing situations**

E.g. your English **is improving** .

**I'm getting** better and better at speaking English.

The weather **is getting** warmer .

# 3. Lecture 3 : Powers of the State

## *1. The Legislative Branch*

The legislative branch of the Algerian government is called **Parliament** .  
Parliament has two chambers : **Council of the Nation** and **National People's Assembly**

**Bicameral Parliament** consists of:

- Council of the Nation (upper house with 144 seats; one-third of members appointed by the president, two-thirds indirectly elected by simple majority vote by an electoral college composed of local council members; members serve 6-year terms with one-half of the membership renewed every 3 years)
- National People's Assembly (lower house with 407 seats; members directly elected in multi-seat constituencies by open-list proportional representation vote to serve 5-year terms)

**The role: parliament makes laws**

Members of parliament can propose an idea for a new law.

This is called **a bill**. After both the Senate and the House of Representatives pass the bill, it goes to the President. If the President agrees, he can sign the bill. Then it becomes law.

## *2. The Executive Branch*

**The president** is directly elected by absolute majority popular vote for a 5-year term (eligible for a second term).

**The Head of the government** includes the name, title of the top executive designated to manage the executive branch of the government.



***Terminology:*** Law  
bill, Prime minister,  
Cabinet, Senate ,  
House of  
representative , one-  
third, two-thirds  
,simple majority ,  
Absolute majority  
,Council of ministers

# 4. Activities

## Activity n:1

Are these statements correct or incorrect? If incorrect, rewrite the sentence so that it is correct.

- ✓ I **dislike** garlic. (I)
- ✓ Do you know what i mean ? (C)
- ✓ I **am** thinking about work (I)
- ✓ She is having dinner with her friends. (C)
- ✓ She **owes** a cat. (I)
- ✓ The film **sounds** interesting. Shall we watch it ? (I)
- ✓ What **are** you **looking** at ? (I)
- ✓ Mmm. That cake **looks** delicious . (I)
- ✓ Don't turn off the TV. I **am enjoying** this movie. (I)

## Activity n: 2

Choose the correct answer (simple present or present continuous)

1. It (**is raining**) cats and dogs. We'd better stay at home.
2. I (**watch**) TV every day in the morning.
3. (**are you coming**) to the party tonight?
4. The children are at the stadium. They (**are watching**) a football match.
5. I (**don't go**) to the cinema often.
6. She usually (**comes**) late to school.
7. He (**exercises**) regularly.
8. John is busy. He (**is working**) at the moment.

9. Be quiet! The baby (is sleeping).
10. She (is traveling) to New York next weekend.

### Activity n:3

Put the verbs into the correct tense (simple present or present progressive).

1. Look! He is leaving the house.
2. Quiet please! I am writing... a test.
3. She usually walks to school.
4. But look! Today she is going .by bike.
5. Every Sunday we go to see my grandparents.
6. He often goes to the cinema.
7. The child seldom cries.
8. I am not doing anything at the moment.
9. Does he watch the news regularly?
10. The earth turns around the sun.
11. Your English is improving
12. If you heat water at 100°, it boils.
13. You must finish your work before you go home.
14. I am chatting with my friend at the moment .

Activity n: 4 Complete the Crossword with the Present Simple or Present Continuous of the verbs in brackets.

### HORIZONTALS

1. I hate living in Seattle because it always rains\_\_\_\_(rain, always).
3. I 'm sorry I can\'t hear what you are saying\_\_\_\_\_ (say).



6. Peter usually **studies** \_\_\_\_\_(study) in London.
7. Every Monday, Sally **drives** \_\_\_\_ (drive) her kids to football practice

**VERTICALS.**

2. Shhhhh! Be quiet! John **is sleeping** \_\_\_\_ (sleep)
4. Justin **is writing** \_\_\_\_ (write) a book about his adventures in London.
5. Don't forget to take your umbrella. It **is raining** ( rain)
8. This delicious chocolate **is** \_\_\_\_ (be) made by a small chocolatier in France.

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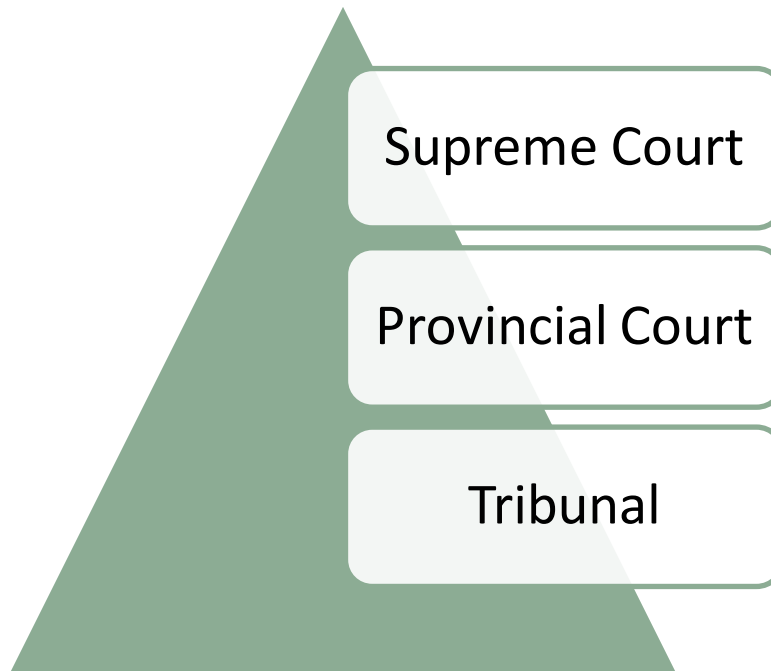
## 3. *The judicial Branch*

### 3.1 The Definition of Judicial Branch

The judiciary is also known as the judicial branch or the judicial system .. it is the system of courts that adjudicates legal disputes, disagreements, also interprets and applies the law in legal cases.

- **Art 179 of the constitution 2020:** which establishes the judicial branch, and determine its shape and structure.
- The main role of the judicial branch is to check if the law is applicable in the right way, and apply punishment on those who disobey the law.
- There are two types of the Judicial system : **Ordinary Judicial System** and **Administrative Judicial System**

#### 1. Ordinary Judicial System :



**The judiciary (ordinary) now consists of three levels. At the first level is the tribunal, to which civil and commercial litigation is submitted and which takes action in penal cases of the first instance.**

**At the second level is the Provincial Court, which consists of a three-judge panel that hears all cases and that functions as a court of appeal for the tribunals. At the third and the highest level is the Supreme Court, which is the final court of appeal and of appeals against the decisions of the lower courts.**

**The Constitution of 1996 introduced two new high courts to complement the Supreme Court. The Council of State acts as an administrative equivalent to the Supreme Court, hearing cases not ordinarily reviewed by that body, and the Tribunal of Conflicts was instituted to regulate any jurisdictional disputes that might arise between the other two high courts.**

## 2. Administrative Judicial System

It consists of two types :

### + Administrative tribunals, first-instance courts

In the event of a **dispute**, the **Administrative Tribunal** which in principle has **jurisdiction** is the one located in the geographical area where the authority which has taken the decision at issue has its headquarters.

The **Administrative judge** is Responsible for **giving rulings** and **settling disputes** between **the administration** and **citizens**, an **administrative judge** must **balance** the defense of **individual rights** with the **protection of the public interest**. In order to do this, he has **powers** that in recent years have expanded significantly. For example, he may now **accompany** his decisions **with measures to ensure** that they will be **properly enforced**, and may **give emergency rulings** within the framework of **interim injunction proceedings**.

### + *Council of State: supreme administrative court*

It is mainly a **Court of Appeal** and **Cassation** against **the Administrative Court of Appeal's decisions** and **certain administrative tribunal's decisions**.

The **Council of state** is also a **court of appeal**. The Council of state is also a **court of the first instance** for **disputes**.



### ***Terminology***

Accusation, Amnesty, Civil  
Action , Eyewitness , Conflict,  
(disputes), claimant ( plaintiff) ,  
Punishment , To sue , Death  
penalty ( execution), redress  
Refund , proof

**Best of Luck**