

Introduction to the Science of Law

➤ Lecture one:

1. Definition Of Law:

Law is the enforceable body of legal rules that govern a society. It can be defined as a system of compulsory rules that a society or a government adopts in order to direct the conduct of the people and to deal with crime, business agreements, and social relationship. Thus. Law in the strict sense of the word is rules of human conduct imposed by the state upon its member and enforced by the courts, which the aim of securing certain ends.

2. Sources Of Law:

Under article one (1) of the Algerian civil code, law sources are: Legislation, Sharia principles, Custom, Principles of Natural Law and Justice.

3. Cassification Of Law:

In terms of classification of law, there are two main types. The first is built on the distinction between public and private characters of relations regulated by the law, and the second is built on the binding power (forcefulness) of the rules embodied in the law.

3.1. Private Law:

Private Law regulates the relations among the individuals of the state themselves, or among the individuals and the state; when the state acts as an ordinary individual. private law includes civil law, commercial law, labour law, maritime law, law of evidence, civil procedure law, private international law.

3.2. Public Law:

Law regulates the relations between the individuals of the state itself. When it acts as a representative of community as whole. public law includes: constitutional law, administrative law, criminal law, criminal procedure law, financial law, public international law.

❖ Questions about the lesson:

1. Translating words into Arabic:

English		English	
Enact	شَرَعَ / سَنَ	Draft legislation	مسودة / مشروع قانون
Promulgate	أصدر	Written law	قانون مكتوب
Facts	الوقائع	Customary rules	قواعد عرفية
Legislator	المشرع	Public order	النظام العام
Real rights	الحقوق العينية	Publication	النشر / الشهرة
Usufruct	حق الانتفاع	Real security	تأمين عيني
Ownership/ Property	الملكية	Mortgage	الرهن
Theory of right	نظرية الحق	Civil rights	الحقوق المدنية
Easement	حق الارتفاق	Complementary rules	القواعد المكملة
Legal capacity	أهلية قانونية	Natural obligation	إلتزام طبيعي
Explicitly	صراحة	Imperative rules	قواعد أمرة
Implicitly	ضمنيا	Coercive force/ <i>Force majeure</i>	القوة القاهرة
Hierarchy of rules of law	تدرج القواعد القانونية	No excuse of the ignorance of law	لا عذر بجهل القانون

2. Read each statement carefully and write True (T) or False (F).

1. Law is a set of rules that cannot be enforced.
2. Law helps to control people's behavior in society.
3. Law only deals with criminal matters.
4. Courts are responsible for enforcing the law.
5. Law aims to achieve certain goals in society.

3. Find the Synonyms:

Word	Synonyme
Applied	
Obligatory	
Accept	
Behavior	
Control	

4. Find the Antonyms:

Word	Opposite
Disorder	
Unenforced	
Optional	
Private	

5. Questions:

- 1- What is law according to the lesson?
- 2- How can law be defined in general terms?
- 3- What are the main purposes of law?
- 4- Who enforces the law?
- 5- What does “law in the strict sense” mean?
- 6- What is the aim of law according to the text?

Decisions & Administrative Contracts

➤ Lecture two:

1. Administrative Law:

Administrative law is considered a branch of public law. As a body of law, administrative law deals with the decision-making of administrative units of government. In general it refers to the rules, regulations, orders and decisions of administrative agencies of the government. State agencies are given power by the state legislature to enforce certain statutes.

2. Administrative decisions:

Administrative decisions made by government bodies are a fact of life: members of the public are confronted with them all the time. Whenever a citizen applies for a building permit, a driving licence or benefits, or is faced with an environmental enforcement measure, an administrative decision is involved; it is in administrative decisions that government bodies give legal shape to governmental regulations. Administrative decisions are juristic acts; they are as it were the legal packaging of every day experiences such as receiving benefits, learning how to drive, building a house or paying taxes.

3. Administrative Contracts:

Administrative contracts are contracts where one of the parties is a public person. They are examined by the Administrative Court. Administrative contracts are qualified as such either by virtue of a specific legal attribution, or because they concern a public service or contain a highly unusual clause (clause exorbitant).

In order for a contract to be considered as an administrative one, it must fulfil the following conditions:

1. One of the parties thereto must be a public authority.
2. The administrative judicial authorities must have jurisdiction to look into such contracts.
3. It must be related to a public service or be classified by the law as an administrative contract.
4. It must include an “onerous” clause or condition from the public law.

Algerian law makes the distinction between contracts signed under private law and contracts signed under administrative law, the former is based on strict equality between the parties and on the fact that the parties are private persons. The latter is either signed between two public persons or between a public person and a private person.

Administrative law applies here and disputes stemming from the contract are referred to administrative courts. the administration party to an administrative contract with a private person has the possibility of inserting so-called one-sided or exorbitant clauses departing from ordinary law in other words clauses which reflect the pre-eminence of the administration with regard to individuals. A concession is an example of an administrative contract.

❖ **Questions about the lesson:**

1. Translating words into Arabic:

ENGLISH		ENGLISH	
Hierarchical administrative recourse	التظلم الرئاسي	Pecuniary penalty	عقوبة الغرامة
Regulatory act	قرار تنظيمي	Contract of public works	عقود الأشغال العامة
Individual act	قرار فردي	Supply contract	عقد توريد
Gievnance committee	لجنة التظلم	Service contract	عقد خدمات
Contractual clauses	الشروط التعاقدية	City planning	التخطيط العمراني
Abusive resolution	الفسخ التعسفي	Legitimacy principle	مبدأ المشروعية

2. Read each statement carefully and write True (T) or False (F).

1. Administrative law is a branch of private law.
2. Administrative decisions have no legal effect on citizens.
3. A contract can be administrative even if no public authority is a party.
4. Administrative courts have jurisdiction over disputes arising from administrative contracts.
5. A concession is an example of an administrative contract.

3. Choose the Correct Answer :

1. Administrative law deals with the decision-making of..... .
 - a) private companies
 - b) administrative units of government
 - c) international organizations
2. Administrative decisions are considered..... .
 - a) juristic acts
 - b) political speeches
 - c) criminal sanctions

3. A contract is administrative when one of the parties is
 - a) a private person only
 - b) a public authority
 - c) a foreign company
4. A contract may be classified as administrative if it relates to
 - a) entertainment
 - b) a public service
 - c) personal hobby

4. Answer the following questions from the lesson:

1. What does administrative law mainly deal with?
2. Who gives administrative agencies the power to enforce statutes?
3. What is meant by “administrative decisions”?
4. Give two examples of situations in which citizens deal with administrative decisions.
5. What is a distinctive feature of administrative contracts?

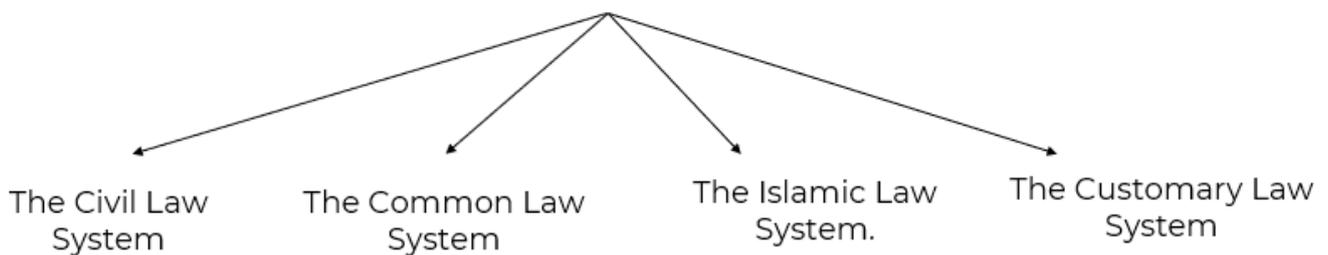
Comparative Legal Systems

➤ Lecture Three:

Nowadays, the existing legal systems of the world are:

- a) The Civil Law System.
- b) The Common Law System.
- c) The Islamic Law System.
- d) The Customary Law System.

Major Legal Systems in the Contemporary World



1. The Civil Law System:

The civil law system is the oldest system in the world and the most influential on the other law systems. It finds its roots in the Roman law, which was the product of a brilliant civilization extending from the Mediterranean to the North Sea and from Byzantium to Britannia. The civil law system is characterized by the compilation of legal principles into scientifically arranged codes issued by the legislative authority. In such a system, the role of the courts is limited, theoretically at least, to apply the law provisions as embodied in the codes, whenever they are presented with a case by the opposing parties. France is considered as the cradle of the civil law system. The countries, which apply the civil legal system, include the countries of continental Europe, countries of Latin America and those of the Middle East, such as Turkey, Jordan and Lebanon.

2. The Common Law System:

England is the birthplace of common law system. The main feature of English law is that it is largely case law or, more precisely, a Judge-made law. That is, the bulk of the common law and equity has not been enacted by the parliament, but has been developed through the centuries by the judge applying established or customary rules of law to new situations and cases as they arise.

Unlike the position in civil law countries, the major part of the common law is the product of judges. It is case law. i.e. a Judge-made law. In other words, judicial precedents constitute

a separate source of law and have an independent authority of their own in common law countries, whilst they are considered as evidence of what the law is in civil law countries.

It is worth mentioning, here. That the common law system is found today in almost all the English-speaking countries. From the British isles. Where it originated. The common law system was transferred by British settlers to their settlements in the United States of America, Australia, Canada, New Zealand, Pakistan, India, Nigeria and South Africa.

3. The Islamic Law System:

Islamic law is called Sharia, which is a derivative of an Arabic root word "Track", "road" or "path" and means that this law constitutes a divinely ordained path of conduct that guides the Muslim towards the fulfilment of his, or her, religious conviction in the life and reward from his or her Creator in the life hereafter. The rules of Sharia not only cover religious rhetoric worships and practices, e.g. prayer and fasting, and matters of family law, e.g. marriage, divorce, etc. but also they cover legal transactions and areas of civil law, [commercial law, estate law, criminal law, constitutional law, international law...], e.g. the validity of contracts, the principles of property law, etc. In some Islamic States, such Saudi Arabia and Iran, Sharia actually makes up mostly the whole part of the legal system of the State. And the vast majority of Muslims are still governed by Islamic law in family matters.

4. Customary law System:

refers to a legal system based on the customs, traditions, and practices of a particular community or society.

These rules are usually not written but are accepted by the people as binding and are enforced by community leaders or elders.

❖ Questions about the lesson:

1. Translating words into Arabic:

ENGLISH		ENGLISH		ENGLISH	
Holy Quran	القرآن الكريم	<i>The Hanafi</i>	الحنفي	Secular	علماني
<i>Sunna</i>	السنة النبوية	<i>The Hanbali</i>	الحنبلي	Atheist	ملاحد
Consensus (<i>El-Ijmaa</i>)	الإجماع	<i>The Shafi'i</i>	الشافعي	Canon law	القانون الكنسي
Analogy (<i>El-Qiyaas</i>)	القياس	<i>The Maliki</i>	المالكي	Positive law	القانون الوضعي

2. Read each statement carefully and write True (T) or False (F).

1. The civil law system originated from Roman law.
2. The civil law system is applied only in Europe.
3. Common law is also known as judge-made law.
4. The common law system exists only in England.

3. Choose the Correct Answer .

1. The main source of law in the common law system is:
 - a) Parliament
 - b) Judges
 - c) The King
 - d) Citizens
2. The term “case law” means:
 - a) Laws written in a code
 - b) Laws created by judges through court decisions
 - c) Laws made by the parliament
 - d) International law
3. The term “*Shari’a*” originally means:
 - a) Justice
 - b) Path or road
 - c) Rule
 - d) Religion
4. Shari’a includes rules related to:
 - a) Only worship
 - b) Only civil law
 - c) Both worship and civil law
 - d) Only property law.

International Relations Law

➤ Lecture Four:

1. Definition of International Law:

International law the system of law regulating the interrelationship of sovereign States and their rights and duties with regard to one another. In addition, certain international organizations (such as the United Nations), companies, and sometimes individuals (e.g in the sphere of Human rights) may have rights or duties under international law.

International law deals with such matters as the formation and recognition of States. Acquisition of territory, war, the law of the sea and the space, treaties, treatment of aliens, Human rights, international crimes, diplomatic relations, and judicial settlement of disputes.

2. Sources of International Law:

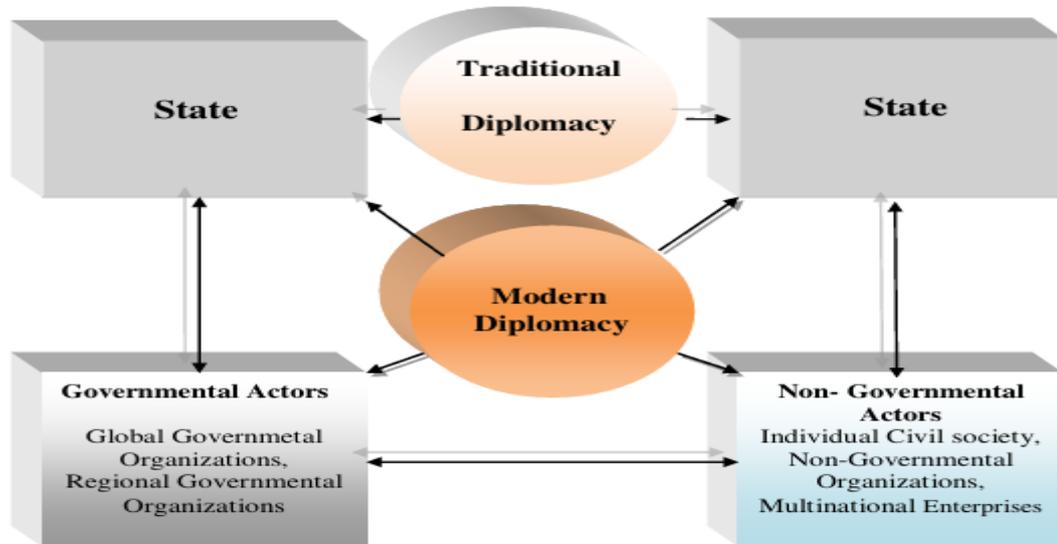
The usual sources of international law are: I. Conventions and treaties; II. International custom, in so far as this is evidence of a general practice of behaviour accepted as legally binding; III. The general principles of law recognized by civilized Nations; IV. Judicial decisions and the teachings of the most high qualify Publicists.

3. Diplomatic Relations:

In its simplest sense diplomacy comprises any means by which States establish or maintain mutual relations, communicate with each other, or carry out political or legal transactions, in each case through their authorized agents. Diplomacy in this sense may exist between States in a state of war or armed conflict with each other, but the concept relates to communication, whether with friendly or hostile purpose, rather than the material forms of economic and military conflict. Normally, diplomacy involves the exchange of permanent diplomatic missions, and similar permanent, or at least regular, representation is necessary for States to give substance to their membership of the United Nations and other major intergovernmental organisations. Then there are the categories of special missions or ad hoc diplomacy, and the representation of states at ad hoc conferences.

- **Vienna Convention on Diplomatic Relations (1961)**

The States Parties to the present convention, Recalling that Peoples of all Nations from ancient times have recognized the status of diplomatic agents.



➤ The diagram shows the shift from traditional diplomacy to modern diplomacy. Traditional diplomacy is limited to state-to-state relations conducted through official government channels. In contrast, modern diplomacy involves multiple actors, including states, governmental organizations, non-governmental organizations, civil society, and multinational companies. This indicates that diplomacy today is more open, interconnected, and complex, reflecting the impact of globalization and the growing role of non-state actors in international relations.

❖ **Questions about the lesson:**

1. Translating words into Arabic:

English		English		English	
Borders	الحدود	Territorial integrity	السلامة الترابية/ الإقليمية	Privileges	الامتيازات
Ratification	التصديق	Friendly relations	العلاقات الودية	Immunities	الحصانات
Foreign policy	السياسة الخارجية	Self determination right	حق تقرير المصير	Embassy	السفارة
Reservations	التحفظات	Disarmament	نزع السلاح	Consulate	القنصلية

2. Read each statement carefully and write True (T) or False (F).

1. International law regulates the relations between sovereign states only.

2. Human rights issues fall under the scope of international law.
3. International custom is considered a source of international law.
4. Diplomacy can take place even between States that are at war.

3. Choose the Correct Answer :

1. International law regulates the interrelationship of:
 - a) Private companies
 - b) Sovereign States
 - c) Schools and universities
2. Which of the following is not usually a source of international law?
 - a) Treaties
 - b) International custom
 - c) Domestic traffic law
3. Diplomacy mainly involves:
 - a) Military conflict
 - b) Economic sanctions
 - c) Communication between states through authorized agents.

4. Answer the following questions from the lesson:

1. What does international law govern?
2. What does diplomacy allow states to do?
3. Which international document codifies diplomatic rules?

Civil Service Law

Lecture Five :

1. The Notion of Civil Servant:

A civil servant or public servant is a person in the public sector employed for a government department or agency. The extent of civil servants of a state as part of the "civil service" varies from country to country. Civil servants work in a variety of fields such as teaching, sanitation, health care, management, and administration for the federal, state, or local government. Legislatures establish basic prerequisites for employment such as compliance with minimal age and educational requirements and residency laws. The civil service is comprised of officials of the State, of the public institutions and administrations, and of the local authorities. Magistrates and military personnel are governed by independent statutes.

2. Civil Servant Rights:

Employees enjoy job security, promotion and educational opportunities, comprehensive medical insurance coverage, and pension and other benefits often not provided in comparable positions in private employment.

3. Civil Servant Duties:

A civil servants have duties; failure to carry them out may result in disciplinary action, up to discharge. The main duties are:

3.1. **Full commitment to professional activity:** A civil servant should devote his full professional activity to his appointed task.

3.2. **Morality:** One cannot be a civil servant if one has been convicted of a crime incompatible with one's functions.

3.3. **Reserve:** A civil servant should not, by his actions and especially by his declarations, cause harm to institutions.

3.4. **Hierarchical obedience:** A civil servant must accomplish the orders given by his hierarchical supervisor, unless those orders are evidently illegal and contrary to public interest.

3.5. **Professional discretion:** A civil servants must not reveal private or secret information that they have gained in the course of their duties.

3.6. **Honesty:** A civil servants must not use the means at their professional disposal for private gain.

3.7. **Neutrality:** A civil servant must be neutral with respect to the religious or political opinions, origin, or sex, and should refrain from expressing their own opinions.

1. Translating words into Arabic:

ENGLISH		ENGLISH	
Labor law	قانون العمل	Fixed-term contracts	عقود محددة المدة
Recruitment by qualifications	التوظيف على أساس المؤهلات	Permanent job	عمل دائم
Recruitment by competition	التوظيف على أساس المسابقة	Promotion	الترقية
Training	التدريب/ التربص	Retirement	التقاعد
Wage	الأجر	Disciplinary penalties	عقوبات تأديبية
Salary	الراتب	Maternity leave	عطلة أمومة
Remuneration / Bonus	العلاوة/ المكافأة	Resignation	استقالة
Sick leave	إجازة/ عطلة مرضية	Appeals committees	لجان الطعن

2. Answer the following questions from the lesson:

1. What are two main rights of civil servants?
Answer: Civil servants have the right to job security and medical insurance coverage.
2. What is the duty of hierarchical obedience?
Answer: It means that a civil servant must follow the orders of their supervisor unless the orders are illegal or against public interest.
3. Why must civil servants maintain professional discretion?
Answer: Because they must not reveal secret or private information gained during their work.

Environmental Law

➤ Lecture Six :

1. Environmental Law:

Environmental law is a broad category of laws that include laws that specifically address environmental issues and more general laws that have a direct impact on environmental issues. The definition of what constitutes an environmental law is as wide as the definition of environment itself.

1.1. Definition of Environmental Law:

Environmental law can be generally defined as the body of law that contains elements to control (treaties, legislations, regulations, policies...) the Human impact on the Earth and on public health. Environmental law can be divided into two major categories namely, international environmental law and national environmental law.

1.2. Environmental Law Categories:

International environmental law is a law developed between sovereign states to develop standards at the international level and provide obligations for states including regulating their behaviour in international relations in environmental related matters. National environmental law on the other hand applies within a State and regulates the relations of citizens among each other and with the executive within the state. International law can find its application in national law when a state takes measures to implement its international obligations through enactment and enforcement of national legislation.



4. Answer the following questions from the lesson:

1. What are the two major categories of environmental law?

Answer: International environmental law and national environmental law.

2. What does international environmental law regulate?

Answer: It regulates the behavior of states in environmental matters at the international level.

3. What is the purpose of national environmental law?

Answer: It applies within the state and regulates relations between citizens and the executive authority.

4. Why is environmental law important?

Answer: Because it protects the environment, ensures public health, and promotes cooperation between states.

International Humanitarian Law (IHL)

➤ Lecture Seven :

1.The notion of IHL:

International Humanitarian law is a set rules which seek, for Humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare. International Humanitarian law is also known as the law of war or law of armed conflict. International Humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States- treaties or conventions-, in customary rules, which consist of States practise considered by them as legally binding, and in general principles.

2.The history of IHL:

International Humanitarian law is rooted in the rules of ancient civilizations and religions- warfare has always been subject to certain principles and customs. Universal codification of international Humanitarian law began in the nineteenth century. Since then, States have agreed to a series of practical rules, based on the bitter experience of modern warfare. These rules strike a careful balance between Humanitarian concerns and the military requirements of States.

3. The codification of IHL:

A major part of international Humanitarian law is contained in the four Geneva conventions of 1949. Nearly every State in the world has agreed to be bound by them. The conventions have been developed and supplemented by two further agreements: the additional protocols of 1977 relating to the protection of victims of armed conflicts. Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods. The Geneva conventions are supplemented by an extensive body of customary international law, which together give rise to a series of important principles relating to the protection of persons not directly participating in an armed conflict. These principles include the distinction between combatants and non-combatants, the prohibition on indiscriminate attacks, the requirement for proportionality in attacks, the respect and protection to be afforded to prisoners of war, and the prohibition of torture, medical experimentation and neglect endangering health.

Corruption Crimes by Employees

1. The Concept of Corruption Crimes by Employees:

are illegal acts committed by an employee to obtain a personal benefit or an unlawful advantage at the expense of public interest or the interests of the organization. These crimes undermine integrity, transparency, and trust in the workplace.

2. Main Types of Corruption Crimes by Employees:

1. **Bribery** :Occurs when an employee requests or accepts money, gifts, or other benefits in exchange for performing or refraining from performing a duty related to their job.
2. **Receiving Illegal Gifts** :Accepting gifts or benefits intended to influence the employee's decisions. Gifts are illegal if they are related to the position or affect the employee's impartiality.
3. **Abuse of Office / Breach of Trust** :When an employee uses their position or authority to obtain an unlawful benefit for themselves or others, or to harm the organization.
4. **Influence Peddling** :When an employee claims to have influence over a decision-maker in order to obtain a personal benefit, even if the influence is not real

3. Legal Consequences of Corruption Crimes:

- Criminal penalties (imprisonment, fines)
- Civil liability (compensation for damages)
- Disciplinary sanctions (warning, suspension, dismissal)
- Loss of professional reputation.

❖ Questions about the lesson:

1. Translating words into Arabic:

English		English		English	
<i>Jus in bello</i>	قانون الحرب	Medical supplies	مساعدات طبية	Neutral	محايد
Migration	الهجرة	Humanitarian aid	مساعدات إنسانية	Hostages	رهائن
Refugees	اللاجئين	Chemical weapons	أسلحة كيميائية	Soldiers	جنود عسكريين
Red crescent	الهلال الأحمر	Biological weapons	أسلحة بيولوجية	Mercenaries	المرتزقة
Red cross	الصليب الأحمر	Anti-personnel mines	الغام مضادة للأفراد	<i>Adhoc</i> tribunals	محاكم خاصة

2. Read each statement carefully and write True (T) or False (F).

1. Bribery occurs when an employee accepts money in exchange for performing a duty.
2. Receiving gifts is always legal, no matter the situation.
3. Influence peddling requires the employee to have real influence over the decision-maker.
4. Employees who commit corruption crimes can face criminal penalties, civil liability, and disciplinary sanctions.
5. Only public employees can commit bribery.

3. Choose the Correct Answer :

1. **What is bribery?**
 - a) Accepting a gift from a friend for personal reasons
 - b) Requesting or accepting money or benefits in exchange for performing or refraining from a duty
 - c) Following company policies strictly
 - d) Working overtime without pay
2. **what is abuse of office (breach of trust)?**
 - a) Using one's position to gain personal benefits or harm the organization
 - b) Completing tasks on time
 - c) Attending meetings regularly
 - d) Ignoring company rules
3. **what is influence peddling?**
 - a) Claiming to have influence over a decision-maker to gain personal benefits

- b) Following workplace safety rules
 - c) Reporting corruption to authorities
 - d) Delegating work to colleagues
4. **which of the following is NOT a possible consequence of corruption crimes by employees?**
- a) Criminal penalties (fines, imprisonment)
 - b) Civil liability (compensation for damages)
 - c) Disciplinary sanctions (warning, suspension, dismissal)
 - d) Guaranteed promotion

4. Questions:

1. What is meant by International Humanitarian Law (IHL)?
Answer :International Humanitarian Law is a set of international rules which aim, for humanitarian reasons, to limit the effects of armed conflicts by protecting persons who do not take part, or who are no longer taking part, in hostilities, and by restricting the means and methods of warfare.
2. Why is International Humanitarian Law also called the law of war?
Answer :Because it applies during armed conflicts and regulates the conduct of hostilities, it is also known as the law of war or the law of armed conflict.
3. Who are the persons protected under International Humanitarian Law?
Answer :IHL protects civilians, the wounded and sick, prisoners of war, and all persons who are not, or are no longer, participating directly in hostilities.
4. What does International Humanitarian Law restrict during armed conflicts?
Answer :It restricts the means and methods of warfare and prohibits weapons and tactics that cause unnecessary suffering.
5. What are the main sources of International Law?
Answer :The main sources are international treaties and conventions, customary international law, and general principles of law recognized by States.