**Uncodified constitutions**

*An uncodified constitution* is a type of constitution where the fundamental rules often take the form of customs, usage, precedent and a variety of statutes and legal instruments. An understanding of the constitution is obtained through reading commentary by the judiciary, government committees or legal experts. In such a constitutional system, all these elements may be (or may not be) recognized by courts, legislators and the bureaucracy as binding upon government and limiting its powers. Such a framework is sometimes imprecisely called an "unwritten constitution"; however, all the elements of an uncodified constitution are typically written down in a variety of official documents, though not codified in a single document.

An uncodified constitution has the advantages of elasticity, adaptability and resilience. A significant disadvantage, however, is that controversies may arise due to different understandings of the usages and customs which form the fundamental provisions of the constitution.

A new condition or situation of government may be resolved by precedent or passing legislation. Unlike a codified constitution, there are no special procedures for making a constitutional law and it will not be inherently superior to other legislation. A country with an uncodified constitution lacks a specific moment where the principles of its government were deliberately decided. Instead, these are allowed to evolve according to the political and social forces arising throughout its history.

When viewed as a whole system, the difference between a codified and uncodified constitution is one of degree. Any codified constitution will be overlaid with supplementary legislation and customary practice after a period of time.

One of the examples of uncodified constitutions is the Constitution of the UK.

United Kingdom: there is no defining document that can be termed "the constitution". Because the political system evolved over time, rather than being changed suddenly in an event such as a revolution, it is continuously being defined by acts of Parliament and decisions of the Law Courts (see Constitution of the United Kingdom). The closest the UK has come to a constitutional code has been the Treaty of Union 1707, but this tends only to be subject to legal and academic scrutiny in Scotland, and has not received comparable attention in England and Wales. Due to the United Kingdom having an uncodified constitution it has meant that many acts have been added to the collection of constitutional statutes, e.g. The Freedom of Information Act 2000 and the Human Rights Act 1998.

**Intellectual property**

Intellectual property (or "IP") is a category of property that includes intangible creations of the human intellect, and primarily encompasses copyrights, patents, and trademarks. It also includes other types of rights, such as trade secrets, publicity rights, moral rights, and rights against unfair competition. Artistic works like music and literature, as well as some discoveries, inventions, words, phrases, symbols, and designs can all be protected as intellectual property

The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods. To achieve this, the law gives people and businesses property rights to the information and intellectual goods they create, usually for a limited period of time. Because they can earn profit from them, this gives economic incentive for their creation.

The intangible nature of intellectual property presents difficulties when compared with traditional property like land or goods. Unlike traditional property, intellectual property is indivisible – an unlimited number of people can "consume" an intellectual good without it being depleted. Additionally, investments in intellectual goods suffer from problems of appropriation – a landowner can surround their land with a robust fence and hire armed guards to protect it, but a producer of information or an intellectual good can usually do very little to stop their first buyer from replicating it and selling it at a lower price.

*Intellectual property rights*

*A patent* is a form of right granted by the government to an inventor, giving the owner the right to exclude others from making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention.

*A copyright* gives the creator of an original work exclusive rights to it, usually for a limited time. Copyright may apply to a wide range of creative, intellectual, or artistic forms, or "works". Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed.

*A trademark* is a recognizable sign, design or expression which distinguishes products or services of a particular trader from the similar products or services of other traders.

*A trade secret* is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors and customers. There is no formal government protection granted; each business must take measures to guard its own trade secrets (e.g., Formula of its soft drinks is a trade secret for Coca-Cola.)

**Property Law**

Property law governs ownership and possession. Real property, sometimes called 'real estate', refers to ownership of land and things attached to it. Personal property, refers to everything else; movable objects, such as computers, cars, jewelry or intangible rights, such as stocks and shares. A right *in rem* is a right to a specific piece of property, contrasting to a right in personam which allows compensation for a loss, but not a particular thing back. Land law forms the basis for most kinds of property law, and is the most complex. It concerns mortgages, rental agreements, licences, covenants, easements and the statutory systems for land registration. Regulations on the use of personal property fall under intellectual property, company law, trusts and commercial law. An example of a basic case of most property law is *Armory v Delamirie*. A chimney sweep's boy found a jewel encrusted with precious stones. He took it to a goldsmith to have it valued. The goldsmith's apprentice looked at it, sneakily removed the stones, told the boy it was worth three halfpence and that he would buy it. The boy said he would prefer the jewel back, so the apprentice gave it to him, but without the stones. The boy sued the goldsmith for his apprentice's attempt to cheat him. Lord Chief Justice Pratt ruled that even though the boy could not be said to own the jewel, he should be considered the rightful keeper ("finders keepers") until the original owner is found. In fact the apprentice and the boy both had a right of *possession* in the jewel (a technical concept, meaning evidence that something *could* belong to someone), but the boy's possessory interest was considered better, because it could be shown to be first in time. Possession may be nine tenths of the law, but not all.

This case is used to support the view of property in common law jurisdictions, that the person who can show the best claim to a piece of property, against any contesting party, is the owner. By contrast, the classic civil law approach to property, propounded by Friedrich Carl von Savigny, is that it is a right good against the world. Obligations, like contracts and torts, are conceptualised as rights good between individuals. The idea of property raises many further philosophical and political issues. Locke argued that our "lives, liberties and estates" are our property because we own our bodies and mix our labour with our surroundings.

**Labour Law**

*Labour law* mediates the relationship between workers, employing entities, trade unions and the government. Collective labour law relates to the tripartite relationship between employee, employer and union. Individual labour law concerns employees' rights at work and through the contract for work. Employment standards are social norms (in some cases also technical standards) for the minimum socially acceptable conditions under which employees or contractors are allowed to work. Government agencies (such as the former US Employment Standards Administration) enforce labour law (legislative, regulatory, or judicial).

*Employment terms*

The basic feature of labour law in almost every country is that the rights and obligations of the worker and the employer are mediated through a contract of employment between the two. This has been the case since the collapse of feudalism. Many contract terms and conditions are covered by legislation or common law. In the US for example, the majority of state laws allow for employment to be "at will", meaning the employer can terminate an employee from a position for any reason, so long as the reason is not explicitly prohibited, and, conversely, an employee may quit at any time, for any reason (or for no reason), and is not required to give notice.

One example of employment terms in many countries is the duty to provide written particulars of employment with the *essentialia negotii* (Latin for "essential terms") to an employee. This aims to allow the employee to know concretely what to expect and what is expected. It covers items including compensation, holiday and illness rights, notice in the event of dismissal and job description.

The contract is subject to various legal provisions. An employer may not legally offer a contract that pays the worker less than a minimum wage. An employee may not agree to a contract that allows an employer to dismiss them for illegal reasons.

*Trade Unions*

Trade unions are organized groups of workers who engage in collective bargaining with employers. Some countries require unions and/or employers to follow particular procedures in pursuit of their goals. For example, some countries require that unions poll the membership to approve a strike or to approve using members' dues for political projects. Laws may govern the circumstances and procedures under which unions are formed. They may guarantee the right to join a union (banning employer discrimination), or remain silent in this respect. Some legal codes allow unions to obligate their members, such as the requirement to comply with a majority decision in a strike vote. Some restrict this, such as "right to work" legislation in parts of the United States.

**Bureaucracy**

Bureaucracy (/bjuːˈrɒkrəsi/) refers to both a body of non-elective government officials and an administrative policy-making group. Historically, a bureaucracy was a government administration managed by departments staffed with non-elected officials. Today, bureaucracy is the administrative system governing any large institution, whether publicly owned or privately owned. The public administration in many countries is an example of a bureaucracy, but so is the centralized hierarchical structure of a business firm.

Since being coined, the word bureaucracy has developed negative connotations. Bureaucracies have been criticized as being inefficient, convoluted, or too inflexible to individuals. The dehumanizing effects of excessive bureaucracy became a major theme in the work of German-language writer Franz Kafka and are central to his novels The Trial and The Castle. The elimination of unnecessary bureaucracy is a key concept in modern managerial theory and has been an issue in some political campaigns.

Others have noted the necessity of bureaucracies in modern life. The German sociologist Max Weber argued that bureaucracy constitutes the most efficient and rational way in which one can organize the human activity and that systematic processes and organized hierarchies are necessary to maintain order, maximize efficiency, and eliminate favoritism. On the other hand, Weber also saw unfettered bureaucracy as a threat to individual freedom, with the potential of trapping individuals in an impersonal "iron cage" of rule-based, rational control.

*Theories*

***Karl Marx*** theorized about the role and function of bureaucracy in his *Critique* of Hegel's *Philosophy of Right*, published in 1843. In *Philosophy of Right*, Hegel had supported the role of specialized officials in public administration, although he never used the term "bureaucracy" himself. Marx, by contrast, was opposed to bureaucracy. Marx posited that while corporate and government bureaucracy seem to operate in opposition, in actuality they mutually rely on one another to exist. He wrote that "The Corporation is civil society's attempt to become state; but the bureaucracy is the state which has really made itself into civil society."

Writing in the early 1860s, political scientist ***John Stuart Mill*** theorized that successful monarchies were essentially bureaucracies, and found evidence of their existence in Imperial China, the Russian Empire, and the regimes of Europe. Mill referred to bureaucracy as a distinct form of government, separate from representative democracy. He believed bureaucracies had certain advantages, most importantly the accumulation of experience in those who actually conduct the affairs. Nevertheless, he believed this form of governance compared poorly to representative government, as it relied on appointment rather than direct election. Mill wrote that ultimately the bureaucracy stifles the mind, and that "a bureaucracy always tends to become a pedantocracy."

**Legal Institutions**

The main institutions of law in industrialised countries are independent courts, representative parliaments, an accountable executive, the military and police, bureaucratic organisation, the legal profession and civil society itself. John Locke, in his *Two Treatises of Government*, and Baron de Montesquieu in *The Spirit of the Laws*, advocated for a separation of powers between the political, legislature and executive bodies. Their principle was that no person should be able to usurp all powers of the state, in contrast to the absolutist theory of Thomas Hobbes' *Leviathan*.

Max Weber and others reshaped thinking on the extension of state. Modern military, policing and bureaucratic power over ordinary citizens' daily lives pose special problems for accountability that earlier writers such as Locke or Montesquieu could not have foreseen. The custom and practice of the legal profession is an important part of people's access to justice, whilst civil society is a term used to refer to the social institutions, communities and partnerships that form law's political basis.

*Military and police*

While military organisations have existed as long as government itself, the idea of a standing police force is a relatively modern concept. For example, Medieval England's system of traveling criminal courts, or assizes, used show trials and public executions to instill communities with fear to maintain control. The first modern police were probably those in 17th-century Paris, in the court of Louis XIV, although the Paris Prefecture of Police claim they were the world's first uniformed policemen.

Max Weber famously argued that the state is that which controls the monopoly on the legitimate use of force. The military and police carry out enforcement at the request of the government or the courts. The term failed state refers to states that cannot implement or enforce policies; their police and military no longer control security and order and society moves into anarchy, the absence of government.

**Legal Instruments**

Legal instrument is a legal term of art that is used for any formally executed written document that can be formally attributed to its author, records and formally expresses a legally enforceable act, process, or contractual duty, obligation, or right, and therefore evidences that act, process, or agreement. Examples include a certificate, deed, bond, contract, will, legislative act, notarial act, court writ or process, or any law passed by a competent legislative body in municipal (domestic) or international law. Many legal instruments were written under seal by affixing a wax or paper seal to the document in evidence of its legal execution and authenticity (which often removed the need for consideration in contract law). However, today many jurisdictions have done away with the requirement of documents being under seal in order to give them legal effect.

*Electronic legal documents*

With the onset of the Internet and electronic equipment such as the personal computers and cell-phones, legal instruments or formal legal documents have undergone a progressive change of dematerialisation. In this electronic age, document authentication can now be verified digitally using various software. All documents needing authentication can be processed as digital documents with all the necessary information such as date and time stamp imbedded. To prevent tampering or unauthorized changes to the original document, encryption is used. In modern times, authentication is no longer limited to the type of paper used, the specialized seal, stamps, etc., as document authentication software helps secure the original context. The use of electronic legal documents is most prominent in the United States' courts. Most United States' courts prefer the filing of electronic legal documents over paper. However, there is not yet a public law to unify the different standards of document authentication. Therefore, one must know the court's requirement before filing court papers.

To address part of this concern, the United States Congress enacted the Electronic Signatures in Global and National Commerce Act in 2000 specifying that no court could thereafter fail to recognize a contract simply because it was digitally signed. Several states had already enacted laws on the subject of electronic legal documents and signatures before the U.S. Congress had acted, including Utah, Washington, and California to name only a few of the earliest. They vary considerably in intent, coverage, cryptographic understanding, and effect.

**A violent crime**

A violent crime or crime of violence is a crime in which an offender or perpetrator uses or threatens to use force upon a victim. This entails both crimes in which the violent act is the objective, such as murder or rape, as well as crimes in which violence is the means to an end. Violent crimes may, or may not, be committed with weapons. Depending on the jurisdiction, violent crimes may vary from homicide to harassment. Typically, violent criminals includes aircraft hijackers, bank robbers, muggers, burglars, terrorists, carjackers, rapists, kidnappers, torturers, active shooters, murderers, gangsters, drug cartels, and others.

The comparison of violent crime statistics between countries is usually problematic, due to the way different countries classify crime. Valid comparisons require that similar offences between jurisdictions be compared. Often this is not possible, because crime statistics aggregate equivalent offences in such different ways that make it difficult or impossible to obtain a valid comparison. Depending on the jurisdiction, violent crimes may include: homicide, murder, assault, manslaughter, sexual assault, rape, robbery, negligence, endangerment, kidnapping (abduction), extortion, and harassment. Different countries also have different systems of recording and reporting crimes.

*Europe*

Austria, Czech Republic, Finland, Germany, England, Latvia, Netherlands, Portugal, Greece and Sweden count minor violence like slapping another person as assault. An example is the case of Ilias Kasidiaris in 2012. Kasidaris, then spokesperson for Greece's far-right Golden Dawn party, slapped a left-wing female opponent in the face during a live televised debate. He was subsequently wanted by Greek prosecutors for assault and faced an arrest warrant.

France does not count minor violence like slapping somebody as assault.

The United Kingdom includes all violence against the person, sexual offences, as violent crime. Today violent crimes are considered the most heinous whereas historically, according to Simon Dedo, crimes against property were equally important. Rates of violent crime in the UK are recorded by the British Crime Survey. For the 2010/2011 report on crime in England and Wales, the statistics show that violent crime continues a general downward trend observed over the last few decades.

**Democracy**

*Democracy*, in modern usage, is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body, such as a parliament. Democracy is sometimes referred to as "rule of the majority". Democracy is a system of processing conflicts in which outcomes depend on what participants do, but no single force controls what occurs and its outcomes.

The uncertainty of outcomes is inherent in democracy, which makes all forces struggle repeatedly for the realization of their interests, being the devolution of power from a group of people to a set of rules. Western democracy, as distinct from that which existed in pre-modern societies, is generally considered to have originated in city states such as Classical Athens and the Roman Republic, where various schemes and degrees of enfranchisement of the free male population were observed before the form disappeared in the West at the beginning of late antiquity. The English word dates to the 16th century, from the older Middle French and Middle Latin equivalents.

According to political scientist Larry Diamond, democracy consists of four key elements: a political system for choosing and replacing the government through free and fair elections; the active participation of the people, as citizens, in politics and civic life; protection of the human rights of all citizens; a rule of law, in which the laws and procedures apply equally to all citizens.

The term appeared in the 5th century BC, to denote the political systems then existing in Greek city-states, notably Athens, to mean "rule of the people", in contrast to aristocracy (ἀριστοκρατία, aristokratía), meaning "rule of an elite". While theoretically these definitions are in opposition, in practice the distinction has been blurred historically. The political system of Classical Athens, for example, granted democratic citizenship to free men and excluded slaves and women from political participation. In virtually all democratic governments throughout ancient and modern history, democratic citizenship consisted of an elite class until full enfranchisement was won for all adult citizens in most modern democracies through the suffrage movements of the 19th and 20th centuries.

Democracy contrasts with forms of government where power is either held by an individual, as in an absolute monarchy, or where power is held by a small number of individuals, as in an oligarchy. Nevertheless, these oppositions, inherited from Greek philosophy, are now ambiguous because contemporary governments have mixed democratic, oligarchic, and monarchic elements. Karl Popper defined democracy in contrast to dictatorship or tyranny, thus focusing on opportunities for the people to control their leaders and to oust them without the need for a revolution.

**Contract**

*A contract* is a voluntary arrangement between two or more parties that is enforceable by law as a binding legal agreement. Contract is a branch of the law of obligations in jurisdictions of the civil law tradition. Contract law concerns the rights and duties that arise from agreements. Formalities and writing requirements for some contracts.

*Formalities and writing requirements for some contracts*

A contract is often evidenced in writing or by deed, the general rule is that a person who signs a contractual document will be bound by the terms in that document, this rule is referred to as the rule in L'Estrange v Graucob. This rule is approved by the High Court of Australia in Toll(FGCT) Pty Ltd v Alphapharm Pty Ltd. But a valid contract may (with some exceptions) be made orally or even by conduct. Remedies for breach of contract include damages (monetary compensation for loss) and, for serious breaches only, repudiation (i.e. cancellation). The equitable remedy of specific performance, enforceable through an injunction, may be available if damages are insufficient.

Typically, contracts are oral or written, but written contracts have typically been preferred in common law legal systems; in 1677 England passed the Statute of Frauds which influenced similar statute of frauds laws in the United States and other countries such as Australia. In general, the Uniform Commercial Code as adopted in the United States requires a written contract for tangible product sales in excess of $500, and real estate contracts are required to be written. If the contract is not required by law to be written, an oral contract is valid and therefore legally binding. The United Kingdom has since replaced the original Statute of Frauds, but written contracts are still required for various circumstances such as land (through the Law of Property Act 1925).

An oral contract may also be called a parol contract or a verbal contract, with "verbal" meaning "spoken" rather than "in words", an established usage in British English with regards to contracts and agreements, and common although somewhat deprecated as "loose" in American English.

If a contract is in a written form, and somebody signs it, then the signer is typically bound by its terms regardless of whether they have actually read it provided the document is contractual in nature. However, affirmative defenses such as duress or unconscionability may enable the signer to avoid the obligation. Further, reasonable notice of a contract's terms must be given to the other party prior to their entry into the contract.

An unwritten, unspoken contract, also known as "a contract implied by the acts of the parties", which can be either an implied-in-fact contract or implied-in-law contract, may also be legally binding.