**International law**

International law is the set of rules generally regarded and accepted as binding in relations between states and between nations. It serves as a framework for the practice of stable and organized international relations. International law differs from state-based legal systems in that it is primarily applicable to countries rather than to private citizens. National law may become international law when treaties delegate national jurisdiction to supranational tribunals such as the European Court of Human Rights or the International Criminal Court. Treaties such as the Geneva Conventions may require national law to conform to respective parts.

Much of international law is consent-based governance. This means that a state member is not obliged to abide by this type of international law, unless it has expressly consented to a particular course of conduct. This is an issue of state sovereignty. However, other aspects of international law are not consent-based but still are obligatory upon state and non-state actors such as customary international law and peremptory norms.

*Courts and Enforcement*

Since international law has no established compulsory judicial system for the settlement of disputes or a coercive penal system, it is not as straightforward as managing breaches within a domestic legal system. However, there are means by which breaches are brought to the attention of the international community and some means for resolution. For example, there are judicial or quasi-judicial tribunals in international law in certain areas such as trade and human rights. The formation of the United Nations, for example, created a means for the world community to enforce international law upon members that violate its charter through the Security Council.

Since international law exists in a legal environment without an overarching "sovereign" (i.e., an external power able and willing to compel compliance with international norms), "enforcement" of international law is very different from in the domestic context. In many cases, enforcement takes on Coasian characteristics, where the norm is self-enforcing. In other cases, defection from the norm can pose a real risk, particularly if the international environment is changing. When this happens, and if enough states (or enough powerful states) continually ignore a particular aspect of international law, the norm may actually change according to concepts of customary international law. For example, prior to World War I, unrestricted submarine warfare was considered a violation of international law and ostensibly the casus belli for the United States' declaration of war against Germany. By World War II, however, the practice was so widespread that during the Nuremberg trials, the charges against German Admiral Karl Dönitz for ordering unrestricted submarine warfare were dropped, notwithstanding that the activity constituted a clear violation of the Second London Naval Treaty of 1936.

**International Relations**

Under article 38 of the Statute of the International Court of Justice, international law has three principal sources: international treaties, custom, and general principles of law. In addition, judicial decisions and teachings may be applied as "subsidiary means for the determination of rules of law".

International treaty law comprises obligations states expressly and voluntarily accept between themselves in treaties. Customary international law is derived from the consistent practice of States accompanied by opinio juris, i.e. the conviction of States that the consistent practice is required by a legal obligation. Judgments of international tribunals as well as scholarly works have traditionally been looked to as persuasive sources for custom in addition to direct evidence of state behavior. Attempts to codify customary international law picked up momentum after the Second World War with the formation of the International Law Commission (ILC), under the aegis of the United Nations. Codified customary law is made the binding interpretation of the underlying custom by agreement through treaty. For states not party to such treaties, the work of the ILC may still be accepted as custom applying to those states. General principles of law are those commonly recognized by the major legal systems of the world. Certain norms of international law achieve the binding force of peremptory norms (jus cogens) as to include all states with no permissible derogations.

*- Colombia v Perú* [1950] ICJ 6, recognising custom as a source of international law, but a practice of giving asylum was not part of it.

*- Belgium v Spain* [1970] ICJ 1, only the state where a corporation is incorporated (not where its major shareholders reside) has standing to bring an action for damages for economic loss.

International law is sourced from decision makers and researchers looking to verify the substantive legal rule governing a legal dispute or academic discourse. The sources of international law applied by the community of nations to find the content of international law are listed under Article 38.1 of the Statute of the International Court of Justice: Treaties, customs, and general principles are stated as the three primary sources; and judicial decisions and scholarly writings are expressly designated as the subsidiary sources of international law. Many scholars agree that the fact that the sources are arranged sequentially in the Article 38 of the ICJ Statute suggests an implicit hierarchy of sources. However, there is no concrete evidence, in the decisions of the international courts and tribunals, to support such strict hierarchy, at least when it is about choosing international customs and treaties. In addition, unlike the Article 21 of the Rome Statute of the International Criminal Court, which clearly defines hierarchy of applicable law (or sources of international law), the language of the Article 38 do not explicitly support hierarchy of sources.

**Criminal law**

Criminal law, also known as penal law, pertains to crimes and punishment. It thus regulates the definition of and penalties for offences found to have a sufficiently deleterious social impact but, in itself, makes no moral judgment on an offender nor imposes restrictions on society that physically prevent people from committing a crime in the first place. Investigating, apprehending, charging, and trying suspected offenders is regulated by the law of criminal procedure. The paradigm case of a crime lies in the proof, beyond reasonable doubt, that a person is guilty of two things. First, the accused must commit an act which is deemed by society to be criminal, or actus reus (guilty act). Second, the accused must have the requisite malicious intent to do a criminal act, or mens rea (guilty mind). However, for so called "strict liability" crimes, an actus reus is enough. Criminal systems of the civil law tradition distinguish between intention in the broad sense (dolus directus and dolus eventualis), and negligence. Negligence does not carry criminal responsibility unless a particular crime provides for its punishment.

Examples of crimes include murder, assault, fraud and theft. In exceptional circumstances defenses can apply to specific acts, such as killing in self defense, or pleading insanity. Another example is in the 19th-century English case of R v Dudley and Stephens, which tested a defense of "necessity". The Mignonette, sailing from Southampton to Sydney, sank. Three crew members and Richard Parker, a 17-year-old cabin boy, were stranded on a raft. They were starving and the cabin boy was close to death. Driven to extreme hunger, the crew killed and ate the cabin boy. The crew survived and were rescued, but put on trial for murder. They argued it was necessary to kill the cabin boy to preserve their own lives. Lord Coleridge, expressing immense disapproval, ruled, "to preserve one's life is generally speaking a duty, but it may be the plainest and the highest duty to sacrifice it." The men were sentenced to hang, but public opinion was overwhelmingly supportive of the crew's right to preserve their own lives. In the end, the Crown commuted their sentences to six months in jail.

Criminal law offences are viewed as offences against not just individual victims, but the community as well. The state, usually with the help of police, takes the lead in prosecution, which is why in common law countries cases are cited as "The People v ..." or "R (for Rex or Regina) v ...". Also, lay juries are often used to determine the guilt of defendants on points of fact: juries cannot change legal rules. Some developed countries still condone capital punishment for criminal activity, but the normal punishment for a crime will be imprisonment, fines, state supervision (such as probation), or community service. Modern criminal law has been affected considerably by the social sciences, especially with respect to sentencing, legal research, legislation, and rehabilitation. On the international field, 111 countries are members of the International Criminal Court, which was established to try people for crimes against humanity.

**Civil rights**

Civil and political rights are a class of rights that protect individuals' freedom from infringement by governments, social organizations, and private individuals. They ensure one's ability to participate in the civil and political life of the society and state without discrimination or repression.

Civil rights include the ensuring of peoples' physical and mental integrity, life, and safety; protection from discrimination on grounds such as race, gender, national origin, colour, age, political affiliation, ethnicity, religion, sexual orientation, gender identity, and disability; and individual rights such as privacy and the freedoms of thought, speech, religion, press, assembly, and movement.

Political rights include natural justice (procedural fairness) in law, such as the rights of the accused, including the right to a fair trial; due process; the right to seek redress or a legal remedy; and rights of participation in civil society and politics such as freedom of association, the right to assemble, the right to petition, the right of self-defense, and the right to vote.

Civil and political rights form the original and main part of international human rights. They comprise the first portion of the 1948 Universal Declaration of Human Rights (with economic, social, and cultural rights comprising the second portion). The theory of three generations of human rights considers this group of rights to be "first-generation rights", and the theory of negative and positive rights considers them to be generally negative rights.

*First-generation rights*

First-generation rights, often called "purple" rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature, as well as strongly individualistic: They serve negatively to protect the individual from excesses of the state. First-generation rights include, among other things, freedom of speech, the right to a fair trial, (in some countries) the right to keep and bear arms, freedom of religion and voting rights. They were pioneered in the United States by the Bill of Rights and in France by the Declaration of the Rights of Man and of the Citizen in the 18th century, although some of these rights and the right to due process date back to the Magna Carta of 1215 and the Rights of Englishmen, which were expressed in the English Bill of Rights in 1689.

They were enshrined at the global level and given status in international law first by Articles 3 to 21 of the 1948 Universal Declaration of Human Rights and later in the 1966 International Covenant on Civil and Political Rights. In Europe, they were enshrined in the European Convention on Human Rights in 1953.

The civil rights movement was a struggle struggle for social justice that took place mainly during the 1950s and 1960s for blacks to gain equal rights under the law in the United States. Edit two: In 1868, the 14th amendment to the constitution gave blacks equal protection under the law. In the 1960s, Americans who knew only the potential of "equal protection of the laws" expected the president, the Congress, and the courts to fulfill the promise of the 14th Amendment.

**A Lawyer**

A lawyer is a person who practices law, as an advocate (адвокат, защитник), barrister (судебный адвокат), attorney (прокурор), counselor (адвокат, судебный адвокат, юрисконсульт), solicitor (адвокат, правозаступник).

Working as a lawyer involves the practical application of abstract legal theories and knowledge to solve specific individualized problems, or to advance the interests of those who hire lawyers to perform legal services.

*Terminology*

In practice, legal jurisdictions exercise their right to determine who is recognized as being a lawyer. As a result, the meaning of the term "lawyer" may vary from place to place.

In Australia, the word "lawyer" is used to refer to both barristers and solicitors.

In Canada, the word "lawyer" only refers to individuals who have been called to the bar or, in Quebec, have qualified as civil law notaries. Common law lawyers in Canada are formally and properly called "barristers and solicitors", but should not be referred to as "attorneys", since that term has a different meaning in Canadian usage, being a person appointed under a power of attorney. However, in Quebec, civil law advocates (or avocats in French) often call themselves "attorney" and sometimes "barrister and solicitor" in English, and all lawyers in Quebec, or lawyers in the rest of Canada when practicing in French, are addressed with the honorific title, "Me." or "Maître".

In England and Wales, "lawyer" is used to refer to persons who provide reserved and unreserved legal activities and includes practitioners such as barristers, attorneys, solicitors, registered foreign lawyers, patent attorneys, trade mark attorneys, licensed conveyancers, public notaries, commissioners for oaths, immigration advisers and claims management services. The Legal Services Act 2007 defines the "legal activities" that may only be performed by a person who is entitled to do so pursuant to the Act. 'Lawyer' is not a protected title.

In India, the term "lawyer" is often colloquially used, but the official term is "advocate" as prescribed under the Advocates Act, 1961.

In Scotland, the word "lawyer" refers to a more specific group of legally trained people. It specifically includes advocates and solicitors. In a generic sense, it may also include judges and law-trained support staff.

In the United States, the term generally refers to attorneys who may practice law. It is never used to refer to patent agents or paralegals. In fact, there are regulatory restrictions on non-lawyers like paralegals practicing law.

Other nations tend to have comparable terms for the analogous concept.

**Civil law**

Civil law, civilian law, or Roman law is a legal system originating in Europe, intellectualized within the framework of late Roman law, and whose most prevalent feature is that its core principles are codified into a referable system which serves as the primary source of law. This can be contrasted with common law systems whose intellectual framework comes from judge-made decisional law which gives precedential authority to prior court decisions on the principle that it is unfair to treat similar facts differently on different occasions (doctrine of judicial precedent, or stare decisis).

Historically, a civil law is the group of legal ideas and systems ultimately derived from the Corpus Juris Civilis, but heavily overlaid by Napoleonic, Germanic, canonical, feudal, and local practices, as well as doctrinal strains such as natural law, codification, and legal positivism.

When discussing civil law, one should keep in mind the conceptual difference between a statute and a codal article. The most pronounced features of civil systems are their codes, with brief texts that typically avoid factually specific scenarios. The short articles in a civil law code deal in generalities and stand in contrast with statutory systems, which are often very long and very detailed.

The purpose of codification is to provide all citizens with manners and written collection of the laws which apply to them and which judges must follow. It is the most widespread system of law in the world, in force in various forms in about 150 countries. It draws heavily from Roman law, arguably the most intricate known legal system dating from before the modern era.

Where codes exist, the primary source of law is the law code, a systematic collection of interrelated articles, arranged by subject matter in some pre-specified order, that explain the principles of law, rights and entitlements, and how basic legal mechanisms work. Law codes are simply laws enacted by a legislature, even if they are in general much longer than other laws. Other major legal systems in the world include common law, Islamic law, Halakha, and canon law.

Civil law countries can be divided into:

- those where Roman law in some form is still living law but there has been no attempt to create a civil code: Andorra and San Marino;

- those with uncodified mixed systems in which civil law is an academic source of authority but common law is also influential: Scotland and the Roman-Dutch law countries (South Africa, Zimbabwe, Sri Lanka and Guyana);

- those with codified mixed systems in which civil law is the background law but has its public law heavily influenced by common law: Puerto Rico, Philippines, Quebec and Louisiana;

- those with comprehensive codes that exceed a single civil code, such as Spain, Italy, France, Germany, Greece, Japan, Mexico: it is this last category that is normally regarded as typical of civil law systems, and is discussed in the rest of this article.

**Legislation**

Legislation (or "statutory law") is law which has been promulgated (or "enacted") by a legislature or other governing body or the process of making it. Before an item of legislation becomes law it may be known as a bill, and may be broadly referred to as "legislation", while it remains under consideration to distinguish it from other business. Legislation can have many purposes: to regulate, to authorize, to outlaw, to provide (funds), to sanction, to grant, to declare or to restrict. It may be contrasted with a non-legislative act which is adopted by an executive or administrative body under the authority of a legislative act or for implementing a legislative act.

Under the Westminster system, an item of primary legislation is known as an Act of Parliament after enactment.

Legislation is usually proposed by a member of the legislature (e.g. a member of Congress or Parliament), or by the executive, whereupon it is debated by members of the legislature and is often amended before passage. Most large legislatures enact only a small fraction of the bills proposed in a given session. Whether a given bill will be proposed and is generally a matter of the legislative priorities of government.

Legislation is regarded as one of the three main functions of government, which are often distinguished under the doctrine of the separation of powers. Those who have the formal power to create legislation are known as legislators; a judicial branch of government will have the formal power to interpret legislation; the executive branch of government can act only within the powers and limits set by the law.

*Primary and Secondary Legislation*

In parliamentary systems and presidential systems of government, primary legislation and secondary legislation, the latter also called delegated legislation or subordinate legislation, are two forms of law, created respectively by the legislative and executive branches of government. Primary legislation generally consists of statutes, also known as "acts", that set out broad outlines and principles, but delegate specific authority to an executive branch to make more specific laws under the aegis of the principal act. The executive branch can then issue secondary legislation (mainly via its regulatory agencies), creating legally-enforceable regulations and the procedures for implementing them.

**Court**

A court is a tribunal, often as a government institution, with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law.

The term "the court" is also used to refer to the presiding officer or officials, usually one or more judges. The judge or panel of judges may also be collectively referred to as "the bench" (in contrast to attorneys and barristers, collectively referred to as "the bar"). In the United States, and other common law jurisdictions, the term "court" (in the case of U.S. federal courts) by law is used to describe the judge himself or herself.

In the United States, the legal authority of a court to take action is based on personal jurisdiction, subject-matter jurisdiction, and venue over the parties to the litigation.

*Trial and appellate courts*

Trial courts are courts that hold trials. Sometimes termed "courts of first instance", trial courts have varying original jurisdiction. Trial courts may conduct trials with juries as the finders of fact (these are known as jury trials) or trials in which judges act as both finders of fact and finders of law (in some jurisdictions these are known as bench trials). Juries are less common in court systems outside the Anglo-American common law tradition.

Appellate courts are courts that hear appeals of lower courts and trial courts.

Some courts, such as the Crown Court in England and Wales may have both trial and appellate jurisdictions.

*Civil law courts and common law courts*

The two major legal traditions of the western world are the civil law courts and the common law courts. These two great legal traditions are similar, in that they are products of western culture although there are significant differences between the two traditions. Civil law courts are profoundly based upon Roman Law, specifically a civil body of law entitled "Corpus iuris civilis". This theory of civil law was rediscovered around the end of the eleventh century and became a foundation for university legal education starting in Bologna, Spain and subsequently being taught throughout continental European Universities. Civil law is firmly ensconced in the French and German legal systems. Common law courts were established by English royal judges of the King's Council after the Norman Invasion of Britain in 1066. The royal judges created a body of law by combining local customs they were made aware of through traveling and visiting local jurisdictions. This common standard of law became known as "Common Law". This legal tradition is practiced in the English and American legal systems.

**Judicial system**

The judiciary (also known as the judicial system or court system) is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make statutory law (which is the responsibility of the legislature) or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. However, the judiciary does make common law, setting precedent for other courts to follow. This branch of the state is often tasked with ensuring equal justice under law.

In many jurisdictions the judicial branch has the power to change laws through the process of judicial review. Courts with judicial review power, may annul the laws and rules of the state when it finds them incompatible with a higher norm, such as primary legislation, the provisions of the constitution or international law. Judges constitute a critical force for interpretation and implementation of a constitution, thus de facto in common law countries creating the body of constitutional law. For a people to establish and keep the 'Rule of Law' as the operative norm in social constructs great care must be taken in the election or appointment of unbiased and thoughtful legal scholars whose loyalty to an oath of office is without reproach. If law is to govern and find acceptance generally courts must exercise fidelity to justice which means affording those subject to its jurisdictional scope the greatest presumption of inherent cultural relevance within this framework.

In the US during recent decades the judiciary became active in economic issues related with economic rights established by constitution because "economics may provide insight into questions that bear on the proper legal interpretation". Since many countries with transitional political and economic systems continue treating their constitutions as abstract legal documents disengaged from the economic policy of the state, practice of judicial review of economic acts of executive and legislative branches have begun to grow.

In the 1980s, the Supreme Court of India for almost a decade had been encouraging public interest litigation on behalf of the poor and oppressed by using a very broad interpretation of several articles of the Indian Constitution.

Budget of the judiciary in many transitional and developing countries is almost completely controlled by the executive. The latter undermines the separation of powers, as it creates a critical financial dependence of the judiciary. The proper national wealth distribution including the government spending on the judiciary is subject of the constitutional economics. It is important to distinguish between the two methods of corruption of the judiciary: the state (through budget planning and various privileges), and the private.

**Constitution**

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed. These rules together make up, i.e. constitute, what the entity is. When these principles are written down into a single document or set of legal documents, those documents may be said to embody a written constitution; if they are written down in a single comprehensive document, it is said to embody a codified constitution. Some constitutions (such as the constitution of the United Kingdom) are uncodified, but written in numerous fundamental Acts of a legislature, court cases or treaties.

Constitutions concern different levels of organizations, from sovereign states to companies and unincorporated associations. A treaty which establishes an international organization is also its constitution, in that it would define how that organization is constituted. Within states, a constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom. Some constitutions, especially codified constitutions, also act as limiters of state power, by establishing lines which a state's rulers cannot cross, such as fundamental rights.

The Constitution of India is the longest written constitution of any sovereign country in the world, containing 444 articles in 22 parts,12 schedules and 118 amendments, with 146,385 words in its English-language version, while the Constitution of Monaco is the shortest written constitution, containing 10 chapters with 97 articles, and a total of 3,814 words.

*Constitutional Courts*

Constitutions are often, but by no means always, protected by a legal body whose job it is to interpret those constitutions and, where applicable, declare void executive and legislative acts which infringe the constitution. In some countries, such as Germany, this function is carried out by a dedicated constitutional court which performs this (and only this) function. In other countries, such as Ireland, the ordinary courts may perform this function in addition to their other responsibilities. While elsewhere, like in the United Kingdom, the concept of declaring an act to be unconstitutional does not exist.

A constitutional violation is an action or legislative act that is judged by a constitutional court to be contrary to the constitution, that is, unconstitutional. An example of constitutional violation by the executive could be a public office holder who acts outside the powers granted to that office by a constitution. An example of constitutional violation by the legislature is an attempt to pass a law that would contradict the constitution, without first going through the proper constitutional amendment process.

Some countries, mainly those with uncodified constitutions, have no such courts at all. For example, the United Kingdom has traditionally operated under the principle of parliamentary sovereignty under which the laws passed by United Kingdom Parliament could not be questioned by the courts.