

## The Third lecture

### The Sources Of Law

The term « **sources of law** » means anything that helps to create all applicable legal rules in a state at a given time, the sources of law are a criterion for the determination of the legal system considered.

We can **classify the sources of law** as follows into : People ( Custom) , The Jurists ( Doctrine), The Jurisdictional Institutions ( Jurisprudence), Members Of Parliament ( Act Of Law) Or Governmental ( Regulations, National Institutions ( National Law), Or International ( International Law ).

**In the countries of written law, the main law sources are the following texts :**

- 01- **International treaty** : a treaty is an agreement between several of international law subjects.
- 02- **Constitution** : is a text that sets the organization and functioning of an organism, usually a state.
- 03- **Laws** : there are three types of law : constitutional law which change the constitution, organic law which specify and implement the articles of the constitution, ordinary law adopted at the end of the parliamentary shuttle.

04- **Regulation** : a regulation is broadly speaking, a set of directions, laws, regulations, rules, and other legal instruments governing a social activity. It can also simply include all legal and regulatory measures governing a question. the regulation are set by the competent authorities.

**However, other sources are sometimes allowed depending on the material, such as :**

01- **Religious Laws** : all religions do not recognize religious law, and when it does, it can be defined on different ways.

02- **Custom** : the custom is a legal oral use, consecrated by time and accepted by the population of a given territory. this is a set of habits and reactions to practical situations arising out of justice, but subject to a broad consensus within the judiciary who have endorsed and possibly generalized over time.

03- **General Principles Of Laws** : they are rules of general application to officialy meet three criteria : they apply even in the absence of text ; they are released by the courts ; they are not created from scratch by the judge but discovered by the latter from the law and society at a given time.

04- **Jurisprudence** : they are the texts from the courts that support the judiciary to resolve some disputes. these texts can be an interpretation of

the law or a response to a situation vharacterized by the legal vacuu  
response.that is to say they are a reference to decide in identical cases.

05- **Legal Doctrine** : this is a set of analyzes and studies of legal cpncepts,  
case studies or events that can help the judje in making a decision.