

## English Courses

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### Lesson 1: The law, general notions

#### Some translations

**Law** : Droit objectif, القانون

**Right** : Droit subjectif, الحق

**Human rights** : Les droits de l'homme

**Legislature** : Législation, loi, التشريع

**Rule** : règle juridique, القاعدة القانونية

**State** : Etat, الدولة

**Jurisdictions**: Juridictions, الجهات القضائية

**Areas of law** : Les branches du droit , فروع القانون

**Legal system** : régime juridique, النظام القانوني

**Citizen's rights** : Droits des citoyens

**Trial** : Procès

#### **Definition of law**

The law is a system of rules and guidelines which are enforced through social institutions to govern behavior.

The law can also be defined as the set of rules of conduct which govern relations between men and whose respect is ensured by public authority<sup>1</sup>.

**Common law** (also known as judicial precedent, judge-made law, or case law) is the body of law created by judges and similar quasi-judicial tribunals by virtue of being stated in written opinions<sup>2</sup>.

**Legal systems** vary between jurisdictions, with their differences analyzed in comparative law. In **civil law** jurisdictions, a legislature or other central body codifies and consolidates the law. In **common law** systems, judges may make binding case law through precedent.

### **Areas of law** فروع القانون

A common distinction is that between "public law" (a term related closely to the state, and including constitutional, administrative and criminal law...), and "private law" (which covers contract, tort liability and property....)

#### **A/ public Law**

##### **1/ Public international law:** القانون الدولي العام

It concerns relationships between sovereign nations. The sources for public international law development are custom, practice and treaties between sovereign nations, such as the Geneva Conventions.

##### **2/ constitutional and administrative law:** القانون الدستوري والاداري

Constitutional and administrative law govern the affairs of the state. Constitutional law concerns both the relationships between the executive, legislature and judiciary and the human rights or civil liberties of individuals against the state<sup>3</sup>.

##### **3/ Criminal law :** القانون الجنائي

Criminal law, also known as penal law, pertains to offenses and punishment.  
**(It's the subject of our next course)**

#### **B/ Private law,** القانون الخاص

##### **1/ Contract law:** قانون العقود

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<sup>1</sup> Définition du droit, Onisep, République française, le 13/12/2021. <https://www.onisep.fr/formation/les-principaux-domaines-de-formation/c-est-quoi-le-droit/definition>

<sup>2</sup> *Black's Law Dictionary – Common law* (10th ed.). 2014. p. 334.

<sup>3</sup> LAW, Wikipedia, the Free Encyclopedia, [https://en.wikipedia.org/wiki/Law#Areas\\_of\\_law](https://en.wikipedia.org/wiki/Law#Areas_of_law)

It concerns enforceable promises, and can be summed up in the Latin phrase *pacta sunt servanda* (agreements must be kept). In common law jurisdictions, three key elements to the creation of a contract are necessary: offer and acceptance, consideration and the intention to create legal relations.

## **2/ Torts and delicts liability :** Responsabilité délictuelle المسؤولية التقصيرية

When someone acts tortuously, by negligence, and causes harm to others, he is liable to the injured person. The injured party could potentially claim compensation for their injuries from the party responsible. (Art. 124 of civil law.

According to article 124 of the Algerian civil code: anyone who through their fault causes damage to others is responsible for its repair<sup>4</sup>.

## **3/ Property law,** قانون الملكية

Property law governs ownership and possession. Real property, also 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.

## **C/ Further disciplines of law** فروع قانون أخرى

**Labour law** قانون العمل is the study of a tripartite industrial relationship between worker, employer and trade union. Collective employment law involves collective bargaining regulation, and the right to strike, while Individual employment law refers to workplace rights, such as job security, health and safety or a minimum wage.

**Family law** قانون الأسرة covers marriage and divorce proceedings, the rights of children and rights to property and money in the event of separation.

**Civil procedure and criminal procedure** قانون الاجراءات المدنية وقانون الاجراءات الجزائية concern the rules that courts must follow as a trial and appeals proceed. Both concern a citizen's right to a fair trial or hearing.

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<sup>4</sup> Art. 124 Article 124 of the Algerian Civil Code provides that “Any act whatsoever of man which causes damage to others, obliges the person through whose fault it happened, to repair it”, Ordinance No. 75-58 of 26 September 1975 relating to the civil code, supplemented and amended, (J.O.R.A, n° 78 of September 30, 1975, p. 990).