



# Lectures on Introduction to Law

*Collected and Performed*

*Via*

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**(2024/ 2025)**



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بسم الله الرحمن الرحيم

(رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي  
الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ)

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صدق الله العظيم

(سورة البقرة، الآية 201)





### *Introduction*

Law is one of the most important subjects in society. It is indispensable for all people. Everyone should study it. It is important for everyone to learn its main provisions, whatever the field he or she concerns: law, engineering, literature, agriculture, commerce, and medicine, etc. Consequently, undergraduate students receive such these lectures to acquire some main Knowlagents in this regard.

These lectures were gathered, collected, and derived from various sources for multiple authors; to teach undergraduate students, accurately, simply, and easily some main principles of law. We hope our students benefit from these lectures. Also, we hope these lectures are simple, easy, and suitable for the relevant educational stage.

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*God grants success*





## Chapter One

### Main Legal Systems of the World<sup>1</sup>

Legal systems of the world classified into only a few, such as common Law, civil Law, religious law, and socialist law. Here, we will discuss the first two systems only, i.e. the common Law and the civil Law as they are considered the main two legal systems applied in contemporary legislations. <sup>2</sup>

<sup>1</sup> - For more details about this part, see:

- John M. Scheb II and Hemant Sharma: An introduction to the American legal system, Wolters Kluwer Pub., USA, 4<sup>th</sup> ed.2015.

- Niklas Luhmann: Law as a Social System, translated

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by: Klaus A. Ziegert, Oxf. Univ. Pr., USA, 2004.

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- René David and John E. C. Brierley: Major Legal Systems in the WorldToday, Stevens & Sons Pub., UK, 3<sup>rd</sup> ed. 1985.

- Kieran Dolin: A Critical Introduction to Law and Literature, CambridgeUniversity Press, UK, 2007, P.144.

- Catherine Elliott and Frances Quinn: AS Law, Pearson Edu. Pub., UK, 3<sup>rd</sup> ed.2006.

- Jacqueline Martin: Key Facts, the English Legal System, Hodder Edu.Pub., UK, 4<sup>th</sup> ed.2010.

<sup>2</sup>- For more details about Common and Civil Legal Systems, see :

[https://www.studysmarter.co.uk/explanations/law/uk-legal-](https://www.studysmarter.co.uk/explanations/law/uk-legal-system/customary-law/)

[system/customary-law/](https://www.studysmarter.co.uk/explanations/law/uk-legal-system/customary-law/). Available until January 20, 2024.

<https://www.britannica.com/topic/common-law/Comparisons-of-modern-English-American-and-Commonwealth-law>. Available until January 20, 2024. And Dr. Khidr Mohammed Abdelrahim and Dr. Mohammad Elhady Abdelhakiem Ratib: Introduction to the English Legal System.





## Section One

### Common Law System

#### (Anglo–American law)

#### First, Common Law and Customary Law

Common law, or Anglo–Saxon (as opposed to Roman–Germanic) law, is a system of law with English roots, also called customary law that is largely based on case law as a source of rulings.

The counterpart to this system is civil law (Roman–Germanic), which derives its roots from the legacy of European law, such as Napoleonic law and especially Roman law.

In some countries that follow the school of common law, the term is sometimes used in another sense, as it is used to refer to unwritten customary laws, so the common law in this case is equivalent to the written law issued by legislative councils.<sup>3</sup>

Among the countries that rely on common law:

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<sup>3</sup> - قانون عام - ويكيبيديا  
(wikipedia.org) Available at January 13, 2024.





- **Britain** (with the exception of Scotland, which uses a mixture of common law and civil law on its own model).
- **The United States** (with the exception of Louisiana, which uses a mixture of common law and civil law on the French model)
- **Canada** (with the exception of Quebec), which uses a mixture of common law and civil law on the French model
- **Australia.**
- **New Zealand.**

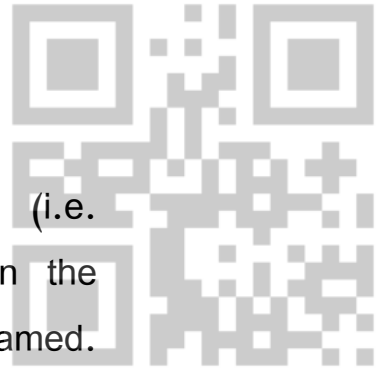
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There are several countries that use common law partially or mixed with another law system, and they are all countries that were at one time subject to British colonialism, such as **South Africa, India, Pakistan, Sudan, Malaysia, Singapore, and Hong Kong.**

– **Naming:**

The name goes back to the period of the Norman conquest of England, which began in 1066 AD, when each region and district in England had its own laws based on custom. The Norman kings established new





courts and obligated them to apply a unified (i.e. common) law for all English regions based on the principle of judicial precedent, so the article was named. The law that arose as a result was called "common law"<sup>4</sup>

Though common law is sometimes called customary law, each of them has its own origins:

### 1– Definition of Common Law

The term common law used to refer to the legal system that has adopted features of the English legal system. Common law is based upon judicial decisions and embodied in reports of decided cases, that have been administered by the common-law courts of England since the Middle Ages. From it has evolved the type of legal system now found also in the United States and in most of the member states of the Commonwealth (formerly the British Commonwealth of Nations). In this sense common law stands in contrast to the legal system derived from civil law, now widespread in continental Europe and elsewhere.

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<sup>4</sup> - قانون عام - ويكيبيديا  
(wikipedia.org) Available at January 13, 2024.





## 2-Definition of Customary law

Customary law refers to a legal system based on long-standing cultural customs, traditions, and practices within a particular community or society. It is unwritten, evolving from community behaviors over time, and holds significant authority within local communities.

Customary law is recognized and enforced by local informal institutions, and in some cases, it may be integrated into formal legal systems. It can vary significantly between different regions, communities, or tribes.

## 3-Distinctions between Customary Law and Common

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Customary Law and Common Law share certain similarities, as they both evolve from precedents and the unwritten traditions of the societies they serve. However, there are several important distinctions between the two that set them apart. The main differences between Customary Law and Common Law can be summarized as follows:

a – **Historical development:** Customary Law is based on immemorial customs, traditions, and societal norms that pre-date the formation of the legal system in England,





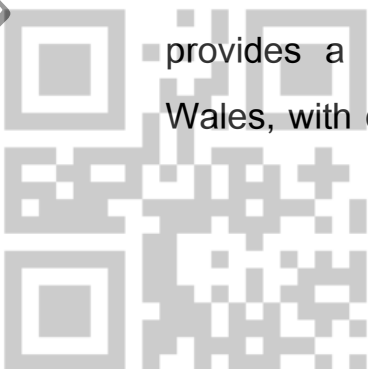


whereas Common Law was developed by judges through their interpretation of previous decisions and written statutes, which gradually created a unified body of law universally applicable across England and Wales.

**b – Sources and codification:** Customary Law is unwritten and derived from long-standing societal customs, whereas Common Law is primarily based on judicial decisions and has been extensively documented in case law and legal texts, such as Blackstone's Commentaries on the Laws of England and various law reports.

**c–Reasoning and interpretation:** In Customary Law, legal norms are based on the reasonableness and acceptance by the relevant local community, while in Common Law, judges rely on the doctrine of precedent and apply rules that have been established through judicial decisions in similar cases. This may lead to differing interpretations of legal principles, even when confronting identical factual situations.

**d – Geographical scope:** Customary Law is often specific to a particular geographic location or community and may not be universally applicable, whereas Common Law provides a uniform legal framework across England and Wales, with certain principles recognized internationally.



**e – Subject matter:** Customary Law often deals with traditional local matters, such as land usage, water rights, and local governance, while Common Law encompasses a wide range of fields, including contract, tort, property, and criminal law.

**f – Flexibility and adaptability:** Both Customary Law and Common Law are flexible and adaptable to societal changes but in different ways. Customary Law is generally more flexible due to its close relationship with local communities, while Common Law evolves through a slow process of judicial decision-making and incremental changes reflecting the needs of broader society.

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### **Secondly, the Main Categories of Common Law**

We show the main categories of the common law, as follows:

#### **– Personal law**

The law of personal status (nationality, capacity, domicile, etc.) has been transformed by the advancement of the principle of equality of the sexes. In the area of divorce law, the intense legislative activity of the 1960s and '70s

left most common-law countries with systems of “mixed grounds” for divorce.

One can obtain a divorce based upon the fault of the other spouse or upon some no-fault ground, such as separation or breakdown of the marriage. Some American states have eliminated fault grounds entirely. The major differences between common-law systems appear in the legal treatment of the economic consequences of divorce. Most common-law countries follow the English model that permits judges to use their own discretion in reallocating the property and income of the spouses in a way that seems fair, whereas some American states adhere to the principle of equal rather than discretionary division of assets.

#### – Property and succession

The basic principles of property and succession are much the same everywhere, but the newer countries have special laws on forests, mines, and water rights. In Australia, for example, the crown reserves all mineral rights to itself. The transfer of land in England is governed by a system of title registration.

In Canada and the United States, the separate deeds are recorded, and title insurance is widely used to protect

the purchaser. In England since the 1960s, there has been a significant development of the law relating to restitution, the right to recover property mistakenly transferred to another. Owing nothing to statute and much to the writings of academic lawyers, this demonstrates the continued liveliness of the common-law tradition of decision-based legal development.

Succession on intestacy is broadly similar throughout common-law countries but varies everywhere in detail. The widow, for example, may get more in one country and the children more in another. All children of both sexes generally take equal shares. In regard to intestate

2024/2022 succession, nearly all-American states protect the surviving spouse against disinheritance by securing to him/her a fixed indefeasible share of the decedent's estate.

In England and most Commonwealth countries, however, not only the spouse but also children and certain other dependents of the deceased are permitted to petition the court for discretionary financial provision out of an estate if, in the judgment of the court, the testator did not make reasonable provision for them.

In most American states and some Canadian provinces, there are homestead laws, which protect the family house



or a certain minimum sum of money from the claims of creditors.

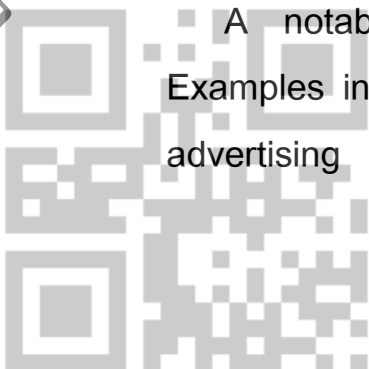
### –Tort law

Tort law (i.e., the law relating to private civil wrongs) is largely common law, as opposed to statute-based law, in England, Canada, and the United States. Several major reforms have been introduced along the same lines in different countries. Allowing claims by dependents of persons tortuously killed and removing the immunity of the crown or government or charitable institutions from tort claims provide examples. The liability of manufacturers to the ultimate consumer was first laid down by U.S. and then by English judges.

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In the field of libel, U.S. practice is less strict than the English. In the United States public figures cannot sue for honest but unfair and untrue criticisms of their activities, whereas in England published facts must be true and comments fair. In some Australian states truth is not necessarily a defense to an action.

A notable U.S. tort is interference with privacy. Examples include a stranger's using one's photograph for advertising without permission, using electronic



eavesdropping in one's home or searching it, or taking photographs of persons in embarrassing situations. In England privacy is still seen as related to commercial considerations; it is possible to buy privacy but not to enjoy it as a right.

### – Contracts

Contract law is basically similar in the common-law countries. The most interesting difference relates to the question of enforcement of contracts by third parties who parties to the contract are not actually but are persons for whose benefit the contract was made. English law excludes such rights, except in an occasional statute. The Indian Contract Code of 1872 generally allows it, as does U.S. state law. In all countries, legislation now protects consumers against the power of large commercial corporations and regulates the operation of credit transactions.

English law has largely repealed the laws requiring written evidence of ordinary contracts, sometimes to the surprise of consumers. Written evidence is often called for in the United States.

The various areas of special contracts, such as those applying to employment, sale of land, and agency, are broadly similar everywhere but are regulated by local legislation and by a wealth of labor legislation.

### – Criminal Law and Procedure

Regarding criminal law, the substance of the law is much the same throughout the common-law countries. In both the United Kingdom and the United States, the 20th century was a period during which it was thought that undesirable behavior could be eliminated by rigorous law enforcement. In the early part of the century, this led to the criminalization of much personal behavior—including some sexual practices, gambling, and the use of alcohol and drugs—that was previously beyond the reach of the law.

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The death penalty, which had been slowly removed in most U.S. states since the end of the 19th century, was revived during the 1970s after the Supreme Court ruled its use constitutional. Capital punishment was eliminated in the United Kingdom in 1965.

More important differences appear in the rules of criminal procedure. In England, this rests on modern legislation. Accused persons may now testify at the trial or



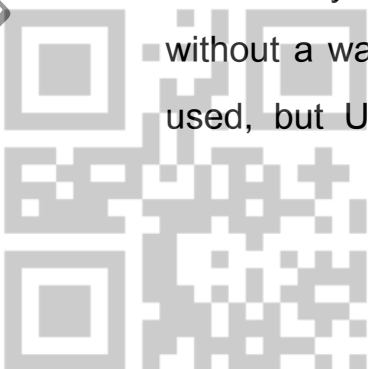
not, as they wish; they are entitled to legal counsel; and they are assisted out of public funds when they are accused of serious crimes and are unable to afford to pay the costs themselves.

In the United States criminal procedure has become a constitutional matter, with a kind of federal common law of criminal procedure overriding state law in many instances. Thus, due process of law under the Fourteenth Amendment to the federal Constitution and the Federal Rules of Criminal Procedure confer protection on accused persons.

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English courts are reluctant to admit recordings of private conversations unless supported by direct evidence of persons present, and this is generally the position taken in the United States, although emergency wiretapping and other electronic monitoring are permitted with the permission of a court or in some cases involving national security .

English and U.S. law generally exclude confessions unless they are made freely and spontaneously. If evidence is found by unlawful means—such as by searching a house without a warrant—English law permits such evidence to be used, but U.S. law generally does not, though significant





exceptions were created by the Supreme Court from the late 20th century.

The main difference between English and U.S. safeguards is that English protections rest on statute or case law and may be changed by ordinary statute, whereas U.S. safeguards are constitutional and cannot be relaxed unless the Supreme Court later reverses its interpretation, or the Constitution is amended.

## **Section Two**

### **Civil Law System**

#### **(Romano–Germanic Law)**

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#### **First, Definition of Civil Law:**

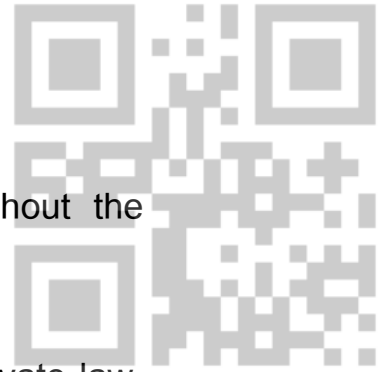
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The civil law system includes those countries, including Egypt, in which the legal system has been developed based on Roman civil law. It takes its origins from Roman law. According to this system the rules of law are conceived as rules of conduct intimately linked to ideas of justice and morality .

#### **–The term civil law has other meanings:**

The term “civil law,” for example, was used in ancient Rome to distinguish the law found exclusively in the city of



Rome from the law of all nations, found throughout the empire.

– The phrase has also been used to distinguish private law, governing the relations between individuals, from public law and criminal law.

Finally, in the philosophy of law, civil law sometimes refers to the positive law of the state, as distinct from natural law.

#### – The Concept of Codification

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From a practical point of view, the Civil Code achieved the unification of French civil law. This was not, however, the only concern of its drafters. They shared with most of their contemporaries and with most modern French lawyers the belief that the law should be written in clear language so that it would be accessible to every citizen. This view implied that the new code had to be complete in its field, setting forth general rules and arranging them logically. Finally, it was not to unnecessarily break with tradition.

The Civil Code was organized as a series of short articles because it was assumed, first, that legislators could not foresee all circumstances that might arise in life and,



second, that only conciseness could make the code flexible enough to adapt old principles to new circumstances. The general rules contained in the code have since been applied to concrete circumstances without much difficulty. When an interpretation has been required, the courts have had the responsibility to give it, taking into consideration the “spirit” of the code to apply to each case the solution that would have been desired by the legislator.

Although the code was a work of logic, it relied mainly on experience. Its drafters were exceptionally well qualified in this respect: they had lived the first half of their lives under the laws of ancient France and had also known the <sup>2024/202</sup> Revolution. Their purpose was not so much to create new laws as to restate existing laws, subject to choose when revolutionary enactments varied from previous ones and when previous laws differed from one another. They were ready to adopt any rules that seemed best suited to the French people based on experience; they recognized that laws could not be inflexible “but must be adapted to the character, the habits, and the situation of the people for whom they are drafted.”



## **Secondly, Characteristics of the Civil Law System:**

We can summarize the main Characteristics of the civil law system in the following:

- There is generally a written constitution that include basic rights and duties.
- There is generally a written statutes or specific codes, such as penal code, civil code, and administrative law, etc. However administrative law is usually less codified and administrative court judges tend to behave more like common law judges .
- There is little scope for judge-made law in civil, criminal, and commercial courts, although in practice judges tend to follow previous judicial decisions.

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Constitutional courts can nullify laws and regulations and their decisions in such cases are binding for all.

- Judges interpret the legal code in civil law countries.

## **Thirdly, the Main Categories of Private Law (in Civil Legal System)**

The French Civil Code uses many of the categories that were developed in ancient Rome, so we discuss here the





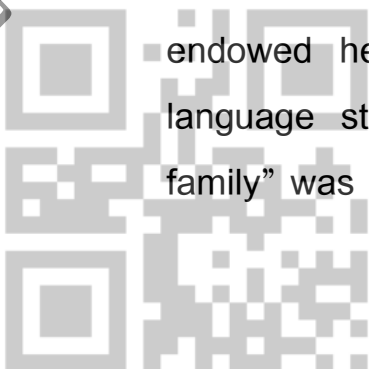
main categories of private law as a model of the civil law system.

### – Marriage and family

The drafters of the French Civil Code regarded marriage as the basic institution of a civilized society .In France under the ancient regime, the family had been centered upon the husband, whose strong authority and powers were inherited from the Roman paterfamilias (head of family) tradition. Although the Revolution proclaimed women to be equal in rights with men, it did little to implement this view in law. The drafters of the code saw no reason to modify the traditional situation, and Napoleon himself favored subordination of the wife to the husband. The code expressly stated that she owed him obedience. With very few exceptions, she had no legal capacity to act. Without the written consent of her husband, she could not sell, give, mortgage, buy, or even receive property through donation or succession .

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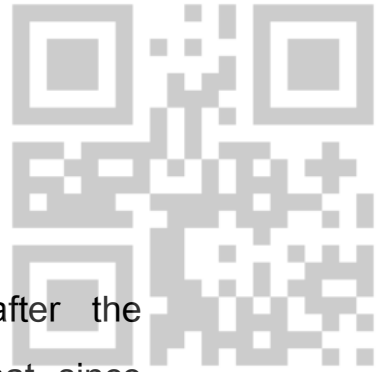
Statutes in the 20th century, however, severely diminished the authority of the husband over his wife and endowed her with full legal capacity. In 1970 the old language stating that “the husband is the head of the family” was abandoned in favor of a new principle of joint



family decision-making power, which did not, however, extend to the management of community property.

Matrimonial-property regimes have since been revised in numerous countries, the tendency being toward a partnership in property acquired after the marriage, with each party retaining control over the property he or she had before the marriage. Although the Napoleonic Code provided for a statutory regime (if no marriage contract had been made), under which all chattels and earnings of the spouses would be community property to be shared equally between them or their heirs at the dissolution of the marriage, the husband was vested with all active powers, even over his wife's property.

In 1965 movables owned by either spouse before marriage were excluded from the community fund, which now, in the absence of an agreement to the contrary, consists only of the fruits of the spouses' work or frugality during marriage. With the acquisition of legal capacity in the early part of the century, a French wife was free to manage and dispose of her own earnings and property, but it was not until 1985 that the long predominance of the husband in the management of the couple's common property was replaced by a system of equal comanagement.



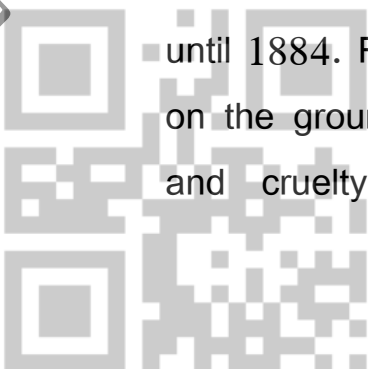
## – Divorce

Divorce was first introduced into France after the Revolution. The drafters of the code decided that since many persons were not prevented by religious conviction from seeking divorce, it was not for the legislator to prevent unhappy spouses from terminating their marriages and from entering new legal unions. Divorce, therefore, was allowed, but only within strict limits, so that “the most sacred of contracts should not become the toy of caprice.” The only grounds for divorce were adultery, sentences for the most serious crimes, excesses such as gambling habits and expenditures, cruel treatment, or serious insult.

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Agreement was added under the personal pressure of Napoleon, already intent on divorcing his first wife, by whom he had no child. But the procedure of divorce by mutual agreement was extremely long, complicated, and costly, and no second marriage could take place within six years thereafter.

Divorce was repealed in 1816 after Napoleon’s fall and the restoration of the monarchy, and it was not reintroduced until 1884. From 1884 to 1975, divorce was permitted only on the grounds of adultery, conviction of a serious crime, and cruelty. Divorce by mutual agreement was not



reinstated until 1975, when a comprehensive reform of the divorce law permitted a marriage to be terminated by consent or by petition of one spouse unopposed by the other, or when the marriage had broken down after six years of separation or after six years of mental illness of one spouse, in addition to the traditional grounds of fault.

### – Succession and gifts

The Napoleonic Code adopted many of the ideas of the Revolution concerning succession. But its formulators tempered them with exceptions and combined them with ideas from the ancient regime.

2024/202 The revolutionary law on intestate succession (succession without a valid will) relied upon two basic principles:

(1) that no distinctions be made within the estate of the deceased, land and chattels being treated in the same way and no account being taken of the origin of landed property; and

(2) that equal parts be given to all heirs of the same degree of kindred, the advantages accruing through some customs to the firstborn or to male children being abolished.





By using these two principles, the code provided that an estate should devolve first upon the children and other descendants.

If heirs of one degree died before others of the same degree and left children, representation (the principle that the children of a deceased heir inherit his share) applied. In other cases, distribution was made per capita, with equal shares going to those heirs of equal degree. Illegitimate children could inherit from their parents, but they received less than legitimate children and could not cut out either the deceased's own parents or his brothers and sisters. Through reforms in the 1970s, the rights of illegitimate children to succeed to their parents have largely been assimilated to those of legitimate offspring.

According to the code, the spouse could succeed only if there were no persons who were related to the deceased up to a degree specified by law. A surviving wife was thus in a poor position if no gift or legacy had been made to her, though under the statutory matrimonial regime she received half of the community property into which all chattels of both spouses fell.

The rights of the surviving spouse were increased at various times during the 20th century. In general, surviving



spouses are entitled to at least the usufruct (like a life interest) of one-quarter of the property left by the deceased. The survivor inherits half of the estate if there are no children and if there are surviving ascendants on only one side of the deceased's family. If the decedent leaves no blood relatives within a certain degree of kindred, the surviving spouse receives the entire estate.

Wills may be formal or informal. Unwitnessed wills are valid, if they are handwritten throughout, and dated and signed, by the testator's own hand. Wills are effective upon the death of the testator and do not need to be probated. Freedom to dispose of property by will or by gift is limited to protecting children and other descendants as well as parents and grandparents, who must be allowed a certain proportion.

#### – Property

The intricate system of obligations and rights inherited by the ancient regime from feudalism was rejected by the Revolution, which restored a system patterned on that of Roman law.

The only classification of goods is the basic one of immovables (which are defined as having a fixed place in

space) and movables (which include all goods that are not immovables). In contrast to the “feudalist” complexities in common law, the normal relationship between persons and things is ownership, which is defined as a complete, absolute, free, and simple right. But, as in the law of other modern nations, the use of property is subject to many kinds of restrictions imposed in the public interest.

Usufructs, or servitudes, are possible, but rights in an estate never require the person in whom they are vested to do anything. The code states that servitude “is a charge laid on an estate for the use and utility of another estate belonging to another owner,” and it emphasizes that <sup>2024/202</sup>“servitudes do not establish any preeminence of one estate over another.” Title to land may be acquired within 10 or 20 years if the possessor believed, in good faith, that he was the real owner. Furthermore, the bona fide purchaser of movable property immediately becomes its owner, and nobody can prove a better title against him unless the property has been lost or stolen.

The Section on mortgages in the Civil Code was weak. An excellent statute of the revolutionary period was developed in 1798 to set up a system of registration for all transfers of land titles and real-estate mortgages. It

enabled a buyer of land to ascertain whether he was buying from a regular owner and whether the land was mortgaged; if it was, the buyer could clear his title by offering the price to the mortgagee.

### – **Contracts and torts**

The basic principles of contract law are state that “agreements legally entered into have the effect of laws on those who make them.” The entire matter of torts is dealt with in only five short articles. The general basis for liability is the following: “Any act of a person that causes injury to another obligates the person through whose fault the injury occurred to give redress.” The subsequent articles in the code regulate liability for damages caused by things, animals, children, and employees. It was left to the courts to work out a complete system of tort law based on these few articles.

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### **Modern developments in civil law**

In the latter part of the 20th century and continuing into the 21st century, civil-law systems underwent substantial modification because of the changing sources of law in modern, bureaucratic, regulatory states. Virtually all modern civil-law systems have increasingly made use of uncoded



statutory law to regulate broad areas of social and economic life.

Such legislation typically falls outside the scope of the traditional civil codes, even when it touches on questions concerning contract or delict—areas of law that were traditionally governed by the codes. Furthermore, because much of the modern statutory law is administered by regulatory agencies, it lacks the systematically integrated conceptual framework characteristic of the civil-law codes, which were shaped by legal and cultural traditions .

Contemporary statutory law tends to reflect the much-broader role of the state in modern society, even in the areas traditionally considered to be part of “private” law. In addition, both constitutional law and international law have reflected a broadened concern for fundamental rights in ways that also make civil law more public in orientation .

Developments in modern law have had important implications for the traditional content and scope of civil law. The influence and salience of classical codes have receded, as many code-based legal systems now rely on extensive areas of non-codified “special legislation” as well as the case law of national and supranational courts .





The traditional divisions of areas of law within civil codes have become increasingly uncertain as the law addresses new problems, such as consumer protection and sports law that were not contemplated by the prior legal categories. Public law concerns have pervaded almost every area of the civil law: equal treatment principles, for example, have completely transformed the previously family-law provisions of civil codes everywhere.

These developments have been especially pronounced in countries that are members of the European Union (EU), largely owing to supranational efforts to integrate European markets and to harmonize national laws.

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## Chapter Two

### Legal Rules and Legal Persons



#### Meaning of law:

Law, or so-called ordinary legislation is a set of abstract and general rules (legal rules) issued by the competent authority in the state to regulate the behavior of individuals and entities (legal persons) inside the community and impose penalties by public authority for violating them. The aim of law is to achieve the interest of individual and entities as much as the interest of society. We will study in this part, in some details, concept of legal rules and legal persons<sup>5</sup>.

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<sup>5</sup> - For more details about Legal rule and legal person, look:

<https://www.google.com/search?q=A+legal+person> Available until January 20, 2024. And Dr. Khidr Mohammed Abdelrahim and Dr. Mohammad Elhady Abdelhakiem Ratib: Introduction to the English Legal System.





## Section one

### Legal Rules

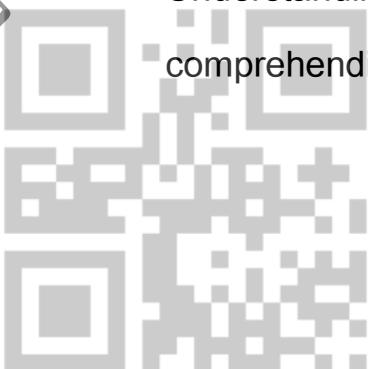
#### – Meaning of Legal Rules

Legal rules are a set of principles that govern the behavior of individuals, businesses, and public authorities within a legal system in a society. They are the foundation of any legal system, providing guidance and regulation for individuals, businesses, and governmental bodies. They are essential for maintaining order, fairness and justice in a society.

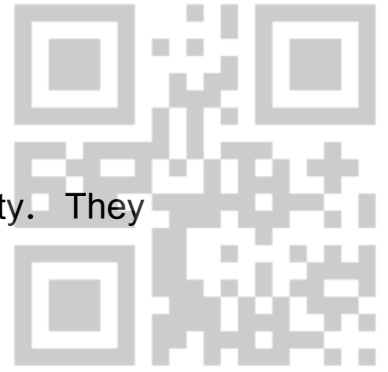
<sup>2024/2025</sup> Legal rules serve different <sup>2024/2025</sup> purposes and <sup>2024/2025</sup> addressing diverse areas of law such as criminal, civil, administrative, and commercial law, etc.

#### – Elements of Legal Rules

Legal rules share several elements that set them apart from other types of rules or principles in society. Understanding these Elements is essential for comprehending the significance and impact of legal rules on







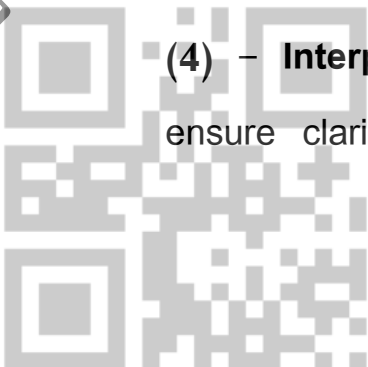
the functioning of the legal system and society. They comprise several elements:

(1) – **Source:** Legal rules stem from various sources, including legislation, common law, international treaties, and regulations. They are either written or unwritten, depending on the legal tradition and practices of the country.

(2) – **Subject Matter:** Legal rules address a wide range of issues pertaining to society, such as civil rights, property, contracts, and crime. They cover various aspects of private and public matters, guiding behavior and relationships between individuals, businesses, and the state.

(3) – **Structure:** Legal rules consist of a series of components, such as a statement of the rule, the circumstances or conditions of application, and the consequences of the rule's violation. The structure facilitates efficient interpretation and application of the rules by legal practitioners and the public.

(4) – **Interpretation:** Legal rules require interpretation to ensure clarity and consistency in their application. The



judiciary, as well as legal professionals, is responsible for interpreting and applying legal rules in a manner that is aligned with the underlying intentions, principles, and values of the legal system.

**(5) – Enforcement and Sanction:** Legal rules are enforced by institutions that are authorized to monitor compliance, resolve disputes, and impose sanctions in cases of non-compliance. Sanctions may include fines, imprisonment, injunctions, or other remedies designed to restore balance and deter future violations.

#### 2024/202 – Importance of Legal Rules

The legal rules are important and crucial for various reasons:

**(1) – Maintaining Order and Stability:** Legal rules help maintain order and stability in society by prescribing the acceptable behaviors and actions of citizens, as well as the consequences of non-compliance.

**(2) – Protection of Individual Rights:** Legal rules help protect the rights and freedoms of individuals, ensuring that



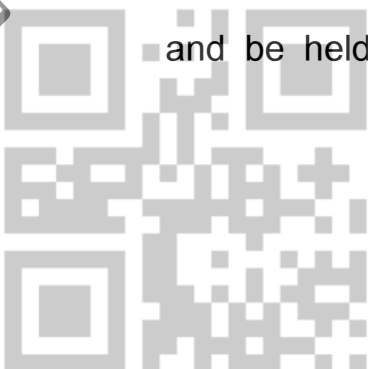
they can live, work, and interact with one another without fear of harm or infringement on their rights.

**(3) – Regulating the Economy:** Legal rules regulate various aspects of the economy, including competition, consumer protection, and distribution of resources. They ensure a fair marketplace and protect the interests of businesses and consumers alike.

**(4) Dispute Resolution:** Legal rules provide a structured process for resolving disputes between individuals, companies, and public authorities. By defining procedures and consequences, they ensure a fair resolution to conflicts.

#### – Impact of Legal Rules on Society

Legal rules have a significant impact on society, influencing the rights, responsibilities, and relationships of citizens and other entities. The rule of law is a fundamental principle of the legal system, which states that no person or organization is above the law, and everyone must follow and be held accountable to the legal rules in place. This





helps to create a just and equitable society. They play an essential role in:

(1) – Shaping Behavior: Legal rules influence the choices and actions of individuals and organizations, guiding their behavior towards societal norms and values.

(2) – Creating a Fair System: Legal rules ensure that everyone has access to fair and transparent justice. They provide a level playing field for resolving disputes and help protect the vulnerable from exploitation.

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(3) – Supporting Social Change: Legal rules evolve to reflect changes in society's values and address emerging issues. They enable social progress by promoting equality, diversity, and social inclusion.

(4) – Encouraging Compliance: Legal rules induce compliance by outlining the consequences of non-compliance, such as fines, penalties, or imprisonment. They help to deter prohibited behaviors and encourage adherence to the rules.



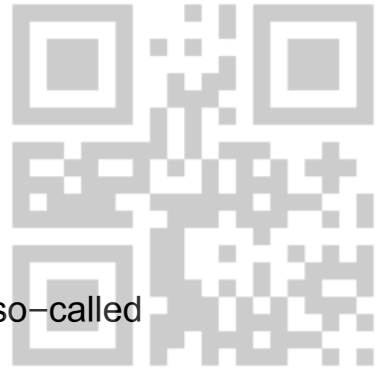
For example, data protection laws in society regulate how organizations collect, process, and store personal information. These legal rules protect individuals from misuse of their data, ensure companies operate responsibly and transparently, and promote trust and confidence in the digital economy.

### – Imperative Rules and Interpretative Rules

#### –Imperative Rules:

Imperative or so– called commandatory rules are those rules that people must follow. It's like a command that everyone in a society must obey. Even if someone doesn't know these rules, they still must follow them, and cannot hold agreements against them.

For example, rules of traffic laws are imperative or so – called supplementary rules that people must follow when driving on the road. Failure to obey these rules can result in fines or even imprisonment. Another example is the rules of tax laws, which require individuals to pay taxes to the government and cannot hold agreements against them.



### – Interpretative rules

As for the interpretative rules, or so-called complementary rules individuals may agree on anything that violates them, such as the agreement of contracting parties to pay the price. Also, among its applications we have the market price rule regarding financial transactions, and the ideal dowry rule regarding personal status.

### – Legal vs Non-Legal Rules

#### - Non-Legal Rules:

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Non-legal rules are rules of conduct or organization that are enforced by things such as customs, traditions, a need for co-operation, feelings of goodwill, or convenience. Though they are not regulated or sanctioned by law

– Example, a non-legal rule would be if the community forbade someone from marrying another one based on race, or some other arbitrary factor and enforced its 'rule' in some way that gave the person reasonable cause to feel he she had to obey.



Legal and non-legal rules are both intended to guide behaviors of individual in the society and maintain social order. Though, there are several fundamental differences:

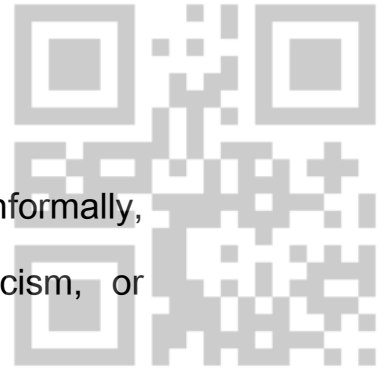
– **Differences:**

(1) – **Origin:** Legal rules are created and enforced by authorized institutions, such as legislature, governments, and courts. Non-legal rules, on the other hand, emerge from social customs, traditions, ethical or moral principles, and often lack formal recognition or endorsement by legal authorities.

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(2) – **Purpose:** Legal rules aim to protect rights, maintain order, resolve disputes, and regulate behavior within a given legal system. Non-legal rules, while also intended to guide behavior, often serve a more particular purpose, such as promoting community cohesion, enforcing social norms, or supporting ethical considerations.

(3) – **Enforcement:** Legal rules are enforced by official institutions, with the power to impose sanctions for non-compliance, such as fines, imprisonment, or injunctions.



Non-legal rules, in contrast, are often enforced informally, through social sanctions like disapproval, ostracism, or verbal censure.

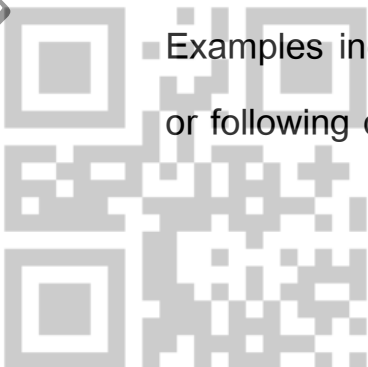
**(4) – Consequences:** The consequences of violating legal rules can be severe and formal, including criminal prosecution or civil liability. In contrast, the consequences of violating non-legal rules tend to be less formal and often depend on the community, or society in which they are situated.

#### – Influence of Non-Legal Rules on Society

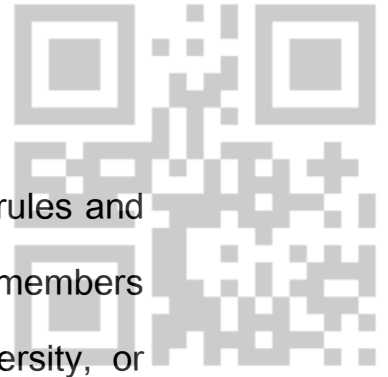
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Non-legal rules play an essential role in influencing social behaviors and values. They can be observed across various aspects of society and possess significant impact on individuals and communities:

**(1) – Social Norms:** These unwritten but widely accepted rules govern acceptable behaviors within a specific group or society, promoting conformity and group cohesion. Examples include dressing modestly, using polite language, or following customs in social settings such as weddings.







(2) – **Organizational Rules and Policies:** These rules and policies govern the conduct and operations of members within an organization, such as a company, university, or sports club. They can range from dress codes and attendance policies to guidelines for resolving conflicts or adopting new strategies.

(3) – **Ethics and Morality:** Ethical and moral rules are principles that guide individual and collective behavior based on notions of right and wrong, good, and evil. These rules often stem from religious or philosophical systems of thought and may differ across cultures. Examples of ethical rules include honesty, respect for life, fairness, and compassion.

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(4) – **Professional Codes of Conduct:** Professional associations often establish and enforce codes of conduct that outline expected behaviors, ethical principles, and guidelines for members of a given profession. Non-compliance with these codes can result in sanctions or loss of professional status. Examples of professions with





established codes of conduct include medicine, law, engineering, and education.

While non-legal rules differ from legal rules in terms of their origin, purpose, enforcement, and consequences, they often interact with and influence each other. This interplay can result in non-legal rules being incorporated into formal legal systems or legal rules bringing about changes in non-legal norms over time. It is essential to consider both legal and non-legal rules when examining the factors that shape individual behavior, societal values, and the development and enforcement of laws in society.

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أحمد محمد عبد المنعم كامل الساعاتي





## Section Two

### Legal Person

A legal person is any person or 'thing', or any legal entity that can do the things a human person is usually able to do, such as contracts, sue and be sued, own property, and so on.

The reason for the term "legal person" is that some legal persons are not people: companies and corporations are "persons" legally speaking i.e. they can legally do most of the things an ordinary person can do, but they are not people or human beings in a literal sense.

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There are therefore two kinds of legal entities: human and non-human.

#### (1) – Human Person:

In law, a human person is called a natural person, and sometimes called a physical person. He acquires legal personality "naturally", by being born or even before that, in some jurisdictions. But the ability of a human person to acquire rights and bear liabilities varies according to his age



and awareness, i.e. his capacity. Also, his contracts and agreements must relate to legal objects to be recognized by law and produce their legal effects. So, we discuss here both the capacity of human persons, and the legality that must be followed in their behaviors to be legally considered, as follows:

### **A– Capacity**

#### **– Definition of Capacity:**

Capacity is the ability of a person to acquire rights and bear liabilities, and to practice legal behaviors that would earn him a right or incur an obligation in a legally reliable manner.

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#### **– Division of Legal Behaviors:**

Legal Behaviors are divided into three main types:

1. Purely beneficial behaviors, such as accepting a gift.
2. purely harmful behaviors, such as a will for the testator and discharge from the debt for the creditor.
3. behaviors that revolve between benefit and harm, such as buying and selling.

### – Types of Capacity:

Capacity is divided into two: capacity of obligation, and capacity of performance. each of them is either incomplete, or complete, the divisions are four:

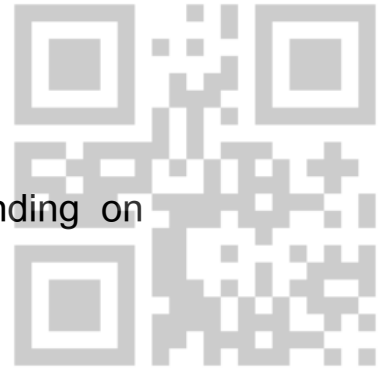
**(a) Incomplete obligation capacity:** It is the ability of a person to acquire rights, but not to bear liabilities, such as the capacity of the fetus as it is proved for him in his mother's womb, and by which he is eligible for inheritance. It is proved for the fetus in his mother's womb.

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**(b) Full obligation capacity:** It is the ability of a person to acquire rights and bear liabilities. It is proved for a person from birth to is death, it enables him to inherit and be inherited.

**(c) Incomplete capacity of performance:** It is the ability of a person to acquire rights, and bear some – not all– liabilities, and the mandate of this capacity is discrimination. It is proved for a person aged between seven and twenty-one.

**(d) Full capacity of performance:** It is the ability of a person to acquire all rights and bear all liabilities. It is proved for a person aged twenty-one and more. Adults



are eligible to conclude all acts without depending on the will of others.

– **Capacity According to Age:**

The Egyptian legislator has divided human capacity according to age into three stages:

**First Stage: (the non-distinguishing boy)**

This stage starts from the human's birth date to the age of discrimination, which is seven years. At this stage the minor's behaviors are as follows:

1. Purely beneficial behaviors, such as accepting a gift, are valid.
2. purely harmful behaviors, such as discharge from the debt for the creditor are purely invalid and void.
3. behaviors that revolve between benefit and harm, such as buying and selling are invalid and void.

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**Second stage: (the distinguishing boy)**

This stage starts from the age of discrimination, which is seven, to the age of majority, which is twenty-one. At this stage the minor's behaviors are as follows:

1. Purely beneficial behaviors, such as accepting a gift, are valid.
2. purely harmful behaviors, such as discharge from the debt for the creditor are purely invalid and void.



3. behaviors that revolve between benefit and harm, such as buying and selling are voidable for his benefit and not for the benefit of the other contracting party.

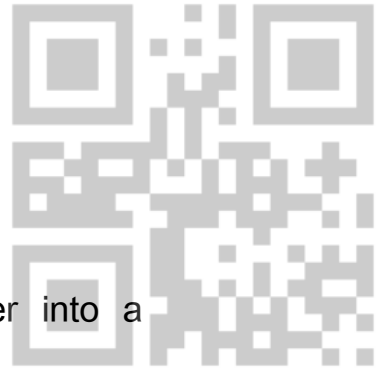
The right to invoke its annulment shall cease if it is permitted by the minor himself after reaching the age of majority, or by his legal guardian or the court before this age.

- **The Legal Minor of Eighteen:**

A distinguishing boy who reaches the age of eighteen may receive and manage his property himself if the competent civil court so rules or if the law allows him to do so. In these two cases, all the minor's behaviors are valid, as if they were issued from a rational adult. Also, in most states a contract concluded by minors of eighteen for necessities, (i.e. food and clothing) may not be voided.

**Third Stage: (Rational Adult of twenty-one)**

This stage starts from twenty-one. If a person reaches that age he becomes, by force of law, a fully capable person and eligible to practice all behaviors. So, all his behaviors are valid, even if they are purely harmful, if he reaches this age enjoying his mental force.



### – Mental Incapacity:

If a person lacks the mental capacity to enter into a contract, then either he or she, or his or her legal guardian, may void it, except in cases where the contract involved necessities. In most states, mental capacity is measured against the “cognitive standard” of whether the party understood its meaning and effect.

### – Symptoms of Capacity:

Symptoms of capacity are things that cause the lack of mental capacity. It is not one of the subjective qualities of a person.

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### – Divisions of Capacity Symptoms:

1– A type that affects the two types of capacity (obligation and performance) and removes it; like death, it eliminates capacity of the human person.

2– A type that has no effect on the capacity of obligation, but rather affects the capacity of performance completely or partially, as in the case of the insane person, the drunk person, the foolish person, and the inattentive.







### **1– The Insane:**

The capacity of the insane person is completely not found because, he is like a non-discerning boy, i. e. he lacks discrimination, and his legal actions are invalid due to lack of his will.

### **2– Voluntary Intoxication – Drugs and Alcohol**

If a party is so inebriated that he or she is unable to understand the nature and consequences of the agreement, then the contract may be voided by the inebriated party.

### **3 – The Foolish Person:**

2024/202 The foolish person may be undistinguishing, so his capacity is, such as the non – distinguishing boy, not found. He may be distinguishing, so he has the capacity of the distinguishing boy, and enjoys his position.

### **4. Inattentive Person:**

The capacity of an inattentive person is like that of the discerning boy. So, his legal actions are voidable due to lack of his will.





## B – Legality

Contracts must be created for the exchange of legal goods and services to be enforced. An agreement is void if it violates the law or is formed for the purpose of violating the law. Contracts may also be found voidable if they are found violative of public policy, although this is rarer. Typically, this conclusion is only invoked in clear cases where the potential harm to the public is substantially incontestable, eluding the idiosyncrasies of judges.

For a contract to be binding, it must not have a criminal or immoral purpose or go against public policy. For example, a contract to commit murder in exchange for money will not be enforced by the courts. If performing the terms of the agreement, or if formation of the contract, will cause the parties to engage in activity that is illegal, then the contract will be deemed illegal and will be considered void or “unenforceable,” like a nonexistent contract. In this case, there will not be any relief available to either party if they breach the contract. Indeed, it is a defense to a breach of contract claim that the contract itself was illegal.



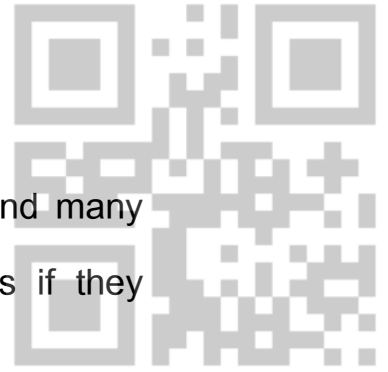
In a state where and sale of alcohol is illegal, two parties enter into an employment contract for selling alcohol, in such a case this contract is illegal, and does not have any legal effect, simply because employing the contracting person in a store of selling alcohol requires him to participate in the alcohol trading, and this trading is illegal. If the employee tries to recover any unpaid wages for work completed, his claim will not be recognized because the courts will treat the contract as if it never existed.

By contrast, parties enter a contract that involves the sale of dice to a known dealer in a state where gambling is unlawful. The contract would not be considered void because the act of selling dice, in and of itself, is not illegal.

Some examples of contracts that would be considered illegal are contracts for the sale or distribution of illegal drugs, contracts for illegal activities such as loansharking.

## **(2) – Non–Human Person:**

A non–human person is called a juridical person, and sometimes artificial, legal, or fictitious person. Juridical



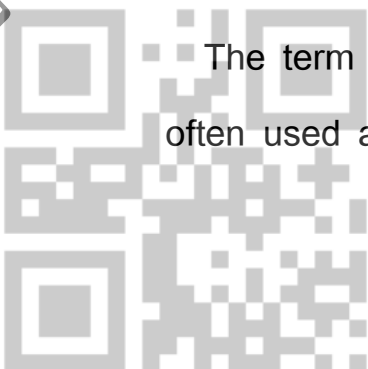
persons are entities such as corporations, firms, and many government agencies. They are treated in law as if they were persons.

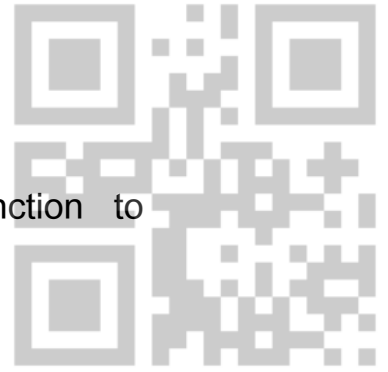
While natural persons acquire legal personality "naturally", simply by being born or even before that, in some jurisdictions, as we said before, juridical persons must have legal personality conferred on them by some "unnatural", legal process, this reason that they are sometimes called "artificial persons".

Legal personality is usually acquired by registration with a <sup>2024/202</sup> government agency set up for the purpose. In some cases, it may be by primary legislation.

As legal personality is a prerequisite to legal capacity i.e. to the ability of any legal person to amend, transfer, etc. rights and obligations, it is a prerequisite for an international organization to be able to sign international treaties in its own name.

The term "legal person" can be ambiguous because it is often used as a synonym of terms that refer only to non-





human legal entities, specifically in contradistinction to "natural person."

Juridical personhood allows one or more natural persons to act as a single entity (body corporate) for legal purposes. In many countries, artificial personality allows that entity to be considered under law separately from its individual members.

For example, in a company limited by shares, its shareholders may sue and be sued, conclude contracts, incur debt, and own property .

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Entities with legal personality may also be subjected to certain legal obligations such as the payment of taxes. An entity with legal personality may shield its members from personal liability.

The concept of juridical personality is not absolute. "Piercing the corporate veil" refers to looking at the individual natural persons acting as agents involved in a company action or decision; this may result in a legal decision in which the rights or duties of a corporation or



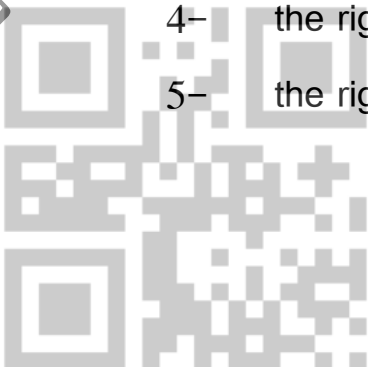


public limited company are treated as the rights or liabilities of that corporation's members or directors.

The concept of a juridical person is now central to both public law and private law, approximately in all legal systems. Though, not all organizations have legal personality. For example, the board of directors of a corporation, the legislature, and the governmental agency are not legal persons in that they have no ability to exercise legal rights independent of the corporation or political body which they are a part of.

2024/202 To allow it to function, the legal personality of a corporation was established to include five legal rights:

- 1- the right to a common treasury or chest (including the right to own property),
- 2- the right to a corporate seal (i.e., the right to make and sign contracts),
- 3- the right to sue and be sued (to enforce contracts),
- 4- the right to hire agents (employees), and
- 5- the right to make by-laws (self-governance).





## Chapter Three

### Law, Regulation, Morals, and Ethics

In this part, we will discuss the relationship, and main differences between Law, Regulation, Morals, and Ethics<sup>6</sup>.

#### Section One

#### Law and Regulation

Law or Legislation and regulation both play a significant role in shaping the legal landscape. To fully appreciate the differences and similarities between these two elements, we need to examine their meaning, purpose, and the processes involved in creating and implementing each.

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–Legislation refers to the process of making and enacting laws through a legislative body, such as the Parliament, which serves as a foundation for legal rules. Legislation is primarily made up of Acts of Parliament, which are proposed, debated, and enacted by elected representatives

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<sup>6</sup> – For more details about Law, Regulation, Morals, and Ethics, see: <https://www.studysmarter.co.uk/explanations/law/uk-legal-system/legislation/>. Available until January 20, 2024. And Dr. Khidr Mohammed Abdelrahim and Dr. Mohammad Elhady Abdelhakiem Ratib: Introduction to the English Legal System.





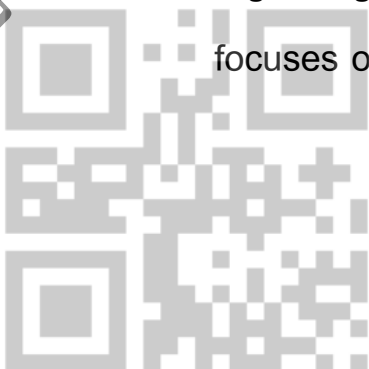
within Parliament. The main objective of legislation is to establish overarching legal principles that govern and guide society.

- Regulation refers to the detailed rules and directives that are created to implement and enforce legislation.

Regulations are generally created by government, such as ministers.

There are some key differences and similarities between legislation and regulation:

- 2024/2025 1– **Origin:** Legislation is created and enacted by Parliament, whereas regulation is usually established by government bodies.
- 2– **Function:** Legislation sets broad legal principles, while regulations provide detailed rules that help implement these principles.
- 3– **Scope:** Legislation generally has a wider scope, regulating various aspects of society, whereas regulation focuses on specific industries, sectors or issues.





4– **Legality:** Legislation is considered primary law, carrying the full force of law, while regulation has legal authority only to the extent that it is derived from the primary legislation.

5– **Flexibility:** Regulations can be more easily altered or updated compared to legislation since they do not have to go through a rigorous parliamentary process.

#### – Types of Regulations

Regulations categorized into three types:

(1) – **Executive Regulation:** These include detailed rules necessary to implement laws which tend to provide the general rules concerning the issue under regulation to ensure flexibility. Executive regulations are issued by the prime minister unless the law specifies who shall issue the regulation (Egyptian Constitution of 2014, Article 170,). As they are issued by the Executive Authority, these regulations can be amended or repealed easily compared to laws which are issued by the parliament.

(2)– **Organizational Regulation:** These can only be issued by the prime minister, after approval of the cabinet, to

organize public utilities and authorities (such as establishing authorities or agencies, specifying their mandate and functions, or abolishing them) (Egyptian Constitution of 2014, Article 171). Unlike executive regulations, these regulations are not issued based on an ordinary legislation.

- (3)– **Control Regulation:** These are the rules laid down by the prime minister, after approval of the cabinet, to protect order and public health (such as regulations concerning food safety) (Egyptian Constitution of 2014, Article 172). They do not implement a specific law.

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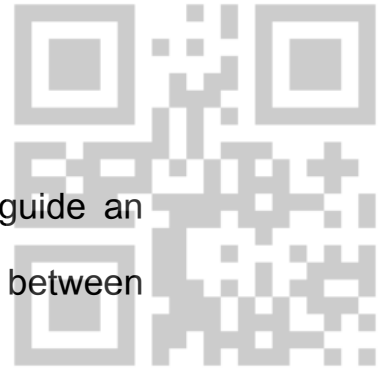
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## Section Two

### Law and Morality

**Law:** A set of abstract general rules (legal rules) issued by the competent authority in the state to regulate the behavior of individuals and entities (legal persons) in society and impose penalties for violating them. So, we will study in this part, in some detail, concept of legal rules and legal persons.



**Morality:** A system of values and principles that guide an individual's conduct and determine the difference between right and wrong.

### – Binding Legal Rules vs Personal Moral Guidelines

There is a crucial distinction to make between binding legal rules and personal moral guidelines in the context of understanding law versus morality. Binding legal rules are formal and specific regulations that society is expected to follow, to maintain social order and ensure justice is served. Personal moral guidelines, on the other hand, are subjective values and principles held by individuals that determine their actions and decisions.

Despite these fundamental differences, the line between law and morality can become blurred, as moral considerations often influence the creation and development of legal rules. Additionally, due to the diverse array of moral beliefs held by individuals, personal moral guidelines can conflict with binding legal rules.





This distinction can be further understood by examining various characteristics:

- Legal Rules are binding, while Morals are Personal Guidelines

- Legal Rules are formal and enforced by authorities, while Morals are Informal and self-regulated

- Legal Rules are uniformly applicable to all members of society, while Morals are Subjective and vary among individuals Sanctioned for non-compliance

2024/2025 – Legal Rules intend to maintain social order and justice, while Morals Intend to guide personal conduct.

#### – **Consequences of Legal and Moral Breaches**

While both law and morality exist to regulate behavior, the consequences of breaching legal rules and moral guidelines are distinct.

Breaching binding legal rules can lead to tangible punishments, such as fines and imprisonment, depending on the severity of the offence. The purpose of these



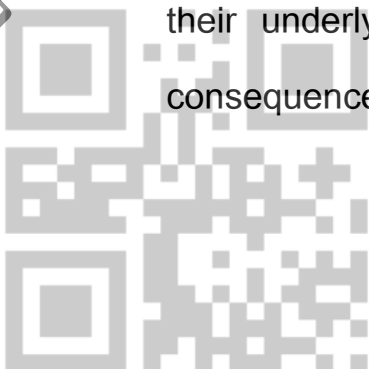


punishments is to deter individuals from committing offences, rehabilitate offenders to prevent reoffending, and maintain public trust in the justice system.

On the other hand, the consequences of breaching one's personal moral guidelines are subjective and may include feelings of guilt, shame, or remorse. These consequences do not have a universal impact and depend on the individual's values, beliefs, and social context.

For example, a person might feel guilty about lying, but lying is not a crime. On the other hand, if someone commits tax fraud, not only could they face legal consequences (fines, imprisonment), they might also feel guilty if their actions go against their personal moral beliefs.

Understanding the different consequences of legal and moral breaches can help clarify the distinction between the binding legal rules and personal moral guidelines. While law and morality both serve to regulate behavior, they differ in their underlying principles, methods of enforcement, and consequences for breaches.





### Section Three

#### Ethics, Morals and Law

Before delving into the distinctions and connections between ethics, morals, and law, it is essential to understand their individual definitions and how they operate within society. Each concept plays a specific role in shaping human behavior and decision-making in different ways.

– **Ethics:** A system of moral principles addressing questions of right and wrong, which generally guides the conduct of a specific group or profession.

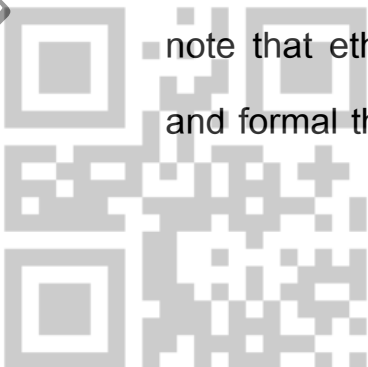
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– **Morals:** As previously defined, a system of values and principles that guide an individual's conduct and determine the difference between right and wrong.

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Though ethics and morals may seem synonymous, they differ in scope and application. While morals usually refer to individuals' personal beliefs and values, ethics apply to institutions, professions, or groups. It is also important to note that ethical frameworks tend to be more standardized and formal than personal moral beliefs.





## – Key Differences between Ethics, Morals, and Law

Key Differences between Ethics, Morals, and Law

Include:

1– Ethics and morals both deal with identifying and implementing values and principles, whereas law establishes rules to govern society.

2 – Ethics are typically concerned with professional conduct, whereas morals deal with personal values and beliefs.

2024/2025 3 – Law is formal, enforced by the government, and sanctioned; on the other hand, ethics and morals are more informal and self-regulated, with varying consequences for breaching them.

## The Role of Ethics in the Legal System

In our legal system, ethical principles play an essential role, particularly when it comes to professional conduct within the legal profession. Solicitors, barristers, judges, and other legal professionals are expected to adhere to specific





ethical codes, which ensure that they act with integrity, serve justice, maintain professional competence, and protect their clients' best interests.

There are several institutions responsible for establishing and enforcing ethical codes in the legal system:

- The Bar Board sets the professional standards for barristers in Egypt, responsible for implementing the Bar's Code of Conduct.

- The Judicial Conduct Investigations Office investigates complaints about the conduct of judges, tribunal members, magistrates, and other judicial office holders, guided by the Guide to Judicial Conduct.

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While ethical principles do not carry the same weight as binding legal rules, violations of professional standards can lead to disciplinary proceedings, sanctions, or disqualification from practicing in the legal profession.







## Section Four

### Moral Principles and Legal Obligations

Moral principles and legal obligations are two distinct yet interconnected aspects of human behavior and decision-making in society. While moral principles inform an individual's beliefs about right and wrong, legal obligations are the duties and responsibilities required by law. The relationship between moral principles and legal obligations is complex, as the former can have a profound influence on the development of the latter. However, they do not always coincide.

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It is important to recognize that moral principles and legal obligations can sometimes conflict or create tensions within society. For example, whistleblowers may believe they are acting morally by exposing corruption or illegal activities, but they might simultaneously violate legal obligations to maintain confidentiality or loyalty to their employers.

In summary, ethics, morals, and law are distinct yet interconnected concepts that influence human behavior and decision-making. Understanding the differences between





these concepts and their roles in the legal system can help individuals navigate the complexities of personal values, professional conduct, and societal regulations.

### **Rule of Law vs Moral Codes of Conduct:**

When examining the distinction between the rule of law and moral codes of conduct, it is essential to recognize that they are different concepts with unique roles in society. The rule of law establishes a structured legal system that protects individual rights and holds everyone accountable for their actions, while moral codes of conduct serve as personal guides to distinguish between right and wrong behavior based on subjective values.

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## Chapter Four

### Sources of Law

According to Article (1) of the Egyptian Civil Code, legislation is the first source of Law, and then comes custom, followed by the principles of Islamic law, then the principles of natural law and the rules of justice. In addition to these four original sources, judicature and jurisprudence are considered interpretative sources of law in Egypt.

We will discuss – in some details – both of legislation and custom as Original Sources, and judicature and jurisprudence as interpretative sources, as follows:

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## Section One

### Original Sources of Law

#### First, Legislation<sup>7</sup>

**Legislation:** A set of abstract general rules (legal rules) issued by the competent authority in the state to regulate the behavior of individuals and entities (legal persons) in society and impose penalties for violating them.

Legislation is classified into two categories: primary legislation and secondary legislation. Primary legislation includes the Constitution, laws, legislative decrees, and treaties. According to the Egyptian Constitution, laws can be initiated by the parliament, the Cabinet or the President. Secondary legislation or regulations is issued by the executive authority, and can be further categorized into three types as we pre discussed:

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<sup>7</sup>- <https://www.oecd-ilibrary.org/sites>, Available until January 20, 2024.

- <https://www.oecd-ilibrary.org/sites/5d806358-en/index.html?itemId=/content/component/5d806358-en>, Available until January 20, 2024.



Both the parliament and the executive authority (i.e. the president or cabinet) can propose legislation. Legislation initiated by the former, the parliament, is called "proposal law" if it is proposed by less than ten percent of the members of parliament. Legislation proposed by the Cabinet, the President of Republic and more than ten percent of the members of parliament is called "project law".

The Constitution also gives the President of the Republic the right to issue legislation, called "legislative decree", in extraordinary circumstances. For instance, in cases where there is a need to take quick action that cannot be delayed when the parliament is not in session, legislative decrees might be issued. Laws issued by the President need to be submitted to the parliament for review and approval within 15 days. If not, legislative decrees have no retroactive impact, unless the parliament approves their validity in the previous period or the settlement of their impacts.

#### – Steps of enactment Legislation in Egypt:

The enactment of legislation in Egypt consists of the following steps or stages:



- 1 – Initiation and drafting of proposal,
- 2 – Review by the Parliament,
- 3 – Issue by the President, and
- 4 – Publishing and enforcement.

### **1 – Initiation and Drafting of Legislation**

Legislation can be initiated both by parliament and the government. The process of initiating and drafting legislation by the government and parliament is explained as follows:

#### **2024/202 A – Legislation Proposed by the Government**

Although there are no existing standard procedures or guidelines for the development of legislation in ministries, there are common practices which guide the process.

In most cases, a ministry initiates the process for introducing new legislation or amending existing one due to one of the following reasons:





- To realize ministers' visions that could be based upon recommendation of their advisers, or heads of subordinate authorities and agencies.

- In response to the public interest or problems with the existing legislation.

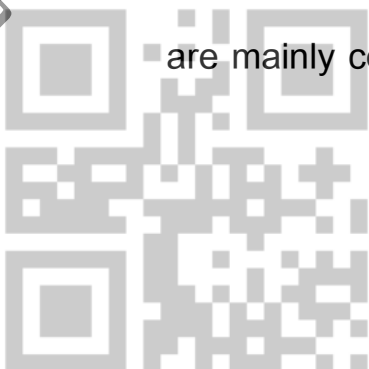
- In the implementation of recommendations by international development organizations.

- To reflect the verdicts of the Supreme Court.

- In response to the reports of regulators concerning  
2024/202 problems in regulation; and

- To be in line with the country's international commitments.

The process of the development of legislation involves a consultation process between ministries. The concerned minister may form a working group, including technical officials from the ministry with expertise in the field as well as legal experts led by the legal adviser to the minister, who are mainly concerned with composing the legal text.



This consultation process might sometimes be supported by consultants, who prepare studies about the expected outcomes and benefits of the legislation and associated risks. Throughout the development of legislation, the working group reviews existing legislation and examines it article by article identifying challenges and proposing amendments. This mainly aims at addressing the limitations of the existing legislation. However, consultation is not mandatory and at the discretion of the entity. Therefore, given that there is no guiding framework, consultations can take different forms and be ad hoc.

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The cabinet or ministers may send draft laws and proposals to the Legislation Department at the Ministry of Justice to benefit from their expertise on drafting legislation and legal issues. The Department reviews the quality of drafts in terms of internal consistency, clarity and intelligibility; and may redraft the proposal, if necessary. The Legislation Department also checks the constitutionality of draft legislation.



Once the legal text is drafted, the legal adviser presents the results of the working group to the minister. Upon the approval by the minister, legislative proposal is sent to the Cabinet, together with an explanatory memorandum, for review and discussion by ministers. Although there is no required standard format for the explanatory note, it usually explains the rationale behind the development of new legislation (i.e. the current challenges necessitating introducing change), and the objectives of the proposed sections or articles.

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Before placing it on the agenda of the Cabinet, the proposed legislation needs to be presented to the Prime Minister. Upon the approval of the Prime Minister, the proposed legislation is included on the agenda of the Cabinet and a session is reserved to discuss the proposal and the concerned minister is notified.

The draft is discussed in the Cabinet and can be approved; returned to the ministry for amendment; or rejected. The Secretariat for Legislative Affairs may ask the proposing ministry for clarifications concerning the drafting

of the legislation. In most cases, the draft goes through several iterations. Once it reaches a satisfactory stage and approved by the Cabinet, draft legislation is forwarded to the State Council for legal review. The draft is then returned to the Cabinet, which in turn sends it back to the concerned ministry to incorporate the Council's comments, and forwards it back to the Cabinet. The final version of the draft is approved by the Cabinet and sent along with the explanatory note to the House of Representatives for ratification.

## **B – Legislation Proposed by Members of the parliament**

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The legislation initiated by members of the parliament is called "proposal law" if it is proposed by less than ten percent of the members of parliament. Legislation proposed by the Cabinet, President of Republic and more than ten percent of the members of parliament (MPs) are called "project law".

The proposal submitted by more than ten percent of MPs needs to be drafted in articles and accompanied by an explanatory memorandum, including the constitution's text

related to the proposal, and the main principles on which it is based and the desired objectives. If a law is proposed by less than ten percent of MPs, then it needs to follow special procedures.

## 2 – Review by Parliament

Project laws proposed by the government, and proposal laws, proposed by the members of the parliament, are presented in the House of Representatives meeting where the Speaker refers them to the relevant specialized committee in the parliament for review. The Speaker may also circulate the draft and its explanatory memorandum to all MPs.

Specialized committees review the proposal laws and project laws referred to them in their areas of competence in the order they were received. Reviews of assessing the objectives and impact of the proposed legislation might take place in the committees but could benefit from a common framework to ensure even and systematic application of impact assessments.

The specialized committee might request the government to provide additional information to which the government has to respond within 15 days following the receipt of the request. Committees may also invite government officials, heads of departments or authorities to attend their meetings during the discussion of relevant topics. They can also bring along experts and specialists on the subject from their ministries or agencies. Although the government officials could be consulted during the discussions, they have no voting power on the adoption of the proposed legislation.

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The Speaker may also ask other committees to provide an opinion about a report submitted by another committee in the assembly's discussion. In addition, the Speaker can form ad hoc committees comprising a specific number of MPs from specialized committees to examine a bill or a certain issue.

The Speaker may also form joint committees, comprising two or more specialized committees to examine draft legislation. Upon the approval of the Speaker of the House,



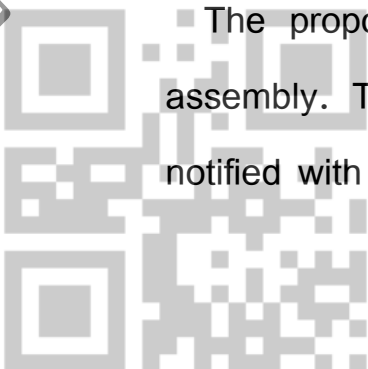
the specialized committee may refer the draft to the Constitutional and Legislative Affairs Committee for review.

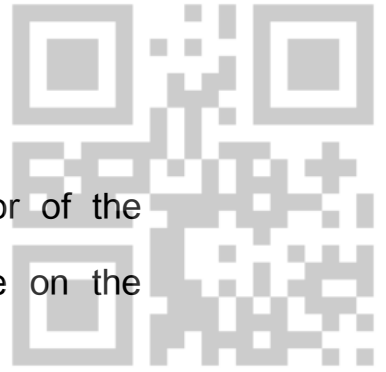
The Constitutional and Legislative Affairs committee submits a report to the Speaker of the House including its findings and recommendations. The Speaker may refer the report to the General Committee to receive its opinion (Law No. 1/2016, Article 47). Once the report is finalized, the Speaker decides whether to include it on the assembly's agenda. If included on the agenda the report must be distributed to MPs at least 24 hours before the specified meeting. The assembly may decide to return the report to the committee for further study considering the discussions.

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The proposed legislation is discussed in the assembly meeting, and then article by article. MPs may suggest amendment, addition, or deletion of articles by submitting the suggested amendments to the Speaker at least 24 hours before the meeting.

The proposed amendments are then discussed in the assembly. The concerned specialized committee shall be notified with the proposed amendments before the meeting



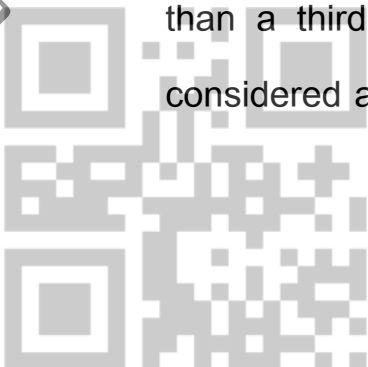


so that it can examine them, and the coordinator of the committee presents the opinion of the committee on the suggested amendments during the discussion.

If the assembly decides to refer the proposed amendment to the committee, the committee must submit its report on whether the amendment has an impact on the other articles of legislation. In this case, discussion of the draft shall be postponed until the committee finishes its review. Otherwise, the assembly continues the discussion of the other articles of the draft legislation.

2024/202 Deliberation starts with discussion of the principles and general bases of the draft legislation. If the assembly rejects the proposal in principle, the draft is rejected.

On the other hand, if approved, the draft legislation is discussed article by article and MPs must vote on each article and then on the draft as a whole. If approved by the absolute majority of present MPs, which should not be less than a third of the total number of MPs, the proposal is considered approved by the House.

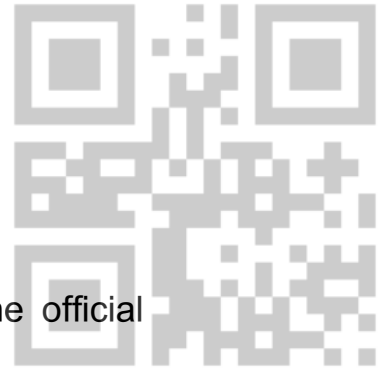


If votes are equal, the proposal is considered rejected (Egyptian Constitution of 2014, Article 122,). Some laws (such as those regulating judicial bodies or elections) require votes of no less than two-thirds of MPs for approval. All laws are submitted to the State Council for review.

### **3 – Issue by the President**

After approval of the proposal law or project law by the House of Representatives, it is sent to the President of the Republic who has the right to issue it or reject it. If the President approves the law it is published, otherwise it is referred back to the parliament within 30 days.

In case of rejection, the President informs the Speaker on the reasons of objection. Despite objection of the President, the House of Representatives may organize another vote and might pass the law if it is approved by no less than two thirds of the whole House (Egyptian Constitution of 2014, Article 123,). If, however, the House accepts the objection of the President, the Speaker forms a committee to re-examine the proposal and amend it.



#### 4 – Publishing

The legislation is required to be published in the official gazette within 15 days from its issue by the President (Egyptian Constitution of 2014, Article 225). Laws and presidential decrees are published in the "Official Gazette" while secondary legislation (including ministerial and governor decrees and decisions of public authorities and agencies) are published in "Waq'a'a Al-Masreya", which is an annex to the Official Gazette.

The constitution stipulates that legislation enters into force 30 days from the day following their publishing, unless another date is specified in the legislation. It is mandatory to publish primary legislation in the official gazette. (Access to the official gazette is subject to the subscription fee.) This is known in the legal field as the principle of direct effect.

##### – Meaning of Direct Effect:

Direct effect in the legal field means that the ordinary legislation or the law enters into force after 30 days from the day following its publishing in the official gazette unless another date is specified in the legislation itself. According to





article 225 of the Egyptian Constitution of 2014. the latter “the publishing in the official gazette” must occur within 15 days from its issuance by the president of the republic. Though, the principle of direct effect may not be applied in some circumstances. I. e. the law may enter into force before its publishing in the Official Gazette. This is the principle of retroactivity or retrospectivity.

– **Meaning of Retroactivity:**

When it comes to criminal legal policy, the word “retroactivity” or “retrospectivity” means applying new legislation to previous cases. A retroactive law is a legislative act that looks backward or contemplates the past, affecting acts or facts that existed before the act came into effect.

In essence, this means retroactive laws change the legal consequences or status of past actions; theoretically, they can increase, decrease, or eliminate legal sanctions. However, retroactive laws do not increase penalties or impose new consequences on past actions. <sup>8</sup>

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<sup>8</sup> – <https://www.restorejustice.org/legal-explainer/explainer-retroactivity>



### **Why it is difficult to pass retroactive legislation?**

There are individuals and organizations, particularly in law enforcement communities, who express concern that retroactive application of the law violates the constitution. They argue it is a violation of the Constitution's separation of powers provision. Accordingly, they believe the only lawful way to change or modify a criminal sentence after it was imposed is through executive clemency. However, this position is not supported by the law, as proven by a legal analysis.

Another reason is opponents believe it is unfair to victims and their families who are said to have been promised a particular sentence. While this argument may be compelling, it is less so when balanced against both the fundamental unfairness of requiring people to serve vastly different sentences for the same offense, and society's duty to correct laws and policies that have been determined to no longer reflect evolving standards of justice.

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## Secondly, Custom

### – Meaning and Conditions of Custom:

Custom is what people have become accustomed to and have become accustomed to in their behavior, whether in deed or word, without clashing with a legislative text. It is considered one of the oldest sources of human legislation, as the various legislations began with customs and customs that turned them into a law that governs them. Custom continues until now one of the most important sources of legal rules.

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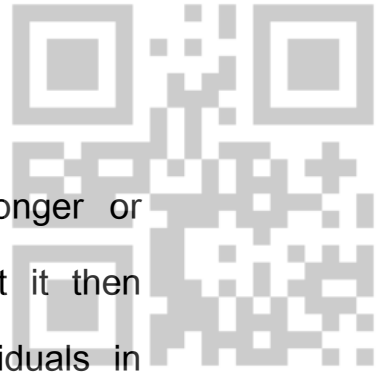
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The customary rule consists of a specific behavior or position issued by a person or a group of people on a specific occasion, and then this is repeated on other occasions to someone who creates a belief among the public that it is necessary to respect it.

Thus, the essence of the customary rule is not merely the behavior that is issued by people, but rather it is the continuation of that behavior, meaning that the mere behavior is called a custom, only after it has been





repeatedly implemented for a period of time, longer or shorter depending on the circumstances, so that it then turns into a general behavior approved by individuals in Society, and thus a customary rule formed.

To be formed, the customary rule requires several conditions:

- 1– The custom must have been in place for a long time
- 2 – The rule must be continuous and stable, i.e. it must be used repeatedly
- 3 – It must be general and abstract rule.
- 4 – people should be used to respecting it and adhering to it
- 5 – This rule must not be in violation of public order or a legislative text.

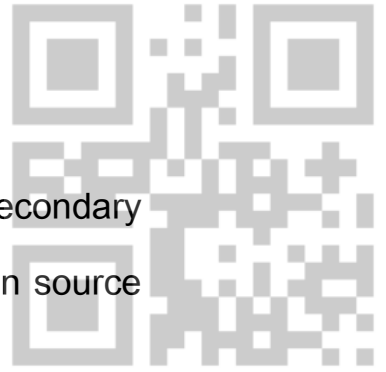
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Thus, custom is rules that are not imposed by the legislative authority but are the result of general and long-term practice in society.





Though custom is considered, generally, a secondary source for the legal rule, it is considered as an origin source for it in some cases:

- 1 – Between desert populations.
- 2– In commercial dealings and trade.
- 3 – In international law.

– **Elements of custom:**

Custom has two Elements: a material element and a mental element.

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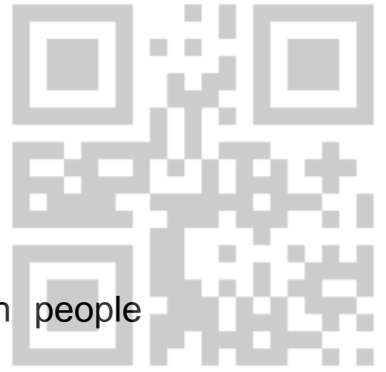
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**(1)– Material Element:**

The material Element achieved if people's behavior on a specific issue is repeated enough to create a habit that meets the conditions. This period varies according to the environment, as the custom arises in commercial environment, for example – due to its frequent occurrence – in a shorter time compared to custom that arises in agricultural environment.





## (2)– Mental Element

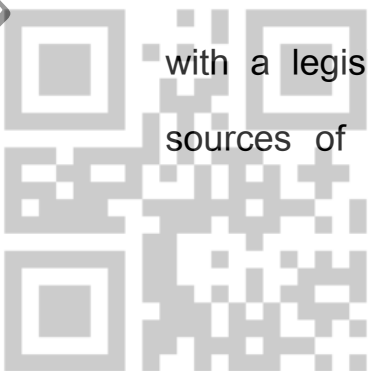
The mental element of custom achieved when people believe that a behavior, they have been continuously practicing for a long time has become binding for them at the degree that they will be punished if they violate it.

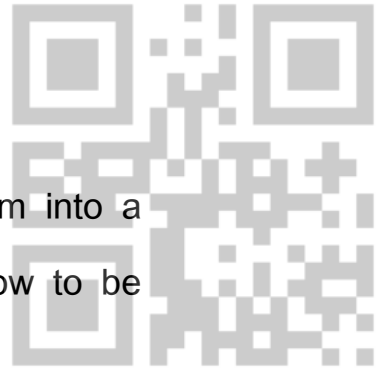
The mental element distinguishes custom from habit. If custom lacks the moral element, it remains only a habit and not a custom, and will not be obligatory to people. Also, the social traditions related to the etiquette of visiting, congratulating, and giving gifts on special occasions are not customs, even if they are general, fixed, and ancient; because people do not feel that violating it results in a punishment.

### - Custom vs Agreed Habits:

#### First, Meaning and Conditions:

Custom is what people have become accustomed to in their behavior, whether in deed or word, without clashing with a legislative text. It is considered one of the oldest sources of human legislation, as the various legislations





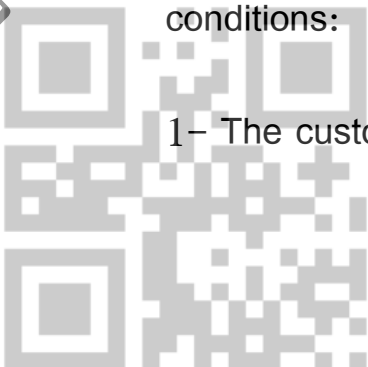
began with customs and customs that turned them into a law that governs them. Custom continues until now to be one of the most important sources of legal rules.

The customary rule consists of a specific behavior or position issued by a person or a group of people on a specific occasion, and then this is repeated on other occasions to someone who creates a belief among the public that it is necessary to respect it.

– Thus, the essence of the customary rule is not merely the behavior that is issued by people, but rather it is the continuation of that behavior, meaning that the mere behavior is called a custom only after it has been repeatedly implemented for a period of time, longer or shorter depending on the circumstances, so that it then turns into a general behavior approved by individuals in society, and thus a customary rule formed.

To be formed, the customary rule requires several conditions:

1– The custom must have been in place for a long time





2 – The rule must be continuous and stable, i.e. it must be used repeatedly

3 – It must be general and abstract rule.

4 – people should be used to respecting it and adhering to it

5 – This rule must not be in violation of public order or a legislative text.

– Thus, custom is the rules that are not imposed by the legislative authority but are the result of general and long-term practice in society.

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Though custom is considered, generally, a secondary source for the legal rule, it is considered as an origin source for it in some cases:

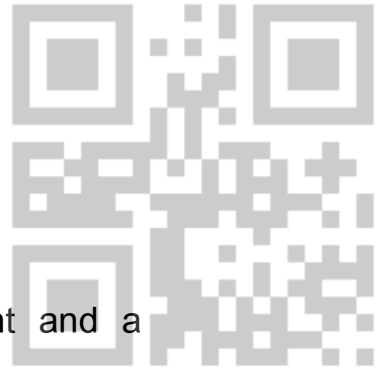
1 – Between desert and oases populations.

2– In commercial dealings and trade.

3 – In international law.







## **Secondly, Elements of Custom:**

Custom has two Elements: a material element and a mental element.

### **(3)– Material Element:**

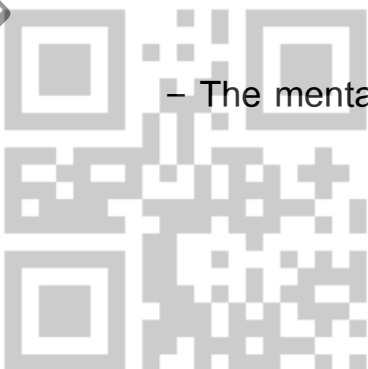
–The material Element achieved if people's behavior on a specific issue is repeated enough to create a habit that meets the afore mentioned conditions.

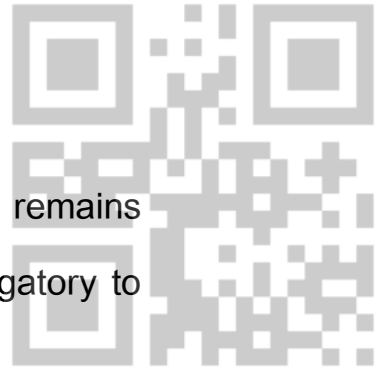
– This period varies according to the environment, as custom arises in commercial environment, for example –  
2024/2025 due to its frequent occurrence in a shorter time compared  
2024/2025 to custom that arises in agricultural environment.

### **(4)– Mental Element**

–The mental element of custom achieved when people believe that a behavior, they have been continuously practicing for a long time has become binding for them to the degree that they will be punished if they violate it.

– The mental element distinguishes custom from habit.





– If custom lacks the mental or moral element, it remains only a habit and not a custom, and will not be obligatory to people.

– Also, the social traditions related to the etiquette of visiting, congratulating, and giving gifts on special occasions are not custom, even if they are general, stable, and ancient; because people do not feel that violating them results in a punishment.

### **Thirdly, Custom vs Agreed Habits:**

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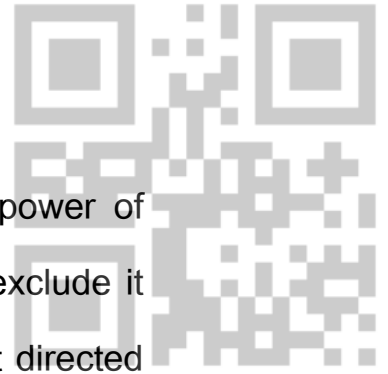
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In case of custom, the material and mental elements are required, as stated before. However, in agreed habit, the mental element is not found. Therefore, individuals do not abide by it without agreement.

Consequently, agreed habits are the rules that are usually followed in commercial works without being binding. They are based on the implicit or explicit will of the contracting parties that appears through the circumstances of the contract.





Therefore, it derives its binding force from the power of will. It is permissible for the contracting parties to exclude it by an explicit text or to prove that their will was not directed to it. Therefore, it works and is not excluded unless the contract itself excludes it.

Whoever, it is not permissible to adhere to the agreed habits unless it is general, constant, just, and does not violate public order or good morals.

There are many agreed habits in the commercial field, including:

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– In selling wood contract, the buyer bears the defect, which is not discovered until after cutting.

– In the sea transport contract, the carrier is not responsible for losses incurred by goods such as increased moisture in shipped wheat.

Regarding the force of agreed habit, it is ranked after both the legislative text and the customary rule.



The assessment and validity of the agreed habit and its interpretation subject to the discretionary authority of the judge that does not subject to the control of the Court of Cassation.

## Section Two

### Interpretative Sources of Law

Judicature and Jurisprudence are considered interpretative Sources of legislation in Egypt; we discuss both here, as follows:

#### First, Judicature:

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Judicature is one of the interpretative sources of the law as the judge is under no obligation to apply any of the previous decisions pronounced in similar cases. Yet, he may refer to these previous decisions as they may guide him in making his decision .

In our country, the judge's role is confined to interpreting the legal rules. He is not authorized to create new rules unless there is no provision to apply. In this case, he rules in accordance with the rules of equity. He should



also keep in mind that he must put in mind the interests of the two sides of the dispute.

Under the Anglo–American system, judicature plays a greater role. On one hand, it is regarded one of the binding sources of the law. The judge is obliged to apply any previous decisions that set new principles. On the other hand, the judge may create new legal rules. Therefore, this system is called ‘Case Law’.

**It is noteworthy that:**

(1) –The interpretation of the Egyptian Supreme Constitutional Court of the legislative provisions is binding to all state authorities (Article 49 of the Law No 48 of 1979 regarding the supreme constitutional court). Therefore, the decisions of this court regarding the issue of interpretation are regarded as a binding source of the law.

(2) – Decisions of the court of cassation have a great moral effect on all the Egyptian courts of different classes and degrees. In fact, the judges show great respect for the judicial principles the court of cassation agrees upon.



(3) –There is a remarkable increase in the role played by judicature in applying and interpreting the legal rules and in putting important theories, especially in the commercial field, like the theory of mercantile affairs, the system of current account and the idea of actual bankruptcy. This is because the Old Commercial Code could not cope with the development of commercial life. In addition, the scope of commercial custom extended widely.

Therefore, many countries, including Egypt, give due attention to compiling the decisions of the supreme courts such as the cassation court and the supreme administrative court and publishing them in different magazines and periodicals to make them available to those who might be concerned.

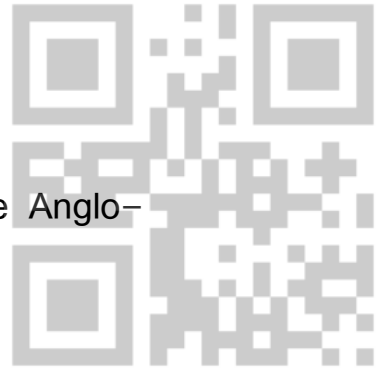
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### **Secondly, Jurisprudence:**

Jurists play an important role in interpreting the provisions of the law and in commenting on the judicial decisions made in relation to them. The judge may refer to their opinions in this respect, but it should be borne in mind that he is under no obligation whether in the countries



following the Latin systems or those following the Anglo-American system.

The role of jurisprudence is not limited to offering solutions to the problems facing judicature or to supporting its theories. Jurists criticize the legal provisions and judicial decisions, and in most cases such criticism results in amending legislation. Thus, jurisprudence is regarded as the guide and director of the legislator.

## **Chapter Five**

### **Classification of Law**

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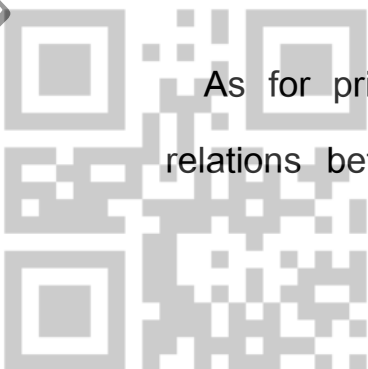
The law is classified into two basic types or divisions, namely: public law and private law.

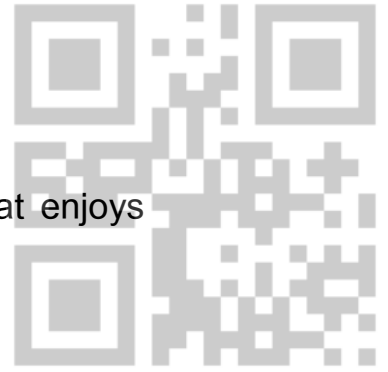
#### **Section one**

##### **Difference Between Public Law and Private Law**

Public law is the set of rules that regulate the relations to which the state is a party as a sovereign and authority.

As for private law, it is the set of rules that regulate relations between individuals, or between them and the





state, as an ordinary person and not as a party that enjoys sovereign and authority.

– Criteria for distinguishing between public law and private law:

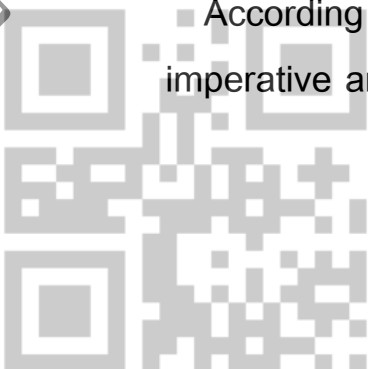
### **1 – Nature of Persons:**

The law is divided into public law and private law according to this criterion according to the persons who are parties to the legal relationship, whenever the state or one of its bodies such as the government, state, municipality, and various departments are a party to the relationship, we are before public law. While we are before private law when the parties to the relationship are private persons.

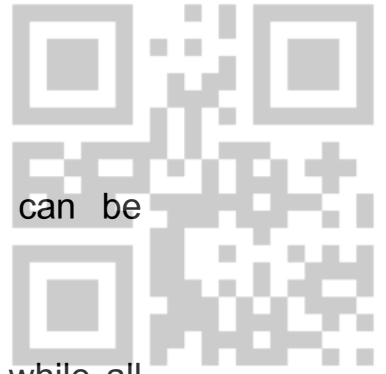
However, what is wrong with this criterion is that it omits the nature of the state, or any of its bodies when it is a party to the legal relationship, as it does not always intervene as the sovereigns.

### **2 – Nature of legal rules:**

According to this criterion, the rules of public law are all imperative and are prohibited to agree to violate them, while







private law has complementary legal rules that can be agreed to be violated.

This criterion was criticized on the grounds that, while all public law rules are – indeed – imperative, the rules of private law are not all interpretative but a combination of imperative and interpretative or supplementary.

### **3 – Nature of the interest to be protected:**

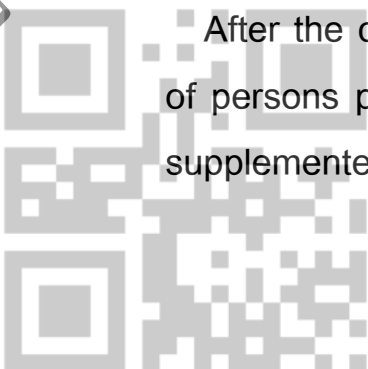
According to this criterion, public law aims to achieve and protect the public interest while private law aims to achieve private and protect interest.

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This criterion is blamed as there is no separation between the public interest and the private interest, since all legal rules aim to achieve the public interest, including the rules of private law, which are the basis for achieving the private interest for individuals. A rule of law cannot pursue a private interest if it conflicts with the public interest of society.

### **4 – Status of Parties:**

After the criticisms faced to the first criterion (the criterion of persons parties to the relationship), jurists corrected and supplemented it. The criterion of the status of persons who



are parties to a legal relationship is not limited to looking at persons, but also to looking at their capacity.

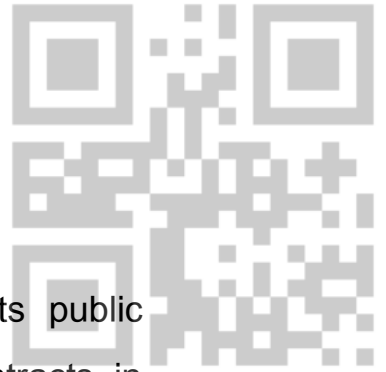
Whenever we are faced with the relationship of one of its parties, the state or one of its public bodies with the status of sovereignty, that is, by using the privileges of public authority, we are before public law. However, if we are faced with a relationship of ordinary persons or the state or one of its public bodies, but without the status of sovereignty, we are before private law.

**– Importance of distinguishing between public law and private law:**

2024/202 The distinction between public and private law is important in many fields, according to the following:

**1– In the field of privileges:**

The public authorities of the state shall enjoy special privileges for the purpose of achieving the public interest, these privileges are not enjoyed by ordinary persons because they are pursuing their own interests. Examples of privileges enjoyed by public authorities include taxes, expropriation of private property for the public benefit, etc.



## **2 – In the field of contracts:**

Contracts concluded by the state or one of its public bodies as sovereign are called administrative contracts in which the public authorities concluding for them are in a higher position than private persons, and they have the right to amend, cancel and rescind the contract. In private law, the parties to the contract are in equal positions.

## **3– In the field of funds:**

Public property may not be disposed of, seized, or acquired by prescription, unlike private property, as it may be disposed of, seized, and acquired by prescription.

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## **4 – In the field of jurisdiction:**

The jurisdiction to hear disputes in which the state or one of its public bodies is a party belongs to the administrative judiciary, while the ordinary judiciary is competent to hear disputes that are between private persons in general.





## Section Two

### Branches of Public Law

In this chapter, we will quickly discuss the main concepts of the public law branches, as follows:

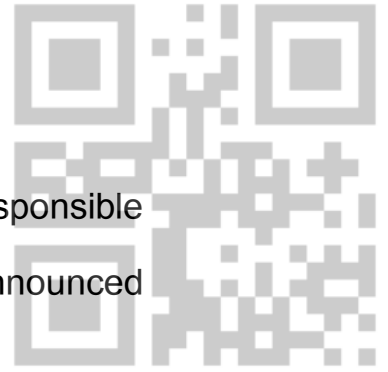
#### First, Constitutional Law

The constitution, or so called the constitutional law is the supreme law that defines the basic rules for the form of the state (simple or combined), the system of government (monarchy or republic), and the form of government (presidential or parliamentary). It regulates the public authorities in the state in terms of jurisdiction, relations between authorities, the limits of each authority, the basic duties and rights of individuals and groups, and establishes their guarantees before authority.

An elected committee, an appointed government committee, or Parliament shall prepare the draft constitution and then present this draft to a popular referendum.

The 2014 Constitution of the Arab Republic of Egypt (modified in 2019) issued in 254 articles and was voted on



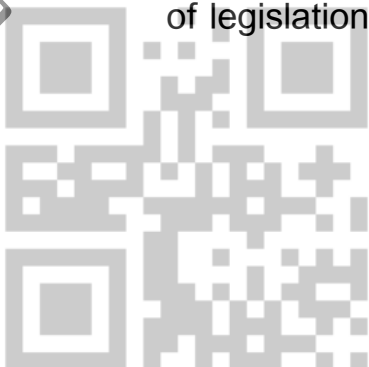


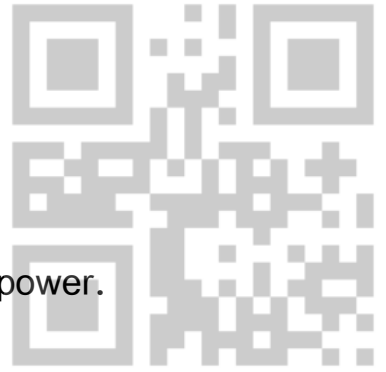
in a referendum in early 2014. The committee responsible for organizing the referendum on the constitution announced the result on January 18.

On January 22, 2014, the president of the republic signed the document promulgating a constitution, and it has been officially implemented since January 18, the day the results of the referendum were announced.

The Egyptian Constitution emphasizes the following main essential rules:

- 2024/2025 1– The Arab Republic of Egypt is a sovereign state, united  
2024/2025 and indivisible, where nothing is dispensable, and its system  
2024/2025 is democratic republic based on citizenship and the rule of law.
- 2– Islam is the religion of the state and Arabic is its official language.
- 3– The principles of Islamic Sharia are the principal source of legislation.





4– Sovereignty belongs to the people alone, which exercises it and protects it. They are the source of power.

5 – The political system is based on political and partisan multiplicity, the peaceful transfer of power, the separation and balance of powers.

6– Citizenship is a right to anyone born to an Egyptian father or an Egyptian mother.

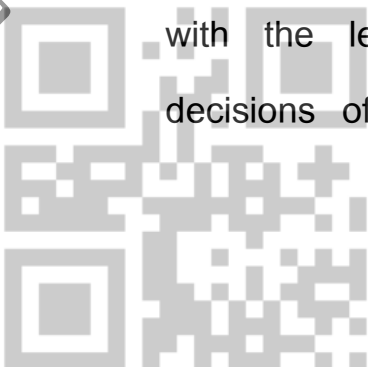
#### – **Constitution and the law**

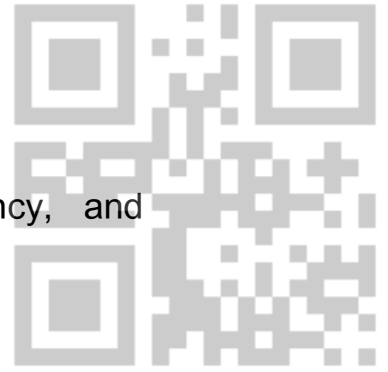
Constitution is the basic and supreme document that defines the foundations and guiding principles of the state.

It is the supreme law in society, while law, or what so called the ordinary legislation is a set of rules that regulates behavior of legal persons in society and defines rights, duties, and penalties.

#### **Secondly, Administrative Law**

Administrative law is the branch of public law that deals with the legal framework governing the actions and decisions of public authorities, agencies, and regulatory





bodies. It primarily aims to ensure transparency, and procedural fairness of these entities.

Administrative rules and regulations play a crucial role in legal system by providing a structured framework for public authorities to regulate various activities, protect public interests, and ensure the fair treatment of citizens. These rules also help maintain the rule of law and prevent the arbitrary exercise of power by establishing clear standards and procedures to be followed by public authorities in their decision-making process.

2024/202 Administrative law judge ensures fairness and efficiency in administrative tribunals and hearings, conducting impartial hearings and issuing decisions based on evidence and legal principles.

An administrative law judge is a legally qualified official who presides over tribunal hearings, evaluates evidence, and makes decisions on disputes involving government agencies and individuals or businesses. They play a crucial role in ensuring the fair and impartial administration of justice, particularly in matters related to benefits, licenses,



and various regulatory matters. ALJs interpret and apply legislation, regulations, and precedents, and may recommend or impose penalties or sanctions accordingly. Their decisions can be challenged through internal appeals processes.

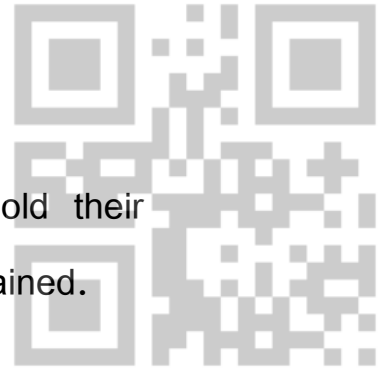
The purpose of administrative rules and regulations is to provide clear and enforceable standards and procedures for public authorities, ensuring actions are transparent, and consistent with legal principles and human rights, while maintaining the rule of law and public confidence in the legal system.

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#### **– Importance of administrative law**

The importance of administrative law lies in its ability to regulate the activities of government agencies, ensuring their actions adhere to legal principles and protect citizens' rights. It provides a framework for fair decision-making and promotes transparency, and efficiency in the public sector. Additionally, administrative law offers avenues for individuals and businesses to challenge or seek review of





government decisions, empowering them to uphold their rights, interests and ensure the rule of law is maintained.

### **Thirdly, Criminal Law**

– **Criminal Law:** A set of legal rules that define the legal model of criminal offenses and determine the punishment for each crime, the reasons for permissibility, and the impediments to punishment, if any.

#### **– Types of Criminal Law Offences**

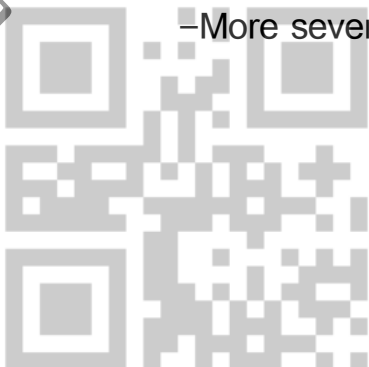
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There are several categories of criminal offences, each carrying different levels of severity and corresponding penalties. By understanding the various types of criminal offences, we can better appreciate how the criminal law system works and the steps involved in prosecution.

#### **– Some of the main types of criminal offences are:**

–Less serious crimes, such as minor traffic violations or public disorder.

–More severe crimes like robbery, murder, rape or burglary.



In addition to the various types of criminal offences, further distinctions may be made between categories of crimes such as property offences (theft, burglary, criminal damage), offences against the person (assault, battery, homicide), and public order offences (riot, affray, harassment).

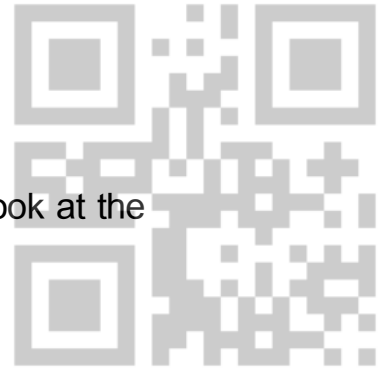
### **Main Differences Between Civil Law and Criminal Law**

Though criminal and civil law both aim to achieve justice, there are crucial distinctions between the two in terms of their nature, the parties involved, the types of cases, and the remedies available.

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The nature of a case is a key factor in distinguishing criminal law from civil law. In criminal cases, the focus is on punishing an individual or entity charged with committing a crime against society. These crimes are seen as a threat to the public order and are addressed by the prosecution, which represents the state .

Conversely, civil cases deal with disputes between private parties, such as individuals, companies, or organizations, where one party seeks a resolution and enforcement of their



legal rights. To further illustrate the differences, let's look at the following comparisons:

A burglary case, in which the accused individual is charged with breaking into a building with the intention to commit theft, falls under criminal law. The state steps in to prosecute the alleged offender and, if found guilty, impose an appropriate punishment, such as imprisonment or a fine.

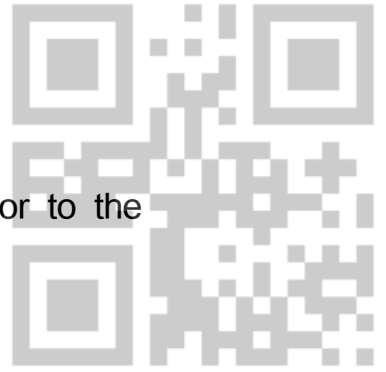
In contrast, a dispute between two individuals over a breach of contract would fall under civil law. One of them seeks to hold the other accountable for failing to fulfill its obligations under the agreement and asks a court to award damages as compensation for the harm suffered due to the breach.

### – Types of Remedies in Criminal Law

Remedies in criminal and civil law differ by nature and purpose. In criminal law, remedies are primarily punishment-oriented, with the objective of deterring crime and protecting society from potential further harm by the offender .

Civil law remedies, on the other hand, are focused on compensating the harmed party and providing equitable relief





to restore, as much as possible, the status quo prior to the wrongdoing.

– **Typical remedies in criminal cases can be:**

- Imprisonment or custodial sentences
- Fines payable to the state
- Probation or conditional discharges

On the other hand, remedies available in civil cases include:

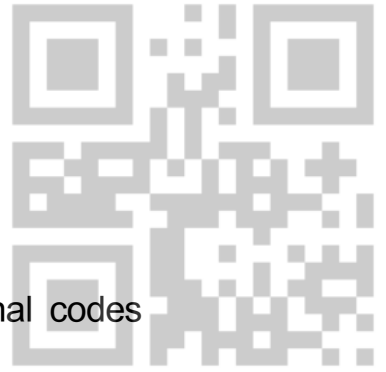
- Compensatory damages, which aim to compensate the injured party for the actual loss suffered

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- Punitive or exemplary damages, awarded to punish the wrongdoer and deter others from similar conduct
- Injunctions, orders which require the defendant to either cease a harmful action or take a specific action
- Specific performance, an order compelling the defendant to fulfil their obligations under a contract

By understanding the above key differences in nature, parties, cases, and remedies, the distinctions between criminal and civil law become clearer.





## – General principles governing penal codes

Some of the key general principles governing penal codes include:

- **Legal Certainty:** The penal code must clearly define criminal offences and their associated penalties so that individuals can easily understand what actions are prohibited and the consequences of breaking the law.
- **Proportionality:** The penalties prescribed by the penal code should be proportionate to the seriousness of the offence
- 2024/202 • **Offence Categorization:** Penal codes often classify offences according to their severity.
- **Statutory Limitations:** Penal codes may include time limits within which a case must be brought before the court.
- **Retrospective Application:** Penal codes generally apply only to crimes committed after their enactment, and retrospective application is generally prohibited, safeguarding individuals from prosecution for acts that were not considered criminal at the time they were committed.





#### Fourthly, Finance Law

##### – Meaning of Finance Law:

Finance law is a branch of law that governs the actions of various entities involved in the mobilisation, allocation, distribution, and management of financial resources. It includes regulations and laws that control the organization, structure, and operation of financial institutions, as well as the services they provide.

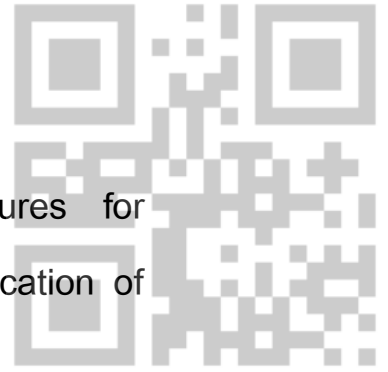
There are some important concepts related to finance law, including:

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(1) – **Secured Transactions:** Transactions in which a debtor provides its creditor a security interest in specific assets to obtain credit.

(2) – **Credit Agreements:** Legal contracts between a lender and borrower outlining the terms and conditions of the loan.





(3) – **Insolvency and Bankruptcy:** Procedures for resolving financial distress and managing the allocation of assets to creditors.

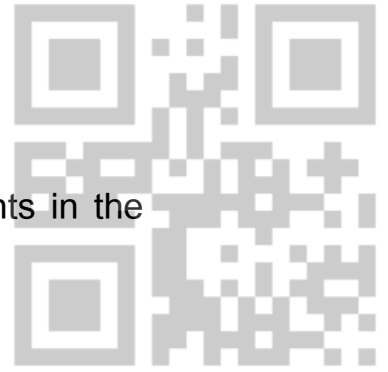
(4) – **Debt Restructuring:** Process that involves altering the terms of debt to provide relief to the debtor.

#### **Fifthly, Tax law**

Tax law falls within the domain of public law, i.e., the rules that determine and limit the activities and reciprocal interests of the political community and the members composing it—as distinguished from relationships between individuals (the sphere of private law). International tax law is concerned with the problems arising when an individual or corporation is taxed in several countries.

Tax law is body of rules under which a public authority has a claim on taxpayers, requiring them to transfer to the authority part of their income or property. The power to impose taxes is generally recognized as a right of governments. The tax law of a nation is usually unique to it,





although there are similarities and common elements in the laws of various countries.

In general, tax law is concerned only with the legal aspects of taxation, not with its financial, economic, or other aspects. The making of decisions as to the merits of various kinds of taxes, the general level of taxation, and the rates of specific taxes, for example, does not fall into the domain of tax law; it is a political, not a legal, process.

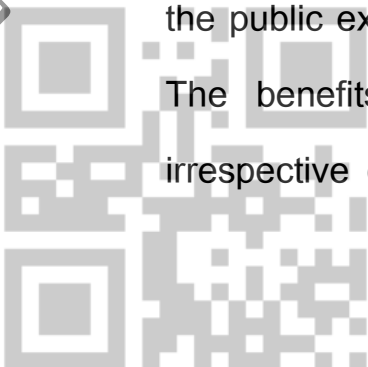
#### – **Meaning of a Tax:**

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Tax is one of the most important sources of revenue to every government. It is a compulsory levy and those who are taxed have to pay the sums irrespective of corresponding return of services or goods by the government. It is not a price paid by the taxpayer for any definite service rendered or a commodity supplied by the government. The taxpayers do get many benefits from the government but no taxpayer has a right to any benefit from the public expenditure on the ground that he is paying a tax. The benefits of public expenditure may go to anyone irrespective of the taxes paid. Therefore, we may say that







taxes are compulsory payments to government without expectation of direct return or benefit to the taxpayer.

The development of tax law as a comprehensive, general system is a recent phenomenon. One reason for this is that no general system of taxation existed in any country before the middle of the 19th century. In traditional, essentially agrarian, societies, government revenues were drawn either from nontax sources (such as tribute, income from the royal domains, and land rent) or, to a lesser extent, from taxes on various objects (land taxes, tolls, customs, and excises). Levies on income or capital were not considered an ordinary means for financing government .

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Taxes became substantial only with the broadening in the concept of the proper sphere of government that has accompanied the growing intervention of modern states in economic, social, cultural, and other matters.

**– The taxing power:**

The limits to the right of the public authority to impose taxes are set by the power that is qualified to do so under



constitutional law. In a democratic system this power is the legislature, not the executive or the judiciary. The constitutions of some countries may allow the executive to impose temporary quasi-legislative measures in time of emergency, however, and under certain circumstances the executive may be given power to alter provisions within limits set by the legislature. The legality of taxation has been asserted by constitutional texts in many countries, including Egypt and most of developed countries such as: the United States, France, Brazil, and Sweden, etc.

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The rights of the tax administration and the corresponding obligations of the taxpayer be specified in the law. as for the implementation of the tax laws is generally regulated by the executive power (the government or the tax authorities).

#### **– Limitations on the taxing power**

Restraints on the taxing power are generally imposed by tradition, custom, and political considerations; in many countries there are also constitutional limitations. Certain limitations on the taxing power of the legislature are self-evident .

1- As a practical matter, as well as a matter of (constitutional) law, there must be a minimum connection between the subject of taxation and the taxing power. The extent of income-tax jurisdiction, for example, is essentially determined by two main criteria: the residence (or nationality) of the taxpayer and his source of income. (The application of both criteria together, in cases where the taxpayer's residence and his source of income are in different countries, often results in burdensome double taxation, although the problem can be avoided or restricted by international treaties.)

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2 – Another self-evident limitation on the taxing power of the public authority is that the same authority cannot impose the same tax twice on the same person on the same ground.

3 – Taxes are generally not levied retroactively, except in special circumstances. One example of retroactive taxation was the taxation of wartime benefits in some European countries by legislation enacted in 1945 when the war and enemy occupation were over.

4 – A common limitation on the taxing power is the requirement that all citizens be treated alike. This requirement is specified in the U.S. Constitution. A similar provision in other constitutions is that all citizens are equal and that no privileges can be granted in tax matters. The rule is often violated through the influence of pressure groups, however; it is also difficult to enforce and to interpret unambiguously.

In countries in which local governments are under the control of the national government, a local tax can be nullified by the central authority on the ground that it violates the national constitution if it transgresses the rule of uniformity and equality of taxpayers.

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#### – **Classification of Taxes (Direct and Indirect Taxes)**

Taxes are sometimes referred to as direct or indirect. The meaning of these terms can vary in different contexts, which can sometimes lead to confusion. In economics, direct taxes refer to those taxes that are paid by the person who earns the income. By contrast, the cost of indirect



taxes is borne by someone other than the person responsible for paying them.

For example, taxes on goods are often included in the price of the items, so even though the seller sends the payments to the government, the buyer is the real payer. Indirect taxes are sometimes described as hidden taxes because the purchaser of goods or services may not be aware that a proportion of the price is going to the government.

#### **(a) Direct Taxes:**

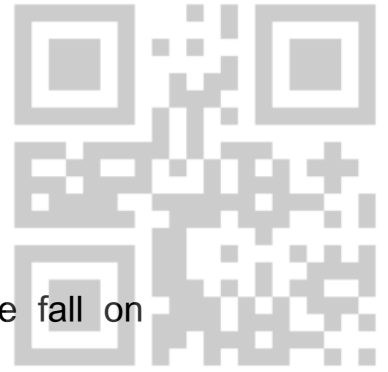
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A direct tax is paid by a person on whom it is levied. In direct taxes, the impact and Incidence fall on the same person. If the impact and incident of a tax fall on the same person, it is called as direct tax. It is borne by the person on whom it is levied and cannot be passed on to others. For example, when a person is assessed to income tax or wealth tax, he has to pay it and he cannot shift the tax burden to anybody else. It can be understood that taxes on income and property are direct taxes.





### **(b) Indirect Taxes:**

Under indirect taxes, the impact and incidence fall on different persons. It is not borne by the person on whom it is levied and can be passed on to others. For example, when the Value Added Tax (VAT) is levied on the manufacturer of clothes, he shifts the burden of tax to the consumers by raising the selling price. Here the impact of (VAT) falls on the manufacturer but the incidence on the ultimate consumers. The person who is required to pay the tax does not bear its burden. Thus, indirect taxes can be shifted.

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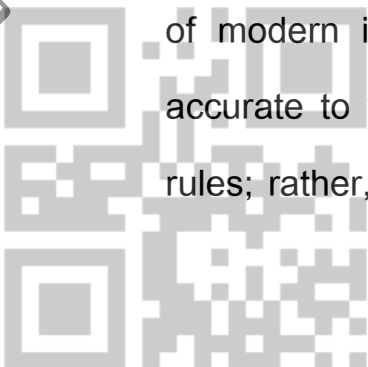
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## **Sixth, International Law or Law of Nations**

### **(1) – Definition and Development of International law**

International law is a collection of rules governing relations between states. International law has evolved that this original definition omits individuals and international organizations—two of the most dynamic and vital elements of modern international law. Furthermore, it is no longer accurate to view international law as simply a collection of rules; rather, it is a rapidly developing complex of rules and





influential—though not directly binding—principles, practices, and assertions coupled with increasingly sophisticated structures and processes.

In its broadest sense, international law provides normative guidelines as well as methods, mechanisms, and a common conceptual language to international actors—i.e., primarily sovereign states but also increasingly international organizations and some individuals .

The range of subjects and actors directly concerned with international law has widened considerably, moving beyond the classical questions of war, peace, and diplomacy to include human rights, economic and trade issues, space law, and international organizations .

Although international law is a legal order and not an ethical one, it has been influenced significantly by ethical principles and concerns, particularly in the sphere of human right.





## – Nature and Scope of International Law

International law is distinct from international comity, which comprises legally nonbinding practices adopted by states for reasons of courtesy (e.g., the saluting of the flags of foreign warships at sea). In addition, the study of international law, or public international law, is distinguished from the field of conflict of laws, or private international law, which is concerned with the rules of municipal law, as international lawyers term the domestic law of states of different countries where foreign elements are involved.

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International law is an independent system of law existing outside the legal orders of states. It differs from domestic legal systems in several respects. For example, although the United Nations (UN) General Assembly, which consists of representatives of some 193 countries, has the outward appearances of a legislature, it has no power to issue binding laws. Rather, its resolutions serve only as recommendations—except in specific cases and for certain purposes within the UN system, such as determining the UN budget, admitting new members of the UN, and, with





the involvement of the Security Council, electing new judges to the International Court of Justice (ICJ). Also, there is no system of courts with comprehensive jurisdiction in international law. The ICJ's jurisdiction in contentious cases is founded upon the consent of the states involved. There is no international police force or comprehensive system of law enforcement, and there also is no supreme executive authority.

The UN Security Council may authorize the use of force to compel states to comply with its decisions, but only in specific and limited circumstances; essentially, there must be a prior act of aggression or the threat of such an act. Moreover, any such enforcement action can be vetoed by any of the council's five permanent members (China, France, Russia, the United Kingdom, and the United States).

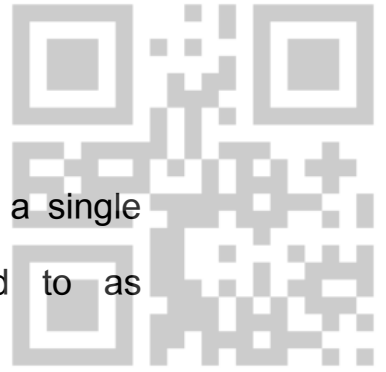
International law is a distinctive part of the general structure of international relations. In contemplating responses to a particular international situation, states usually consider relevant international laws. Although

considerable attention is invariably focused on violations of international law, states generally are careful to ensure that their actions conform to the rules and principles of international law, because acting otherwise would be regarded negatively by the international community. The rules of international law are rarely enforced by military means or even using economic sanctions. Instead, the system is sustained by reciprocity or a sense of enlightened self-interest.

States that breach international rules suffer a decline in credibility that may prejudice them in future relations with other states. Thus, a violation of a treaty by one state to its advantage may induce other states to breach other treaties and thereby cause harm to the original violator.

#### **– International Law and municipal Law**

In principle, international law operates only at the international level and not within domestic legal systems—a perspective consistent with positivism which recognizes international law and municipal law as distinct and independent systems. Conversely, advocates of natural law



maintain that municipal and international law form a single legal system, an approach sometimes referred to as monism.

A principle recognized both in international case law and in treaties is that no municipal rule may be relied upon as a justification for violating international law.

The position of international law within municipal law is more complex and depends upon a country's domestic legislation. Treaties must be distinguished from customary international law. Treaties are written agreements that are

2024/202 signed and ratified by the parties and binding on them.

Customary international law consists of those rules that have arisen because of practices engaged in by states.

The Constitution of the United States stipulates that treaties shall be the supreme Law of the Land. Treaties are negotiated by the president but can be ratified only with the approval of two-thirds of the Senate, except in the case of executive agreements, which are made by the president on his own authority. Further, a treaty may be either self-executing or non-self-executing, depending upon whether



domestic legislation must be enacted for the treaty to enter into force. In the United States, self-executing treaties apply directly as part of the supreme law of the land without the need for further action. Whether a treaty is deemed to be self-executing depends upon the intention of the signatories and the interpretation of the courts .

In *Sei Fujii v. State of California* (1952), for example, the California Supreme Court held that the UN Charter was not self-executing because its relevant principles concerning human rights lacked the mandatory quality and certainty required to create justiciable rights for private persons upon its ratification, since then the ruling has been consistently applied by other courts in the United States.

In contrast, customary international law was interpreted as part of federal law in the *Paquette Habana* case (1900), in which the U.S. Supreme Court ruled that international law forbade the U.S. Navy from selling, as prizes of war, Cuban fishing vessels it had seized .

Domestic legislation is supreme in the United States even if it breaches international law, though the government may

be held liable for such a breach at the international level. To mitigate such a possibility, there is a presumption that the U.S. Congress will not legislate contrary to the country's international obligations, and the same applied in Egypt.

The United Kingdom takes an incorporationist view, holding that customary international law forms part of the common law. British law, however, views treaties as purely executive, rather than legislative, acts. Thus, a treaty becomes part of domestic law only if relevant legislation is adopted.

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The incorporationist view regards customary law as part of the law of the land and presumes that municipal laws should not be inconsistent with international law, municipal laws take precedence over international law in cases of conflict .

Common-law countries that have adopted a written constitution generally have taken slightly different positions on the incorporation of international law into municipal law. Ireland's constitution, for example, states that the country

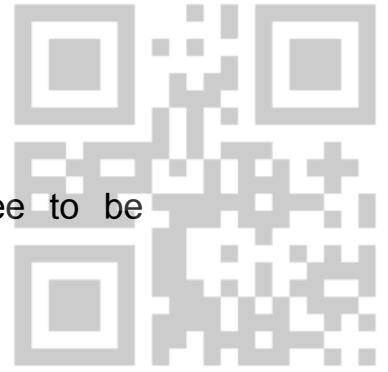
will not be bound by any treaty involving public funds without the consent of the national legislature, and in Cyprus treaties concluded in accordance with its constitution have a status superior to municipal law on the condition of reciprocity.

In most civil-law countries, the adoption of a treaty is a legislative act. The relationship between municipal and international law varies, and the status of an international treaty within domestic law is determined by the country's constitutional provisions.

#### 2024/202 **Sources of International Law**

Article 38 (1) of the International Court of Justice (ICJ's) statute identifies three sources of international law: treaties, custom, and general principles. As they are the more important one of these sources, we will discuss treaties here in some details.

Treaties are known by a variety of terms—conventions, agreements, pacts, general acts, charters, and covenants—all of which signify written instruments in which the

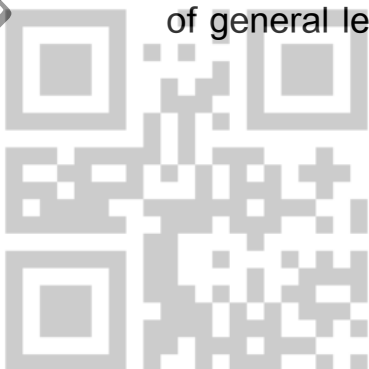


participants (usually but not always states) agree to be bound by the negotiated terms .

Some agreements are governed by municipal law (e.g., commercial accords between states and international enterprises), in which case international law is inapplicable. Informal, nonbinding political statements, or declarations are excluded from the category of treaties. Treaties may be bilateral or multilateral.

Treaties with a number of parties are more likely to have international significance, though many of the most <sup>2024/2022</sup>important treaties (e.g., those emanating from Strategic Arms Limitation Talks) have been bilateral.

A number of contemporary treaties, such as the Geneva Conventions (1949) and the Law of the Sea treaty (1982; formally the United Nations Convention on the Law of the Sea), have more than 150 parties to them, reflecting both their importance and the evolution of the treaty as a method of general legislation in international law .



Other significant treaties include the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Vienna Convention on Diplomatic Relations (1961).

Whereas some treaties create international organizations and provide their constitutions (e.g., the UN Charter of 1945), others deal with more mundane issues (e.g., visa regulations, travel arrangements, and bilateral economic assistance).

Countries that do not sign and ratify a treaty are not <sup>2024/202</sup> bound by its provisions. Nevertheless, treaty provisions may form the basis of an international custom in certain circumstances, provided that the provision in question is capable of such generalization

The concept known by the Latin formula *pacta sunt servanda* ("agreements must be kept") is arguably the oldest principle of international law. Without such a rule, no international agreement would be binding or enforceable. *Pacta sunt servanda* is directly referred to in many international agreements governing treaties, including the



Vienna Convention on the Law of Treaties (1969), which concerns treaties between states, and the Vienna Convention on the Law of Treaties between States and International Organizations or Between International Organizations (1986).

There is no prescribed form or procedure for making or concluding treaties. They may be drafted between heads of state or between government departments. The most crucial element in the conclusion of a treaty is the signaling of the state's consent, which may be done by signature, an exchange of instruments, ratification, or accession.

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Ratification is the usual method of declaring consent—unless the agreement is a low-level one, in which case a signature is usually sufficient. Ratification procedures vary, depending on the country's constitutional structure.

Treaties may allow signatories to opt out of a particular provision, a tactic that enables countries that accept the basic principles of a treaty to become a party to it even though they may have concerns about peripheral issues. These concerns are referred to as “reservations,” which are

distinguished from interpretative declarations, which have no binding effect. States may make reservations to a treaty where the treaty does not prevent doing so and provided that the reservation is not incompatible with the treaty's object and purpose. Other states may accept or object to such reservations.

In the former case, the treaty as modified by the terms of the reservations comes into force between the states concerned. In the latter case, the treaty comes into force between the states concerned except for the provisions to which the reservations relate and to the extent of the reservations. An obvious defect of this system is that each government determines whether the reservations are permissible, and there can be disagreement regarding the legal consequences if a reservation is deemed impermissible.

A set of rules to interpret treaties has evolved. A treaty is expected to be interpreted in good faith and in accordance with the ordinary meanings of its terms, given the context, object, and purpose of the treaty. Supplementary means of

interpretation, including the use of travaux préparatoires and consideration of the circumstances surrounding the conclusion of the treaty, may be used when the treaty's text is ambiguous.

In certain cases, a more flexible method of treaty interpretation, based on the principle of effectiveness (i.e., an interpretation that would not allow the provision in question to be rendered useless) coupled with a broader-purposes approach (i.e., taking into account the basic purposes of the treaty in interpreting a particular provision), has been adopted. Where the treaty is also the constitutional document of an international organization, a more programmatic or purpose-oriented approach is used in order to assist the organization in coping with change.

A treaty may be terminated or suspended in accordance with one of its provisions (if any exist) or by the consent of the parties. If neither is the case, other provisions may become relevant. If a material breach of a bilateral treaty occurs, the innocent party may invoke that breach as a ground for terminating the treaty or suspending its

operation. The termination of multilateral treaties is more complex. By unanimous agreement, all the parties may terminate or suspend the treaty in whole or in part, and a party specially affected by a breach may suspend the agreement between itself and the defaulting state.

Any other party may suspend either the entire agreement or part of it in cases where the treaty is such that a material breach will radically change the position of every party with regard to its obligations under the treaty.

## Section Two

2024/2025

### Branches of the Private Law

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#### Importance of Private Law:

Private law aims to achieve the public interest by regulating individual behavior in societies. It seeks to facilitate personal relationships between individuals and helps preserve their rights by retaining or transferring their property to others. It helps regulate the conclusion of contracts.

It is of great importance in family matters such as marriage, divorce, procreation, and heirs. In addition, it deals with matters of economy, work, and entertainment.

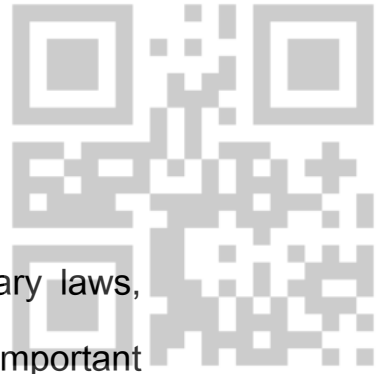
### **Characteristics of private law:**

The main characteristics of private law can be summarized as follows:

- Private law is based on the independence of freedom, which means that people can do any kind of activity if the law does not prohibit it.
- It enjoys equality between the parties, and is based on them, because all subjects fall to the same level.

2024/202— If, within the framework of private law, the state participates as a private person, it will be deprived of any kind of sovereignty.

- The various obligations arise by acts of responsible freedom on the part of individuals without any kind of coercion on the part of the State.
- It is a national law, as each State is responsible for making its own rules of private international law.



## Branches of private law

private law consists of a large group of subsidiary laws, each of which is concerned with regulating an important aspect of life, which are as follows:

### First, Civil Law:

Civil law is one of the main branches of private law, and the foundation on which all other branches of private law are built. It is a set of legal rules that regulate various types of legal relations regardless of the nature of these relations between individuals, as well as all relations that arise between individuals and state institutions as an ordinary

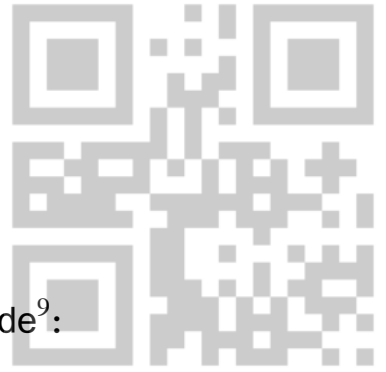
2024/2022 individual and not a holder of authority or sovereignty.<sup>14/2025</sup>

In fact, civil law generally includes two types of relationships or issues, namely:

**Personal status:** all relationships associated with the family.

**Real conditions,** which are all relationships related to financial transactions.





## – Various Types of Civil Law Cases

Some common examples for civil law cases include<sup>9</sup>:

1. **Contract disputes:** Cases involving disagreements between parties over the terms, conditions, or performance of a contract. Examples include enforcement of a sales agreement, disputes over service contracts or recovering debts owed.
2. **Tort claims:** Claims arising from civil wrongs that cause harm or injury, such as negligence, defamation, or personal injury caused by accidents. Tort cases often seek compensation for damages suffered by the injured party.

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<sup>9</sup> – For more details, See:

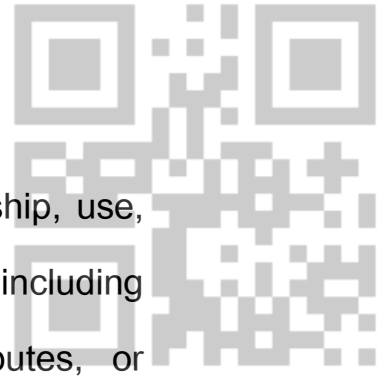
<https://www.studysmarter.co.uk/explanations/law/civil-law/> Available until January 20, 2024.

– Dr. Walaa Arakeeb: Introduction to law, First Part, Theory of law

<https://www.oecd-ilibrary.org/sites>, Available until January 20, 2024.

- <https://www.oecd-ilibrary.org/sites/5d806358-en/index.html?itemId=/content/component/5d806358-en>, Available until January 20, 2024.





3. **Property disputes:** Cases involving the ownership, use, and transfer of real estate or personal property, including landlord–tenant disagreements, boundary disputes, or issues related to property rights and easements.
4. **Family law matters:** Cases involving legal issues arising out of family relationships, such as marriage, divorce, child custody, and spousal or child support, aiming to protect the rights and welfare of family members.
5. **Inheritance issues:** Disagreements over the distribution of a deceased person's estate or the interpretation of a will can give rise to civil law cases. The resolution of these disputes involves determining the rightful beneficiaries and the allocation of assets.
6. **Intellectual property:** Civil law cases addressing disputes involving patents, trademarks, copyrights, and trade secrets, which protect the exclusive rights of creators and inventors to their work and innovations.
7. **Employment disputes:** Cases involving employment relationships, such as claims for wrongful termination, discrimination, or breach of employment contracts. These

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cases may be addressed by specialized employment tribunals or civil courts.

These examples illustrate the diversity of civil law cases and demonstrate the breadth of issues that can be addressed within the civil law framework.

### **Secondly, Maritime Law:**

Maritime law means a set of legal rules that regulate all relations that arise because of maritime navigation and the use of ships as a means of transport or trade, as well as all commercial matters that take place at sea, and therefore it is a law that includes many important topics and issues, including:

- Regulate all contracts related to the work of ships such as rent, sale, mortgage, and others.
- Regulate all relations between the shipowner, its captain and those working on it.
- Regulate maritime labor contracts and maritime transport contracts and determine the liability consequences arising therefrom.



### **Thirdly, Air Law:**

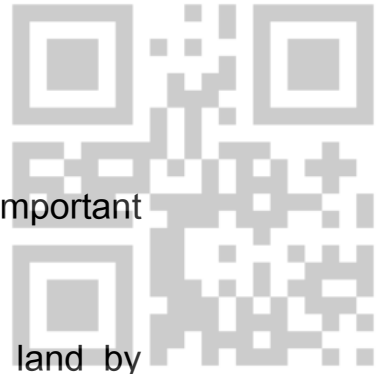
Air law is a set of legal rules that regulate all relations arising from air traffic, the use of aircraft, and airspace, as well as all matters related to the practice of this type of activity from airports and persons working in this field, whether on ground installations or on board air aircraft. Therefore, it is a law concerned with regulating many important topics, including:

- Indicating the general provisions of aircraft in terms of their ownership, nationality and all their consequences.
- Regulating the relationship between the owner of the aircraft and the crew working on it, as well as the passengers on board.
- Setting out the general provisions of air transport contracts and defining the liability of the air carrier.

### **Fourthly, Agricultural Law:**

Agricultural law is a set of legal rules that regulate all relations arising from the ownership of agricultural land, especially those that arise between the owner and tenant of the land on the one hand and those that arise between the tenant or owner of agricultural land and the persons working





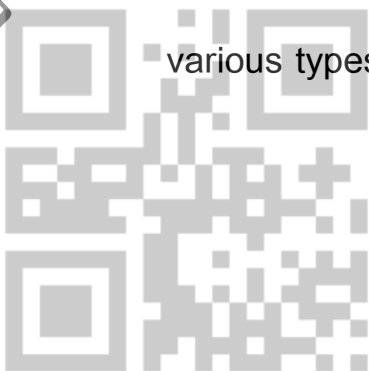
in it. Therefore, agricultural law includes many important and vital topics, including:

- Indicate the maximum ownership of agricultural land by individuals and families.
- Regulate all legal issues related to agricultural land such as rent, mortgage and exploitation.
- Regulate the legal relationship between the owner of the land and his employees.
- It is concerned with organizing the work of agricultural associations and sponsoring credit.

**Fifthly, Labor Law:**

2024/202 The Labor Law is a set of legal rules that regulate the relations resulting from the employment contract between the worker or employee and the employer, in terms of stating the rights and obligations of each party, and therefore it includes many important topics, including:

- A statement of the general provisions regarding working hours, minimum wage, etc.
- s A statement of the general provisions regarding the various types of leaves to which the worker is entitled.



- A statement of the general provisions regarding the worker's access to appropriate compensation in cases of dismissal, injury, and other matters.

### **Sixthly, Civil and Commercial Procedures Law:**

The Civil and Commercial Procedures Law is one of the branches of private law, which is concerned with regulating the process of resorting to the judiciary by indicating what procedures must be followed to file a legal case from the first step until the issuance of the judgment, as well as indicating the parties to be resorted to, and therefore it is a procedural law that seeks to clarify the means used to protect the rights approved by the rest of the laws, so it is one of the important laws, and it includes many topics, including:

- Setting out the general provisions of the judicial system in the State in terms of the composition and grades of courts, the conditions for the appointment, removal and transfer of judges and all those working in this field.
- Indicating the jurisdiction and degrees of the courts and determining the jurisdiction of each of them and other matters related to this aspect.

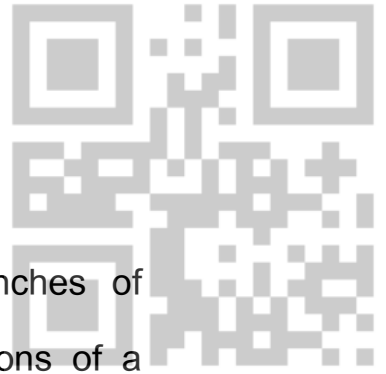
- Indicating the methods to be followed in litigation procedures, in terms of the mechanism through which the lawsuit is filed and the information it contains, as well as the substantive and formal defenses that may be made, in addition to indicating how to rule on cases, methods of appeal and everything relating to these issues.

#### **Seventhly, Private international law:**

Private international law is a branch of private law that regulates all legal relations involving the presence of a foreign person who does not possess the nationality of the same State. Private international law therefore

2024/2025 encompasses a wide range of important topics, including:<sup>5</sup>

- Indicating the jurisdiction of the competent court to hear the dispute arising from the presence of a foreign element and what law is applicable to it.
- Indicating the legal status of the alien and the ways in which he acquires the nationality of the country in whose territory he is located, as well as the mechanism for the withdrawal or revocation of nationality.
- Indicating the set of rights enjoyed by the foreigner, and in return what obligations he has incurred.



### **Eighth, Commercial Law:**

Commercial law is one of the important branches of private law, it concerned with regulating transactions of a commercial nature and business owners' affairs and traders, so this law includes many important topics, including:

- A statement about what a business is and when it is subject to the provisions of Commercial Law.
- A statement about who is the trader and what is the set of obligations to be performed.
- A statement of the general provisions to which commercial companies are subject.

2024/202— A statement of the provisions related to commercial papers, such as a bill of exchange, a check, and others.

- A statement of the general provisions for all commercial businesses such as commission agency, brokerage business, and others.
- A statement of the general provisions related to the declaration of bankruptcy and all matters related to the trademark, patents, and others.





- A statement of the general provisions related to banking operations, exchange companies, stock exchange markets and all commercial activities.

Because these lectures are intended for students of the Faculty of Commerce, we will study the commercial law in some detail as follows:

#### - **Characteristics of Commercial Law:**

Commercial law has some characteristics that distinguish it from the other branches of law. It is independent, responsive to fast business transactions and protective of commercial certainty and creditworthiness. In addition, it is a formal and regulatory law that protects appearance. These characteristics include<sup>10</sup>:

#### **(1) – Commercial Law is a Formal Law**

Commercial law was less formal than the civil law, but with the passing of time it seems likely that the modern commercial law became more formal than the civil law. This

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<sup>10</sup> – For more details, See: Dr. Atef Alfeky: Commercial Law, pp. 2-14.



is due to the limited application of the principle of the freedom of proof in the commercial field. Commercial companies, bank deposits and commercial papers are subject to special and strict formal rules.

It may appear that such formality contradicts the speed and simplicity of the procedures necessary for finishing commercial transactions. However, it is found that this formality is necessary to add simplicity to commercial transactions as it prevents any future disputes regarding the composition of the contract and the interpretation of its terms. It also helps in realizing the nature of the action as soon as one sets his eyes on the form it takes.

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## **(2)–The Commercial Law is responsive to the speed of business transactions.**

Business transactions are marked by speed and fastness unlike the civil matters that the non-merchant carries out from time to time, and this gives him the chance to think deeply about the terms of the transaction to protect his interests and avoid any future disputes. The merchant, on the other hand, enters transactions one after another, and in



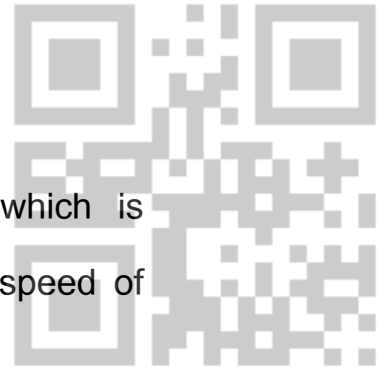


most cases, he deals in fragile movables or items with volatile prices. Thus, he cannot wait as he should make up his mind and make quick decisions to finish his transaction and think about a new one. Such speed of commercial activities imposed its necessary rules, which are consistent with the nature of the commercial activity and different from the rule of the civil law.

For instance, merchants depend on modern means of communication such as the telephone, the telegraph, the telex, the fax ...etc. They also depend on agreements more than the written ones and they often agree on the transaction via certain symbols known in commercial custom. Accordingly, they do not need to sign a contract nor to scrutinize its terms.

Such speed marking the commercial law extends to settling commercial disputes. Unlike the civil disputes that may take years to be settled, the commercial disputes are referred to special commercial courts that settle them without any complicated procedures. In addition, most legislation encourages the tendency to refer any dispute,





arising from commercial relations to arbitration which is characterized by the simplicity of procedures and speed of taking decisions.

### **(3)– The Commercial Law protects Appearance.**

This idea is very important in commercial law as the commercial environment tries to secure the certainty and credit that are necessary for the stability of any business transaction. The apparent, agreed upon by most people, should be protected as if it is reality itself. So we can say that commercial law tends to protect the apparent rights rather than the real ones.

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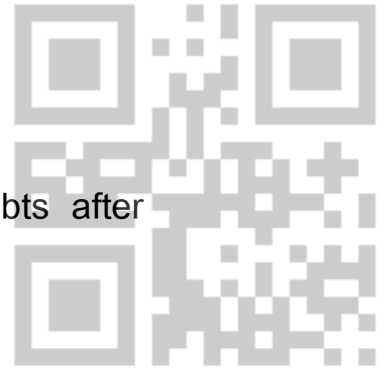
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### **(4)– Commercial Law protects Commercial Credit.**

Credit or certainty is regarded the basic element of the commercial law as most transactions are done on credit: the manufacturer sells his goods to the wholesale dealer on credit, the wholesale dealer sells the goods to the retail dealer on credit, and finally the retail dealer sells them to the consumer on credit. In addition, the banks lend merchants and open to them bank credits to be able to



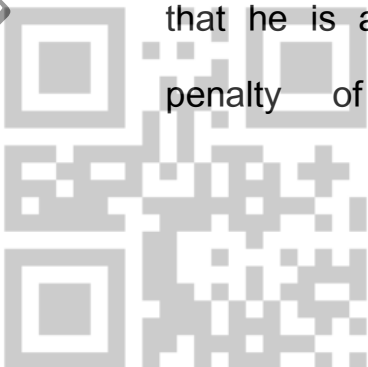


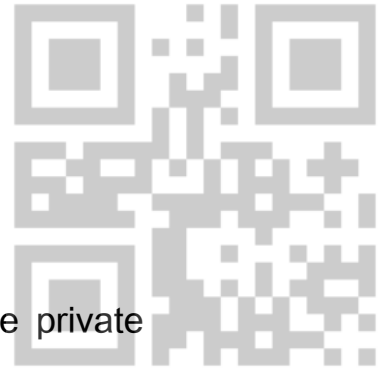
practice their activity. Then they repay these debts after they sell their goods.

Thus, the merchant ends up as a creditor of one party and a debtor to the other. He enters each transaction hoping that he will get his dues in full on their maturity date. As a result, he can pay his debts to the other party when they are due.

Accordingly, repaying debts on their maturity date is of great importance to the commercial environment as violating this principle may destroy the certainty and creditworthiness between merchants. In addition, this may lead to great instability in the commercial environment.

Bankruptcy is regarded one of the most important ways of supporting commercial credit. In case of not repaying his debts on their maturity time, the merchant is liable to the declaration of his bankruptcy and winding –up of his money to give his creditors their due in full. Moreover, if it is found that he is a fraudulent bankrupt, he may be liable to a penalty of imprisonment.





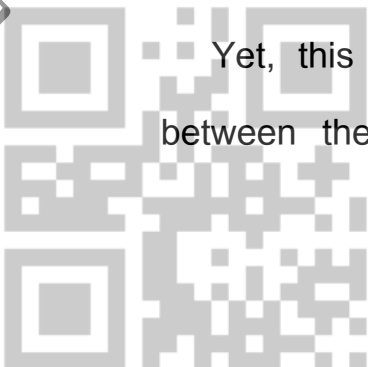
### **(5)– Commercial Law is an Independent Law**

Commercial law is regarded as a branch of the private law which regulates relations between individuals within society. However, commercial law is not the main branch of private law as such rank is occupied by the civil law that governs all aspects of human activity within society regardless of its kind or persons.

Therefore, commercial law is the law governing the commercial activity and mercantile affairs. Civil law, on the other hand, is the general law governing all branches of private law. Moreover, it is the source of general rules and fundamental principles of all branches of law.

Although commercial law is independent from civil law, there is a certain connection between them. We agree that the rules of commercial law, rather than those of the civil law, shall be applied to the commercial activity since the specific overrules the general .

Yet, this does not mean that there is no cooperation between the two branches, and this cooperation should



stem from the fact that civil law is the general law of all branches of private law. Therefore, its general rules and principles should be applied to all kinds of transactions. In addition, its provisions are applied in the absence of the necessary provisions in the commercial law, but they should– be consistent with the nature of the transaction .

Likewise, commercial law has a strong relation with the other branches of law, whether those belonging to the public or the private law. The constitutional law, for instance, may refer to the commercial law as to regulating the public liberties like the right to practice a profession. Administrative law may regulate it when it restricts this liberty through regulating its practices as in the law of the chamber of commerce and the law of Trade Register .

In addition, financial law regards it as a source of taxes. Examples of this include the law of taxes, customs, imports, and exports. The commercial activity is subject to provisions of the criminal law which imposes many penalties to prevent cheating and fraud in transactions. For instance, it imposes penalties on monetary crimes, customs' avoidance, and the

other forms of commercial fraud. Finally, commercial law is subject to the international conventions regulating the international trade between the subjects of different states.

#### **(6)– The Commercial Law is a Regulatory Law**

The idea of public order in commercial law is wider than that in civil law. Therefore, there are many rules governing insurance and carriage contracts, joint stock companies, stock market transactions, bankruptcy, the procedures by which commercial companies go public.

That is due to the close relation between commercial law and the economy which gives due attention to the idea of public order since it is based on the main economic interests of the society. Add to this the appearance of the phenomenon of economic control which led to limiting the contractual freedom, fixing the prices of goods and services, regulating the foreign trade, controlling imports and exports, supervising banks and insurance companies and regulating the foreign currency trade.



## – Fundamental Concepts in Commercial Law:

Knowing the key concepts in commercial law is essential for solidifying our understanding of it. By understanding these key concepts in commercial law, we will gain a strong foundation to delve deeper into the subject and its various sub-areas. So, we will discuss some of these fundamental concepts:

### 1. Contract Formation

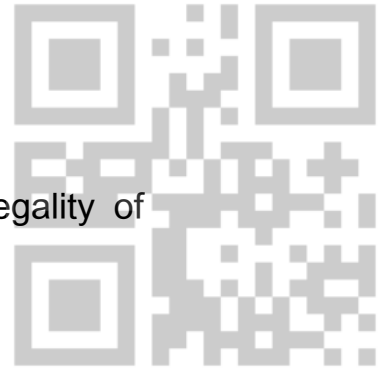
As a rule, a contract is a legally binding agreement between two or more parties. For a contract to be legally enforceable, it must contain these elements:

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- Offer and acceptance.
- Consideration
- Intention to create legal relations.
- Capacity to contract.
- Legality of the subject matter.

Commercial contract is a legally binding agreement between two or more parties; one of them at least is a merchant consisting of an offer, acceptance, consideration,





intention to create legal relations, capacity, and legality of the subject matter.

– For example, a designer entering a contract with a client to create a logo for his new business, with agreed-upon terms such as the price, deadlines, and usage rights, is an example of a commercial contract.

## 2. Sale of Goods

The sale of goods involves the transfer of ownership of goods from the seller to the buyer in exchange for a price.

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Commercial Law governs the transfer of ownership, delivery of goods, and remedies available for breach of the contract of sale.

## 3. Intellectual Property Rights (IPR)

Intellectual Property Rights (IPR) is a subset of Commercial Law that involves protecting the rights of creators, inventors, and businesses over their intangible assets, such as patents, trademarks, copyrights, and designs. IPR ensures legal protection against unauthorized use or copying of intellectual property.





A company that creates a new software application can obtain a patent for its invention, register its logo as a trademark, and protect its source code and documentation through copyright. This protection is granted under Intellectual Property Rights.

#### 4. Agency

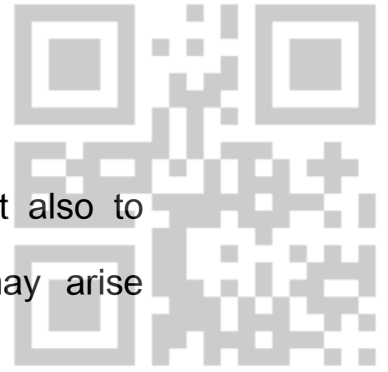
Agency: A legal relationship between a principal and an agent, where the agent has authority to act on behalf of the principal in transactions with third parties.

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Agency is a relationship where one party, the agent, has the authority to act on behalf of another party, the principal, in business relations with a third party. The principal is responsible for the acts performed by the agent within the scope of their authority.

#### 5. Dispute Resolution and Litigation:

Dispute resolution and litigation are two critical aspects of Commercial Law, designed to address conflicts and resolve disputes between parties engaged in commercial transactions. A strong understanding of these areas is

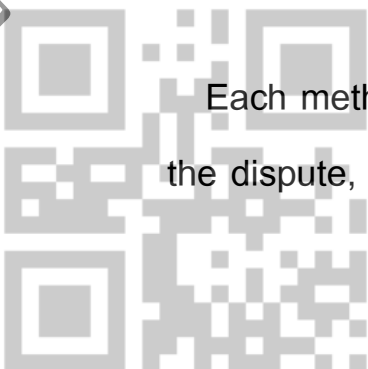


essential not only to protect parties' interests, but also to prevent or resolve possible legal issues that may arise during conducting business.

There are several methods of dispute resolution, each with their advantages and drawbacks. Key methods include:

- a– **Negotiation:** A process where parties communicate directly to try and reach a mutually agreeable solution to their dispute, without involving a third party.
- b– **Mediation:** Involves a neutral third party, known as a mediator, who facilitates communication and helps the parties negotiate their own resolution to the dispute.
- c– **Arbitration:** A private, quasi-judicial process in which an independent third party, called an arbitrator, hears evidence from both sides and makes a binding decision to resolve the dispute.
- d– **Litigation:** A public process where disputes are brought before courts and judges make legally binding decisions based on the applicable laws.

Each method may be suitable depending on the nature of the dispute, the parties involved, and the desired outcomes.



It is crucial for merchants and businesses to be familiar with the various dispute resolution methods, and to choose the most appropriate one to address their specific commercial issues effectively and efficiently.

## Chapter Six

### Protection of Proper Application of Law (Judicial Authority in our Legal System)

When the provisions of the law are violated, or when a dispute arises between relevant parties, the judicial system is the protector of the proper application of the law. In this chapter we will discuss the courts and authorities of our judicial system and the competence of each court and authority, as follows<sup>11</sup>:

<sup>11</sup> – For more details on the Judicial Authority in Egypt, see: Dr. Mohamed S. Abdel Wahab: An Overview of the Egyptian Legal System and Legal Research, 2006. Available until January 20, 2024, at:

-<https://www.nyulawglobal.org/globalex/Egypt.html>.

-<https://egyptjustice.com/supreme-constitutional-court>



## Section One

### The Supreme Constitutional Court

The Supreme Constitutional Court is an independent body in the Arab Republic of Egypt. It is based in Cairo. The Court is undeniably the highest judicial power in Egypt. By virtue of Article (25) of the Supreme Constitutional Court Law No.48 of 1979, this Court is empowered to:

- 1- Determine the constitutionality of the laws and regulations.
- 2- Decide on jurisdiction disputes between judicial bodies or authorities of judicial competence.
- 3- Decide on the disputes that might take place due to issuance of two final contradictory rulings by two different judicial entities.
- 4- Interpret the laws issued by the Legislative Authority and the decrees issued by the Head of the State in case of any divergence with respect to their implementation.

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## Section Two

### General Judiciary or Ordinary Courts

In this section, we discuss the different types of ordinary courts and the general authorities included in our Judiciary system, as follows:

#### First, The different types of ordinary courts:

The different types of ordinary courts are as follows:

##### 1– Court of Cassation

In 1931, the Court of Cassation was established to create a central tool to provide exclusive and uniform interpretation and application of the law. The court of Cassation is at the apex of the judicial hierarchy in Egypt and is based in Cairo.

Jurisdiction of the court of cassation simply includes consideration of challenges brought to it by either adversary or by public prosecution; it also includes the examination of lawsuits that arose from a judge's action. When such a dilemma occurs, the courts assume the role as a court of merit rather a court of law.

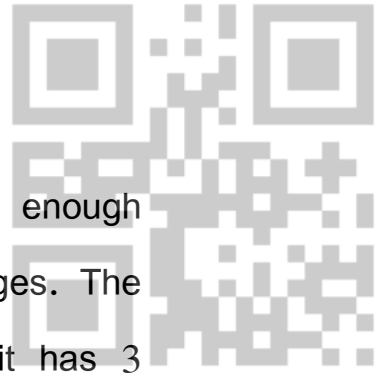


Another function of the court is to give rulings on requests of reparations for all violated verdicts. The Court issues annual collections on approved judicial principles.

## 2 – Courts of Appeal

In Egypt, the Court of appeal is considered a second-degree court, meaning that the convict has the right to bring rulings issued by the courts of the first instance before it to issue a final ruling in them. Courts of appeal are not established except by a law. Currently, there are 8 courts of appeal in Egypt, based in: Cairo, Alexandria, Tanta, Mansoura, Assiut, Ismailia, Beni Suef, and Qena. The

jurisdiction of some of these courts expands to include rulings issued from courts of the first instance based in more than one governorate such as the Alexandria Court of Appeal, before which rulings issued from courts of the first instance in both Alexandria and Damanhour are appealed, and the Cairo Court of Appeal, to which all rulings issued from courts of the first instance in Cairo and Giza are appealed.

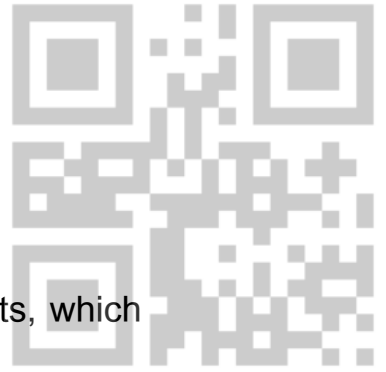


Each Court of Appeal consists of a president, enough deputies, heads of chambers or circuits, and judges. The court is divided into several circuits, each circuit has 3 judges. The General Assembly of each court of appeal is responsible for determining the number of circuits and distributing work within them. Courts of appeal have jurisdiction to hear appeals against all rulings issued in civil and criminal cases. Their review covers questions of fact as well as questions of law.

Appeals from rulings rendered by the Courts of First Instance should be made within specific time frames, otherwise an appeal will be rejected, as such time-limits are mandatory.

Judgments rendered by a Court of Appeal are only open to be challenged before the Court of Cassation, and usually on points of breach of law or lack or inconsistency of reasoning.





### 3 – Courts of First Instance

The Courts of First Instance are first degree courts, which have the ability to consider lawsuits filed before them only if they fall under their jurisdiction and their rulings are, generally, subject to appeal.

Judges sitting in Courts of First Instance are ranked below the judges of the Courts of Appeal and the Court of Cassation in terms of experience and seniority.

### 4 – Family Courts

2024/2025 These courts were founded in 2004 to provide a 2024/2025 specialized judicial tool for family disputes. This court aims at providing psychological peace and comfort for the children caught in the middle of disputes relating to tutelage, divorce, alimony, and custody. Such courts also aim at sustaining an amicable settlement for family problems through specialized and professional guidance agencies.







## **Secondly, Judicial Authorities:**

In addition to courts mentioned above, there are two important authorities in the Egyptian Judiciary, namely:

### **1– Public Prosecution**

The Public Prosecution has two major functions, which are:

- (a) To file criminal actions when acting as public prosecutors before a criminal court; and
- (b) The right to initiate actions even if the plaintiff has relinquished his right to do so.

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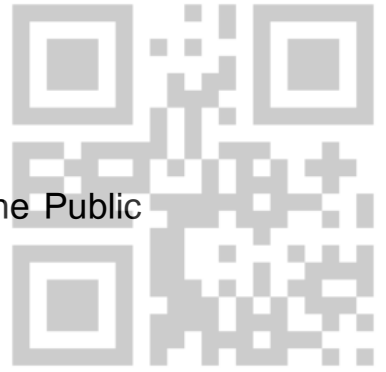
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Public prosecutors investigate crimes, visit crimes' scenes, question the accused, issue search warrants, order the imprisonment of the accused on the account of a crime for a period of fifteen days prior to trial or prosecution.

Moreover, joining the public prosecution is the path to becoming a judge in the Court of First Instance, the Court of Appeal, and the Court of Cassation. Nevertheless, some members of the Public Prosecution remain within the latter and get promoted to District Attorneys, Attorney Generals,





and potentially qualify for the post of the Head of the Public Prosecution.

## 2 – Egyptian State Lawsuits Authority

The Egyptian State Lawsuits Authority is an Egyptian judicial institution that was established in 1874, nine years before the Egyptian national courts were established in 1883.

Despite being legally stigmatized as an independent judicial institution, the Authority does not perform a truly judicial function; its role is confined to representing the State before national and international courts and arbitral tribunals. The law states that the Egyptian Lawsuits Authority has the power to plead on behalf of the State.

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### Section Three

#### Administrative Judiciary (State Council)

Any administrative disputes, in which any administrative body is party is a matter handled by the administrative judiciary or administrative courts and falls under its jurisdiction.



Administrative Courts do have a separate structure, where the Supreme Administrative Court sits at the apex of such structure. There are also departments for opinions and legislation which advises public entities on diverse aspects of public law such as administrative contracts, tenders, ministerial decrees, etc.

In any governmental authority or agency there exists an in-house member of the State Council (in addition to a department for legal affairs) whose opinion should be sought with respect to any administrative law matter.

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#### Section Four

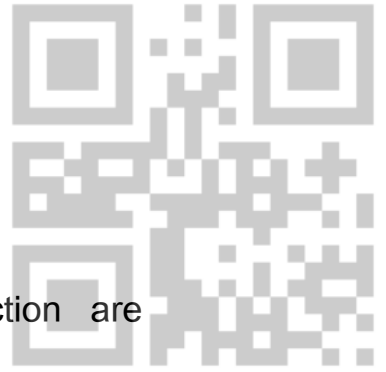
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### Courts Jurisdiction

With respect to jurisdiction, it is necessary to distinguish between national jurisdiction in pure domestic cases and international jurisdiction regarding disputes involving a foreign element. We show here a brief overview of both.

National or domestic jurisdiction is shared between two main judicial bodies:

(a) Ordinary courts; and



(b) Administrative courts (State Council).

Whilst courts of ordinary or general jurisdiction are concerned with the settlement of civil, criminal, commercial and personal status matters, administrative courts are concerned with the settlement of administrative or public law matters.

The criteria for establishing ordinary jurisdiction could be based on the value of the dispute, nature of the dispute, or territorial jurisdiction of the court.

With respect to territorial competence, courts of ordinary jurisdiction are divided according to cities and suburbs. For example, there are Cairo courts, Alexandria courts, Mansoura courts, etc. within each city there might be more than one court.

As for the Court of Appeals, there is one in Cairo, one in Alexandria, one in Tanta, one in Ismaileya, one in Suez, one in Mansoura, one in Assiut and one in Kena.

As for the Court of Cassation there is only one in whole country, and it is based in Cairo.





## Section Five

### Arbitration

Parallel to court litigation, arbitration has established itself as a prominent method for resolving business, commercial, and investment disputes. A new Arbitration Law No.27 of the Year 1994 was enacted, and it governs both domestic and international arbitration. Courts are increasingly mitigating any form of hostility towards arbitration as an out-of-court dispute resolution system. Judges have generally accepted and supported arbitral proceedings and an arbitral award, by virtue of the new Arbitration Law, is never reviewed on the merits.

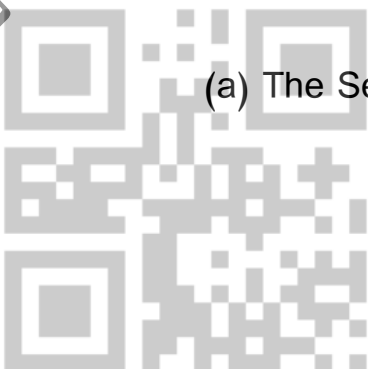
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Thus, if the parties to a contract agree on an arbitration clause or agreement in disputes capable of settlement by arbitration Egyptian courts will decline jurisdiction to review the subject matter of the dispute. However, an arbitral award rendered may only be subject to nullity proceedings in Egypt if :

(a) The Seat of Arbitration is in Egypt or



(b) The parties have agreed, if the Seat is in a different State, that the law applicable to the proceedings is the Egyptian Arbitration Law No.27 of 1994.

## Section Six

### Enforcement of Judgments and Appeal

With respect to enforcement of judgments and awards, as a general rule, enforcement is possible when an award is final, which is the case for awards rendered by the court of Appeal or final arbitral awards. However, judgments and awards rendered by the Court of First Instance may be enforceable by depositing a security.

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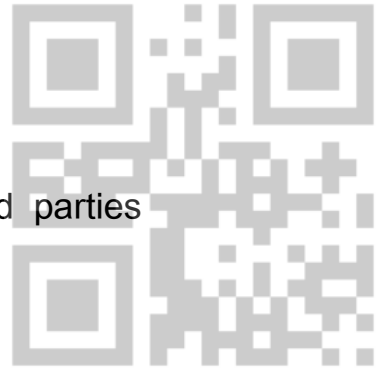
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Enforcement of the judgment may entail seizure of property or assets as follows :

(a) Conservatory seizure over movables or immovable. This is an interim or provisional measure of protection that may be ordered by the court to protect the interest of creditors.

(b) Seizure with a view to sell the seized property or assets. It is applied to both movables and immovables.



(c) Garnishment effected under the hands of third parties and seizure of employment wages .

However, pursuant to Egyptian law, certain rights, assets or property may not be seized such as: industrial property rights, supplementary rights in rem such as mortgages and concessions etc..., rights of servitude, current accounts, funds or assets needed for public utilities, saving funds, and investment certificates.

On a different note, creditors may also induce voluntary enforcement of judgment by threatening to institute bankruptcy or liquidation proceedings against the debtor.

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Judgments rendered by the Court of First Instance are subject to appeal by the losing party, and judgments rendered by the Court of Appeal are equally subject to challenge before the Court of Cassation.





## Section Seven

### Enforcement of foreign judgments

With respect to recognition and enforcement of foreign judgments, Egyptian courts will generally recognize and enforce foreign judgments if the following conditions are satisfied :

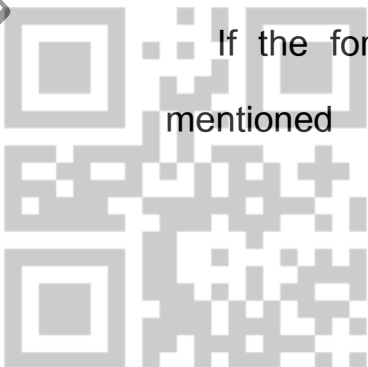
(a) Egyptian courts do not have jurisdiction over the dispute, and the foreign court which rendered the judgment enjoy jurisdiction pursuant to its rules on international jurisdiction

(b) The parties have been notified of the proceedings and  
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validly represented before the competent court.

(c) The judgment or award is final and binding pursuant to the rules prevailing under the law of the foreign court.

(d) The foreign judgment is not in conflict with a prior award or judgment rendered by Egyptian courts and is not in contravention of the prevailing public policy considerations.

If the foreign award or judgment satisfies the above-mentioned conditions, a request for enforcement is







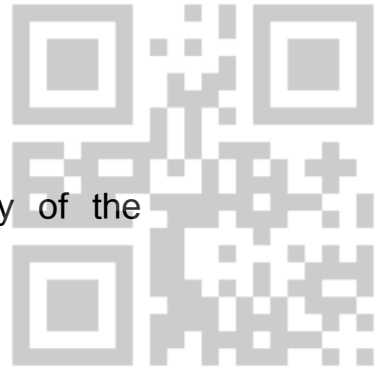
عمر محمد عبد المنعم حامد السامرائي

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rendered in



verifying submission of the award in the registry of the competent court.

Furthermore, a request for enforcement of an arbitral award will not be accepted unless the period for filing a nullity action has lapsed in cases where a nullity action is possible.

*God grants success.*

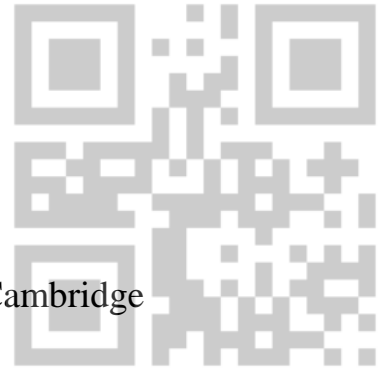
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## ***“Introduction to Law Sheet”***

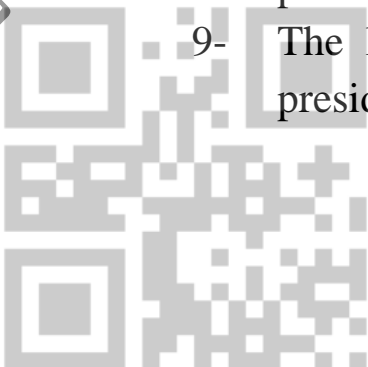
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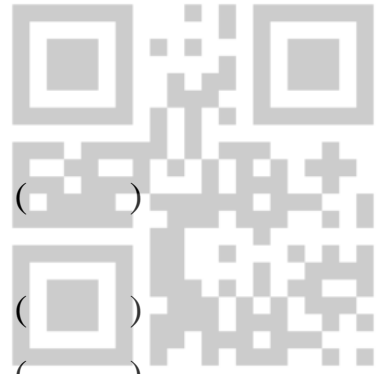
**\*Student Name:** .....

**\*Group:** .....

**Put (T) for true and (F) for false in response to each sentence:**

- 1 - The legislation is considered the primary ( ) source of legal rules.
- 2- Publishing legislation in the Official ( ) Gazette is inevitable to review it.
- 2024/2025 3- project law may be presented by more ( ) than ten percent of the MPs 2024/2025 2024/2025
- 4- The constitution is considered a ( ) secondary law.
- 5- A non-human person may be sued. ( )
- 6- Legislation does not carry the full force ( ) of law.
- 7- constitution has a wider scope compared ( ) to legislation.
- 8- Breaching moral rules leads to tangible ( ) punishments.
- 9- The legislative decree is issued by the ( ) president of republic.





- 10- Legal rules are important to maintain ( ) stability in society.
- 11- Legal rules support justice in society. ( )
- 12- The Arab Republic of Egypt is not a ( ) united state.
- 13- The system of the ARE is based on ( ) citizenship.
- 14- People can conclude contracts violating ( ) interpretative legal rules.
- 15- People can violate imperative legal rules ( ) without being sanctioned.
- 16- The legal rule regulates behaviors of ( ) legal persons in society.
- 17- The legal person may be a human or a ( ) non – human person.
- 2024/2025 18- proposal law may be presented by more (2024/2025 2024/2025 ) than ten percent of the MPs
- 19- Publishing in the Official Gazette is ( ) inevitable to review the regulation.
- 20- The legislative decree has the same ( ) weight of the legislation.

Best Wishes

