

Law Module- Week 1: Introduction to Law

Objective:

- 🚦 Understand the concept, nature, and purpose of law. Identify the sources of law.
- 🚦 Differentiate between natural law, positive law, and customary law.

What is Law?

Law is the system of rules that a society or government develops to regulate behavior. It is binding, enforceable, and maintains social order. Law exists to provide a framework for resolving conflicts, protecting individual rights, and promoting justice.

Functions of Law

Function	Explanation	Example
Maintain Order	Ensures people follow rules to prevent chaos	Traffic laws prevent accidents
Protect Rights	Safeguards individual freedoms	Laws against theft protect property
Promote Justice	Ensures fairness in society	Anti-discrimination laws protect workers
Resolve Conflicts	Provides legal procedures to settle disputes	Courts resolving landlord-tenant disagreements

Example Scenario: Two neighbors dispute over a property boundary. The law provides a system (courts, surveyors, legal rules) to resolve the issue fairly.

Nature of Law Key Characteristics:

1. Binding: Laws must be followed; violations result in sanctions or penalties.
2. Universal: Applies to all people in the jurisdiction, regardless of social status.
3. Evolving: Laws change to adapt to society's needs. (e.g., cybercrime laws, environmental laws).
4. Regulatory: Guides human behavior by setting norms. Example: Before the internet, hacking was not explicitly criminalized. Modern law now punishes cybercrimes.

SOURCES OF LAW

1. Constitution

Supreme law of the land; all other laws must conform.

Example: The Philippine Constitution guarantees freedom of speech.

2. Legislation / Statutes

Laws passed by Congress or Parliament.

Example: Anti-Trafficking in Persons Act protects victims from exploitation.

3. Judicial Decisions / Case Law

- Court rulings that interpret statutes and set precedents.

Example: Supreme Court decisions on cybercrime and online libel.

4. Customary Law

- Practices accepted as binding by communities.

Example: Indigenous groups resolving land disputes using traditional methods.

TYPES OF LAW

1. Public Law

- Governs the relationship between the state and individuals.

Examples:

Criminal law: Punishes theft, murder

Tax law: Governs taxation

Administrative law: Regulates government agencies

2. Private Law

- Governs relationships among individuals.

Examples:

Contract law: Agreements between parties

Property law: Ownership rights

Scenario Example:

- ❖ Public Law: A person caught stealing faces criminal charges.

- ❖ Private Law: Two neighbors enter a contract for renting land; disputes are settled in civil court.

NATURAL LAW VS POSITIVE LAW VS CUSTOMARY LAW

Type	Definition	Example
Natural Law	Based on moral principles inherent in humans	Right to life
Positive Law	Law formally enacted by the state	Traffic code
Customary Law	Based on traditions and community practices	Indigenous dispute resolution

Discussion Question: Can a law be legal but unjust? Give examples.

Example: Historical segregation laws were legal but morally unjust.

Case Study / Activity Case:

Maria finds her neighbor dumping trash on her property. She wants to resolve it legally.

Questions:

1. Which law applies?
2. Which source of law would she use (statute, case law, or customary law)?
3. What type of law governs this situation (public or private)?

Suggested Answer: Private law: property rights Source: Civil Code (legislation) Remedy: Civil lawsuit or mediation

Summary

- Law is essential for order, justice, and protection.
- Laws have different sources: constitution, legislation, judicial decisions, customary law.
- Laws can be public or private, and can be categorized as natural, positive, or customary.

Activity / Exercise:

List 5 laws you encounter daily and classify them (public/private, source).