

# Legal Issues in Computer Science

## The Legal System

# The Legal System

- A formal definition of the Law: «a body of rules to regulate the social behavior of a community of people in a given territory»
- Another definition: «Law is the formal regime that orders human activities and relations through systematic application of the force of a governing body and the society it rules over.» (from <http://en.wikipedia.org/wiki/Law>)

# A scientific approach to the legal system

- A scientific approach to the Law consists in the categorization of legal rules according to their provenience and their content:
- Basic dichotomy: Public versus Private Law
  - Public Law: Public law is the area of the law governing the relationship between individuals (citizens, companies) and the state. Constitutional law, administrative law and criminal law are thus all sub-divisions of public law.
  - Private Law: Private law is that part of a legal system that involves relationships between individuals such as the law of contract or torts as it is called in the common law and the law of obligations as it is called in civilian legal systems.

# A scientific approach to the legal system

- Constitutional Law: «Constitutional law is the study of foundational laws that govern the scope of powers and authority of various bodies in relation to the creation and execution of other laws by a government. A constitution binds a government or governments, limiting the contexts in which rules may be created, interpreted and force may be applied. Constitutions may reference various bodies, including organizations, associations, stateless peoples and nation-states.» (from [http://en.wikipedia.org/wiki/Constitutional\\_law](http://en.wikipedia.org/wiki/Constitutional_law))

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- Criminal Law: also known as penal law, is the body of law that punishes criminals for committing offenses against the state or other individuals or organizations.
- Administrative Law: is the body of law that arises from the activities of administrative agencies of government.

# A scientific approach to the legal system

- Private Law can be divided into:
  - Civil Law: regulates economic relationships amongst persons and private organizations.
  - Family Law: regulates (economic and non-economic) relationships between married individuals and between them and their children
  - Commercial Law: regulates the creation of firms, economic organizations (corporations), and their relationships with consumers

# A scientific approach to the legal system

- Civil Law: regulates economic relationships amongst persons and private organizations.
- Civil Law can be divided into:
  - Contract Law: formation and conclusion of contracts
  - Civil Liability
  - Property Law

## A scientific approach to the legal system

- International Law: deals with the relationships between states, or between persons or entities in different states. It sub-divides into "public international law" and private international law. When used without an adjective, "international law" generally refers to "public international law." Thus, public international law is defined as "the system of law which regulates the activities of entities possessing international personality."



# A scientific approach to the legal system

- European Law: deals with statutory law created within the European Union

# A historical approach to the Law

- Analysis of the evolution of one or more legal systems

# A comparative approach to the Law

- Analysis of the relationships between more legal systems