

Lesson 1: Glossary of Public Law Terms

Content

1-Introduction

2-Public law and its subdivision

3-Private law and its subdivision

4- Public Law VS. Private Law

➤ The Difference between Public and Private Law

Law is usually classified into two great classes; **public law and private law**. In fact, they are two wide areas of law that sometimes tend to overlap when exercised.

I-Public Law:

*a general classification of law concerned with the political and sovereign capacity of a state. It is that area of constitutional, administrative, criminal, and international law that focuses on the organization of the government, the relations between the state and its citizens, the responsibilities of government officials, and the relations between states. It is concerned with political matters, including the powers, rights, capacities, and duties of various levels of government and government officials.

*It comprises of standards governing the relationship between various branches of the government and rules administering the relationship between the government and people or private bodies.

*public law deals with issues that affect the general public or state - society as a whole

*It comprises **constitutional law, administrative law, tax law, and criminal law**, as well as all **procedural law**.

Public Law subdivisions:

A-Constitutional law is related to the **constitution** of the country; it is especially concerned with the three main branches of the government i.e. the legislature, the **judiciary**, and the executive.

B-Administrative law is the law governing the functions of the government, and the role it plays for its citizens; this area of law regulates areas such as trade, economy, public service,

environmental protection, and taxation.

C- Criminal law is the law that is concerned with the punishment of offenders. Certain wrongdoings pose a serious threat to the order of the society, and they would be considered as violations/crimes against the society, and the state brings such wrongdoers to **justice** by imposing **sanctions** to maintain the social order.

- For example, when someone commits a crime, he/she is not only violating a person physically but he/she is committing a crime against the state.

II- Private Law:

*Private Law is that portion of the law that defines, regulates, enforces, and administers relationships among **individuals**, associations, and corporations between a citizen and another citizen.

*Private law affects the rights and obligations of individuals, families, businesses, and small groups and exists to assist citizens in disputes that involve private matters.

*It covers various key areas of law such as:

A. Contract law: governs the rights and obligations of those entering into contracts.

B. Tort law: rights, obligations and remedies provided to someone who has been wronged by another individual.

C. Property law: governs forms of property ownership, transfer and tenant issues.

D. Family law: governs family-related and domestic-related issues. It has to do with the husband and wife, mother and daughter, father and child, or divorce cases. I.e. Family private matters.

III- Public Law VS. Private Law

It is believed that the areas of Public and Private Law often overlap in their attempt to achieve the purpose of regulating the conduct of the individuals in the society. For example, a road accident can be filed under the private law area of tort for negligence or reckless driving by the affected private individual, whereas a criminal case under the public law too can be filed by the state for the violation of motor traffic rules. Thus, the practical application of the law doesn't allow a clear demarcation between the Public and Private Law. Certain important features enable us to understand a few distinctions between them.

1-Aims

Public Law: Public Law aims to protect **the public interest**.

Private Law: Private Law seeks to protect **only private interests**.

2-Sanctions

Public Law: Penal sanctions are more severe; for example, sanctions exacted for criminal activity include **fin**es, imprisonment, or death.

Private Law: Sanction usually includes the payment of damages by **the defendant to the plaintiff**.

3-Affected Parties

Public Law: The main parties involved here are the individuals and the state.

Private Law: The main parties involved are the private entities or organizations acting in the private capacity.

4-Responsibilities

Public Law: This branch of law is responsible for regulating a harmonious relationship between the citizens and the state.

Private Law: This branch of law is responsible for regulating the activities between two or more private entities in a just and fair manner.

5-Governing Area

Public law: This branch of tries to ensure the public interest of the general population.

Private law: This branch of law tries to secure the private interests/freedom of the individuals in the community.

6-Overall Content

Public law: Public law defines the powers and obligations of the state and establishes the rights and duties of the relationship among individuals and governments.

Private law: Private law characterizes the rights and obligations of people and private bodies, in their relationship among each other.

Public Law aims to protect the public interest	Private Law seeks to protect private interests
Individuals and the state are the main parties involved	Private entities or organizations acting in the private capacity are the main parties involved
Ensure the public interest of the general population	Secure private interests/freedom of the individuals in the community
Responsible for regulating a harmonious relation between the citizens and the state	Responsible for regulating the activities between two or more private entities in a just and fair manner

<p>Penal sanctions are more severe</p>	<p>Sanction usually include the payment of damages</p> <p>Pediaa.com</p>
--	--

***Example:**

If you saw a man run from a convenience store with a few pilfered products under his arm, he is violating public law. He committed the crime of theft, and that affects everyone.

On the other hand, if your neighbour filed suit/case against you because your barbeque smoke travelled to his yard, you may be violating private law. You infringed on your neighbour's right to peaceful enjoyment of his property.

The simple difference between public and private law is in those that each affects. **Public law affects society as a whole, while private law affects individuals, families, businesses and small groups.**

Essentially, the difference between public law and private law is whether the act or acts affect society as a whole or is an issue between two or more people.

Practice:

Q1: Translate the following sentences into Arabic.

1-A number of other administrative agencies facilitate the implementation and enforcement of human rights.

2-This declaration will be reviewable by the courts under administrative law principles.

3-Furthermore, special tasks have been assigned to the local authorities and to corporations under public law.

4-Creswell returned to private law practice and worked in the banking industry.

5-The adoption of the new 2007 constitutional law was commended as strengthening the role of political parties.

Q2: Give the synonym of the following word: distinction

Q3: Give the opposite of the following word: inessential

Q4: Give the nouns of the following verbs: to comprise, to involve, to commend.

Terminology

English	Arabic
Public law	القانون العام
constitutional law	القانون الدستوري
administrative law	القانون الإداري
Tax law	قانون الضرائب
justice	العدالة
sanctions	العقوبات
individuals	الأفراد
the defendant	المدعى عليه
the plaintiff	المدعي
private law	القانون الخاص
committed the crime of theft	ارتكب جريمة السرقة
Family law	قانون الأسرة
Property law	قانون الملكية
Tort law	قانون الضرر
Contract law	عقد قانوني
The Constitution	الدستور
procedural law	الإجراءات القانونية
Criminal law	القانون الجنائي

The correction

- 1- ويتولى عدد من الوكالات الإدارية الأخرى إعمال حقوق الإنسان وتعزيها*
 :- ويمكن للمحاكم أن تعيد النظر في هذا الإعلان بموجب مبادئ القانون الإداري²
- 3- وفض عن ذلك، غُودَ بمهام خاصة للسلطات المحلية وللمؤسسات بموجب القانون العام*
- 4- عاد كريسويل إلى عمله القانوني الخاص وعمل أيضا في القطاع المصرفي *
- 5- وأشيد باعتقاد القانون الدستوري جدي لعام 2007 بوصفه يبرز دور الأحزاب السياسية*

Q2 : The synonym : distinction= demarcation.

Q3: The opposite: inessential =/= important.

Q4: The nouns of the following verbs: compression – involvement - commendation.

