Chapter 1: Introduction to Law

NATURE OF LAW
Definition of Law “a rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong” (William Blackstone)
Functions of Law to maintain stability in the social, political, and economic system through dispute resolution, protection of property, and the preservation of the state, while simultaneously permitting ordered change
Laws and Morals are different but overlapping; law provides sanctions while morals do not
Law and Justice are separate and distinct concepts; justice is the fair, equitable, and impartial treatment of competing interests with due regard for the common good

CLASSIFICATION OF LAW
Substantive and Procedural
• Substantive Law law creating rights and duties
• Procedural Law rules for enforcing substantive law
Public and Private
• Public Law law dealing with the relationship between government and individuals
• Private Law law governing the relationships among individuals and legal entities
Civil and Criminal
• Civil Law law dealing with rights and duties, the violation of which constitutes a wrong against an individual or other legal entity
• Criminal Law law establishing duties that, if violated, constitute a wrong against the entire community
Sources of Law
Constitutional Law fundamental law of a government establishing its powers and limitations
Judicial Law
• Common Law body of law developed by the courts that serves as precedent for determination of later controversies
• Equity body of law based upon principles distinct from common law and providing remedies not available at law
Legislative Law statutes adopted by legislative bodies
• Treaties agreements between or among independent nations
• Executive Orders laws issued by the President or by the governor of a state
Administrative Law is created by administrative agencies in the form of rules, regulations, orders, and decisions to carry out the regulatory powers and duties of those agencies