

## BASIC CONCEPTS OF PUBLIC LAW

### I) LOGIN

#### A) The Concept of Public Law

Rules governing the relationship between the state and a person or another state it constitutes the whole public law. The relationship between the state and a person is public the state's use of public power in the relationship in question to be subject to law rules is required. Ex. Expropriation process is a public law relationship. Limer between the parties. Moreover, the situation arises.

#### B) Public Law - Private Law Distinction

The distinction between public law and private law is a classic dating back to Roman law, is the product of classification. Today, some borders between the two have been erased and disappeared. Although it seems to have been lifted, it is still of great importance. Public law and private Some criteria can be used to separate law:

- Criterion of Interest: While public interest is at the forefront in public law, in private law individual interests are important. For example, debts arising from a sales contract. There is an individual interest in performance. In tax debt, public benefit is important, not individual. It carries.
- Sovereignty Criteria: If there is inequality between the parties, one represents public power. If it is, the public law relationship comes up. The relationship between the equals is the relationship between private law. creates.
- Forcing private parties to do something they do not want in private law relations and he cannot give orders. It is essential that the will of the parties match. Public Law. In their relations, one of the parties is the order and the other is obliged to implement it.
- Freedom of Will Criteria: As an extension of the sovereignty criterion in public law the parties cannot decide otherwise. Decisions on public law are mandatory. Private law. Most of the rules are in the form of a reserve law rule and the will of the parties is important. For example, There is a status relationship between the civil servant and the administration, determined by the rules of administrative law. However, in sales contracts, the parties can shape the contract as they wish.

### II) BASIC PRINCIPLES OF LAW

#### A) Rule of Law

The principle of the rule of law is in the material sense, the value of human dignity and human It refers to the receipt of that base. Accordingly, human beings in no way Not reduced, all the activities of the state are to improve the material and moral existence of man. targets. The reflection of the principle of the rule of law to the criminal law in terms of material is related to the content. Criminal law rules are arranged in a state of law with a focus on protecting human rights are they. State of law recognizing human rights, establishing the necessary system to protect means. Consequently, criminal law rules primarily maintain human existence, material, moral and economic, which must be protected in terms of improving personality. It should aim to protect its values.

# Fundamental Concepts Of Public Law

**John Stanton, Craig Prescott**



## **Fundamental Concepts Of Public Law:**

The Fundamental Concepts of Public Law Westel Woodbury Willoughby, 1931      **The Fundamental Concepts of Public Law** Westel Woodbury Willoughby, 1924      Foundations of Public Law Martin Loughlin, 2012-09-27

Foundations of Public Law offers an account of the formation of the discipline of public law with a view to identifying its essential character explaining its particular modes of operation and specifying its unique task Building on the framework first outlined in The Idea of Public Law OUP 2003 the book conceives public law broadly as a type of law that comes into existence as a consequence of the secularization rationalization and positivization of the medieval idea of fundamental law Formed as a result of the changes that give birth to the modern state public law establishes the authority and legitimacy of modern governmental ordering Public law today is a universal phenomenon but its origins are European Part I of the book examines the conditions of its formation showing how much the concept borrowed from the refined debates of medieval jurists Part II then examines the nature of public law Drawing on a line of juristic inquiry that developed from the late sixteenth to the early nineteenth centuries extending from Bodin Althusius Lipsius Grotius Hobbes Spinoza Locke and Pufendorf to the later works of Montesquieu Rousseau Kant Fichte Smith and Hegel it presents an account of public law as a special type of political reason The remaining three Parts unpack the core elements of this concept state constitution and government By taking this broad approach to the subject Professor Loughlin shows how rather than being viewed as a limitation on power law is better conceived as a means by which public power is generated And by explaining the way that these core elements of state constitution and government were shaped respectively by the technological bourgeois and disciplinary revolutions of the sixteenth century through to the nineteenth century he reveals a concept of public law of considerable ambiguity complexity and resilience

*Public Law* Michael Doherty, Noel McGuirk, 2022-11-24 Public Law is an ideal choice for all students looking for a comprehensive yet accessible textbook on this area of law as its clear writing style accessible tone and focus on modern case law help bring the subject to life The book covers the key institutions concepts and legal rules of the United Kingdom's constitutional system with the chapters arranged around four subjects the foundations of the constitutional system Constitutional Law Administrative Law and human rights The book's central theme is that of state power and the relationship between the state and the citizen Co authored by Michael Doherty and Noel McGuirk the third edition has been revised to reflect recent key developments in Public Law It now extensively explores in addition to several other key chapter updates the unfolding impact of Brexit the 2019 General Election changes in devolution across England Scotland and Wales and the 2020 Coronavirus Act Clearly written and easy to use Public Law enables students to fully engage with the topic and gain a profound understanding of this fundamental exciting area The Routledge Spotlights series brings a modern contemporary approach to the core law curriculum which will help students To move beyond an understanding of the law To refine and develop the key skills of problem solving evaluation and critical reasoning which are essential to assessment

success To discover sources and suggestions for taking your study further By focusing on recent case law and real world examples Routledge Spotlights will help you shed light on the law understand how it operates in practice and gain a unique appreciation of the contemporary context of the subject

**Fundamentals of Military Law** Jian Zhou, 2019-04-16 The book makes a comprehensive analysis of the basic principles and theories of military law restructuring the theoretic framework of military law It also puts forwards the new concepts of core military law and international military law for the first time in China and even the world The book could help legal scholars and lawyers especially military lawyers and research fellows in military law to have a new approach to study military law

The Foundations and Future of Public Law Elizabeth Fisher, Jeff King, Alison Young, 2020-01-30 Public law in the UK and EU has undergone seismic changes over the last forty years development and membership of the EU the Human Rights Act devolution the fostering of public law expertise within the judiciary the globalization of public law and the increased interaction between the academy judiciary barristers public interest groups and legislatures have transformed the public law landscape Commentators spend much time at the frontiers of the subject responding rapidly to new developments and providing guidance to scholars legislators and judges for future directions In these circumstances there is rarely a chance to reflect upon the implications of these changes for the fundamentals of public law and how those fundamentals relate to one another In this collection leading figures in UK and EU public law address this lacuna Inspired by the depth scope and ambition of the work of Paul Craig Professor of English Law at Oxford University the focus of this collection is upon exploring and reflecting upon six fundamentals of public law and the interrelationship between them legislation case law theory institutions process and constitutions

*Michigan Law Review*, 1925

**Iowa Law Bulletin**, 1925

The Concept of Proportionality in Public Law CHUNG Wai Man, Franco, 2020-06-30 Proportionality is a German and thus continental European concept in public law that is applied by both the Court of Justice of the European Union CJEU and the European Court of Human Rights ECtHR The principle specifies that measures adopted by executive authorities should not exceed the limits of what is appropriate and necessary in order to achieve legitimate objectives in the interest of the public Using a functional comparative approach this book evaluates the extent to which proportionality has been integrated into the English and Hong Kong judicial systems by comparing case law in these courts with that of the CJEU and the ECtHR The text also reviews the development of proportionality and presents a topical understanding of why its adoption and application have encountered difficulties particularly regarding socio economic rights in some jurisdictions such as the United Kingdom and Hong Kong Written by a scholar with experience from both within the Hong Kong judicial system and from international research this book is the first all encompassing reference for legal practitioners worldwide

Public Law John Stanton, Craig Prescott, 2022 With its fresh modern approach and unique combination of practical application and theoretically critical discussion Public Law guides students to a clear understanding of not only the fundamental principles of the subject but how they are relevant in everyday life

**Public Law** Fouad

Sabry,2024-08-07 In today's complex world understanding the legal frameworks that govern our societies is essential Public Law part of the Political Science series provides a comprehensive analysis of the principles and structures shaping governmental power constitutional integrity and the judiciary's role in democratic governance globally This book is a vital resource for deepening your knowledge of public law and its societal impact Chapter Summaries 1 Public Law Foundational concepts scope significance and distinction from private law 2 Comparative Law How different legal systems address similar issues and the benefits of comparative perspectives 3 Separation of Powers Ensuring no single branch of government holds excessive power through checks and balances 4 Sovereignty The concept's evolution and implications for national and international law 5 Legal History The historical development of legal systems and principles 6 Civil Law Legal System Origins and influence of the civil law tradition on global legal systems 7 International Law Rules and principles governing relations between nations 8 Law Law as a system of rules maintaining societal order 9 Legal Relationship How laws regulate interactions between individuals and entities 10 Lex Regia Imperial Historical concept of imperial law's impact on modern systems 11 Roman Law Foundations and lasting influence on contemporary legal doctrines 12 Montesquieu Contributions to legal theory especially separation of powers 13 Private Law Regulation of relationships between private individuals 14 The Spirit of Law Insights from Montesquieu's seminal work on law and governance 15 Law of France Characteristics and historical development of the French legal system 16 Body Politic Concept and significance in political and legal theory 17 Lex Animata Notion of living law in modern contexts 18 Institutes Gaius Cornerstone of Roman legal education and practice 19 Law School of Berytus Historical significance in legal education development 20 Law of Italy Insights into the Italian legal system and its influences 21 Code of Justinian Compilation of Roman law under Emperor Justinian and its lasting impact Public Law is an invaluable resource for professionals students and anyone passionate about understanding the legal structures underpinning democratic governance offering in depth insights for those seeking to expand their knowledge beyond the basics

Public Law Adjudication in Common Law Systems John Bell,Mark Elliott,Jason NE Varuhas,Philip Murray,2016-04-07 This volume arises from the inaugural Public Law Conference hosted in September 2014 by the Centre for Public Law at the University of Cambridge which brought together leading public lawyers from a number of common law jurisdictions While those from such jurisdictions share background understandings significant differences within the common law world create opportunities for valuable exchanges of ideas and debate This collection draws upon one of the principal sub themes that emerged during the conference namely the way in which relationships and distinctions between the notions of process and substance play out in relation to and inform adjudication in public law cases The essays contained in this volume address those issues from a variety of perspectives While the bulk of the chapters consider topical issues in judicial review either on common law or human rights grounds or both other chapters adopt more theoretical historical empirical or contextual approaches Concluding chapters reflect generally on the papers in the collection and the value of

facilitating cross jurisdictional dialogue      **Core Concepts in Criminal Law and Criminal Justice** Kai Ambos, Antony Duff, Alexander Heinze, Julian Roberts, Thomas Weigend, 2022-02-17 Volume two of a comparative study of the concepts that underpin different domestic systems of criminal law and justice      The United States Catalog Mary Burnham, Carol Hurd, 1928      **Studies in History, Economics and Public Law**, 1911      Public Law in Germany, 1800-1914 Michael Stolleis, 2001 He argues that the concept of family resemblances as that concept has been refined and extended in prototype theory in the contemporary cognitive sciences is the most plausible analytical strategy for resolving the central problem of the book In the solution proposed religion is conceptualized as an affair of more or less rather than a matter of yes or no and no sharp line is drawn between religion and non religion BOOK JACKET      **Text, Cases and Materials on Public Law and Human Rights** Helen Fenwick, Gavin Phillipson, 2013-03-04 Building on the strengths of the Sourcebook on Public Law this book has been comprehensively revised to take account of the radical programme of constitutional reform introduced by the Labour Government since 1997      *Government, a Phase of Social Organization* Ernst Bernhard Schulz, 1929      History of American Political Thought Raymond Garfield Gettell, 1928      International Economic Relations John Donaldson, 1928

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