

Overview of the Legal System

Overview of the Legal System – Study Notes

1. What Is a Legal System?

- **Definition:** A set of rules, institutions, and processes that govern behavior, resolve disputes, and enforce rights and obligations within a society.
 - **Purpose:**
 - Maintain order and public safety
 - Protect individual rights and property
 - Provide mechanisms for peaceful dispute resolution
 - Promote justice and fairness
-

2. Major Components

Component	Description	Key Functions
Constitution	Supreme legal document (written or unwritten) that outlines the structure of government and fundamental rights.	Sets limits on governmental power; establishes the hierarchy of laws.
Statutory Law	Laws enacted by legislative bodies (parliament, congress, state legislatures).	Creates general rules applicable to the public.
Administrative Law	Regulations and orders issued by government agencies.	Implements statutes; oversees specialized areas (e.g., environmental, health).
Case Law (Common Law)	Judicial decisions that interpret statutes and develop legal principles.	Provides precedents (stare decisis) guiding future cases.
Customary Law	Practices accepted as binding by a community over time.	Often fills gaps where written law is silent; prevalent in some indigenous or tribal societies.
International Law	Rules governing relations between sovereign states and other international actors.	Treaties, conventions, customary international law, and decisions of international courts.

Overview of the Legal System

3. Branches of Law (Substantive vs. Procedural)

Category	Sub?branches	Example Topics
Substantive Law	- Criminal Law	Defines rights and duties; determines what conduct is illegal or enforceable.
	- Civil Law (tort, contract, property)	
	- Family Law	
	- Constitutional Law	
Procedural Law	- Criminal Procedure	Sets the methods and steps for enforcing substantive rights (e.g., filing a lawsuit, trial processes).
	- Civil Procedure	
	- Evidence Law	

4. Court Structure (Typical Hierarchy)

1. **Trial Courts** – First level; facts are examined, evidence presented, verdict rendered.
 - Examples: District Courts, County Courts, Municipal Courts.
2. **Intermediate Appellate Courts** – Review trial court decisions for legal errors; no new evidence.
 - Examples: Courts of Appeal, Circuit Courts.
3. **Supreme Court / Highest Court** – Final authority on legal interpretation; sets binding precedent.
 - Examples: U.S. Supreme Court, Supreme Court of Canada, High Court of Australia.

(Some jurisdictions have specialized courts: family, tax, military, administrative, etc.)

5. Key Legal Concepts

- **Rule of Law** – Everyone, including government officials, is subject to the law.
- **Separation of Powers** – Division of government into legislative, executive, and judicial branches to prevent concentration of power.

Overview of the Legal System

- **Checks and Balances** – Each branch can limit the powers of the others (e.g., judicial review).
 - **Due Process** – Legal requirement that the state must respect all legal rights owed to a person.
 - **Presumption of Innocence** – In criminal cases, the accused is considered innocent until proven guilty.
 - **Burden of Proof** – Standard required to prove a claim: *preponderance of evidence* (civil) vs. *beyond a reasonable doubt* (criminal).
-

6. Sources of Law – Order of Precedence