

Week 1

Law Definition

Any notion of law involves 3 elements

- System of rules and principals
 - Involves / includes a reference to key rules and guidelines of conduct that shape the way we behave as humans
 - A general normative standard to which humans conduct themselves
- Enforced by established institutions
 - The law is only as valuable by which the extent they are enforced by the institution
- Recognised as binding by society
 - We are to or it would be best to adhere to laws of society
 - A law is not just any rule, but a rule that is enforced and binding by nature
 - Subject of social opprobrium

Legal System Definition

A legal system may be defined as that framework of rules and instructions within a community or state, recognized by its citizens as regulating the conduct of citizens for their mutual benefit.

- A legal system includes not just the laws themselves in an abstract sense, but the institutions that apply and enforce that law.
- Parliament is referred to as the 'legislature'
- Statute or legislation - a legal system creating law, together they create the legal system

Western Legal Tradition

- Western = originating in Greek, Roman, Judeo Christian tradition in European nations & former colonies
- Western is no longer geographically confined notion – refers to western mode of conceptualising the operation of 'Law' – i.e. a contextual approach to definition of law

Important

- Professor Patrick Parkinson identifies three hallmarks of the operation of Law in societies which have adopted the Western Tradition

1. Autonomy of Law

- Reference to the notion of being independent & almost self-governing / ruling