

Our country's system of government rests on a separation of powers. The legislative branch -- Congress at the federal level and legislatures at the state level -- makes the laws. Executive branch departments execute and enforce the laws -- the President at the federal level and governors at the state level.

A legal system is a procedure or process for interpreting and enforcing the law. Overview There are hundreds of legal systems in the world. At the global level, international law is of great importance, whether created by the practice of sovereign states or by agreement among them in the form of treaties and other accords. Some transnational entities such as the European Union have created their own legal structures. At the national level there are over sovereign states in the United Nations Organization. Many of these are federal , and their constituent parts may have their own additional laws. But, despite this great variety, it is important to begin by emphasizing the division between religious legal systems and secular legal systems. Each holds quite different views as to law, in its source, scope, sanctions, and function. The source of religious law is the deity, legislating through the prophets. Secular law, however, is made by human beings. In a religious legal system disputes are usually adjudicated by an officer of that religion, so the same person is both judge and priest. In a secular system, by contrast, the office of judge is separate, and is often reinforced by guarantees of judicial independence. Nowadays there are few countries whose legal system is exclusively religious. By contrast, a large number of countries have secular systems, and this feature may be built into their legal structure, as in the French and the Russian constitutions, or the very first words of the First Amendment to the American Constitution: A number of other countries have dual systems. However, a secular system with state courts covers the wider fields of public and commercial law. This was the position in England until the s, and is the case today in Israel , India , and Pakistan. In these dual jurisdictions, the proportion of human activity governed by one or the other system may depend on the stage of economic and political development of the country in question. Constitutions Constitutions differ widely. Some handle serious internal ethnic, linguistic, and religious differences, while others are written for a homogeneous population. Some are largely restricted to a set of justifiable rules of law, while others contain manifesto-like proclamations A few are contained in no given text or texts, notably in Andorra, Israel, New Zealand and the United Kingdom. Typically there are only a few generalizations that may be made across various constitutions. First, constitutions aspire to regulate the allocation of powers, functions, and duties among the various agencies and officers of government and to define the relationship between these and the public. Second, no constitution, however well designed, can protect a a political system against effective usurpation. Third, in many countries the holders of power ignore the constitution more or less entirely. Fourth, even where constitutions work, none is complete: Sixth, they usually separate the legislative, executive and judicial organs of state. Seventh, they usually contain, or incorporate, a Bill of Rights. Eighth, they often provide some method for annulling laws and other instruments which conflict with the constitution, including the Bill of Rights. Ninth, they address the international scene only in generalities and, in practice, confer wide powers on the federal executive. Finally, they deal with the status of international law by either according or denying it direct internal effect. Adoption and amendment The idea of endowing a country with a single written constitution is relatively modern, though now widespread. Both legal and political importance attach to the methods by which a constitution may be amended. They may divide the amending power among people, legislature, and executive, or between a federation and its components. They may express basic values by declaring certain features to be unamendable. Some constitutions specify that certain matters may be amended only by referendum or by an entirely new constitution. In federal systems, amendments normally require special majorities in the federal legislature followed by ratification by a special majority of the states. A common method is to require a special majority in the legislature - two-thirds in Germany, three-fifths in France, with similar systems in India and other Commonwealth countries and this used to be the pattern in the Soviet bloc. Another parliamentary alternative is to require a second vote Italy, Denmark, Finland. Finally, some systems divide the amending power between legislature and people, by requiring a referendum either for certain types or methods of

amendment Denmark, France, Ireland or for any Japan. Federalism In federal constitutions, listed powers are often allotted to the center governing structure, with other powers being left to the constituent parts. In practice the main powers of defense, taxation, and commerce go to the center, while education and healthcare may go to the constituent parts. The constituent parts are protected, at least in theory, by representation within the center governing structure i. United States Congress and by their own powers of governance in their territories. General Constitutional Features Although constitutions vary greatly in length, usually the greatest detail is devoted to the legislature and to the executive and the relations between them. Federal systems naturally have a bicameral legislature. But so also do many unitary systems, with the lower house directly elected and the upper composed of those perhaps representing rural interests France or possessing special skills Ireland. In most countries but not the USA the lower house can ultimately override the upper. Two widespread patterns are those of the presidential and those of the parliamentary system. The first fuses ceremonial and political power into one office, with its incumbent elected directly and quite separately from the legislature: It separates executive and legislative powers so that neither body can dissolve the other: The President nominates Ministers for confirmation by the legislature, but there is no collective cabinet responsibility. The President usually has a veto over legislation, which may be overridden only by special parliamentary majority. On the other hand, the crucial power to tax remains with the legislature. The new Russian structure embodies several of these features, but expands the presidency in a number of ways. First, following a tradition going back to the Tsars, the office of the President is given wide power to rule by edict ukaz. Apart from the need to comply with the constitution and with federal legislation, this power seems virtually unlimited. Second, the President appoints the prime minister with the consent of the lower House and may dismiss the government. As in the US, the Russian President may veto legislation, but can then be overridden by special majority. Finally, the President can dissolve the lower House and call new elections if it thrice rejects his or her candidate for premier, or if it passes a motion of no-confidence in the government. In the parliamentary system, the Head of State is distinct from the head of government - called Prime Minister, Premier or, in Germany, Chancellor. The Head of State may be a hereditary monarch or directly elected President. However, the premier is not directly chosen by the electorate, but appointed from the majority or coalition group in the legislature. The Premier and other ministers have no fixed term of office but can in principle be forced to resign by parliamentary vote of no confidence in the government. This is usually balanced by executive power to dissolve the legislature and call new elections although there may be some protection against hasty or repeated dissolutions. The premier and ministers dominate in two directions. Second, the executive controls the legislative timetable and usually has the exclusive power to introduce finance bills. For instance in France the President is far from being merely a titular Head of State. In association with the government he or she can present bills to the people to enact by referendum, thereby bypassing the Parliament, and can dissolve the National Assembly and call new elections. The Judiciary The United States is virtually alone in allowing a federal court of general jurisdiction to decide matters of constitutionality. Normally such questions are for a Supreme Court or special Constitutional court. France innovation allows bills to be referred to the judiciary only after they have passed through Parliament and before they are promulgated by the President. In England a court can examine the validity of a duly enacted statute unless it conflicts with the law of the European Community; the same may be true of Scottish courts, although some say they could examine UK statutes for conformity with the Act of Union This does not invalidate or render the statute ineffective: Emergency powers The greater the constitutional commitment to a Bill of Rights, the more difficult it is to frame emergency powers. On the one hand the executive must be permitted to take emergency action; on the other the emergency power should not be capable of being used to subvert both the legislature and the Bill of Rights. The usual safeguard is to forbid the executive to use emergency powers to suspend, or curtail the power of, either of the other branches of government. In the UK a permanent statute permits the government to proclaim a state of emergency, but regulations are subject to Parliamentary scrutiny. Special powers to deal with threats to security in Northern Ireland have been enumerated in statute. The statutes restrict freedom of association and confer wide powers of arrest without warrant and, in Northern Ireland, limit the use of release on bail and jury trial. These statutes are subject to

annual renewal by Parliament. Human Rights The older pattern of constitutional protection of human rights is usually expressed by a negative: Congress shall make no law abridging the freedom of the press; the right to keep and bear Arms shall not be infringed; the right to be secure shall not be violated; no person shall be deprived of life, liberty, or property without due process of law. This century has seen the addition of positive claims on the state - to education, employment and so on - and entitlements against discrimination on the grounds of gender, religion, nationality and the like. Such provisions are often declared to be entrenched and to bind the government. Common Law and Civil Law Most modern legal systems may be describes as either common law, civil law, or a mix of the two. A purely common law system is created by the judiciary, as the law comes from case law , rather than statute. Thus a common law system has a strong focus on judicial precedent. A pure civil law system, however, is governed by statutes, rather than by case law. Common law is typically found in places once occupied by the British, such as: Civil law is typically found in places once occupied by the French, such as: But their long contacts with Britain mean that their public law and systems of court procedure owe much to the common law. Scotland, Louisiana, Mauritius and Quebec are examples of a private law based on older civil and customary rules uncodified in Scotland struggling to endure in a common-law environment. Israel has a system all its own, where the older Ottoman and British mandate layers are now overridden by a modern system. It has no single constitutional document, but much of the modern law combines the broad legislative simplicity of the great codes of civil law with the careful transparency of the common-law judgment. Whatever their origin, most legal systems agree on certain basic premises. First, that no one can be guilty of a crime unless the offense is defined as such beforehand, and the conviction arrived at by a lawful procedure. Second that no one can be prosecuted twice for the same thing. Third, it is a crime to attempt a crime, or to conspire with others to commit one.

2: An Introduction to Colombian Governmental Institutions and Primary Legal Sources - GlobalLex

To understand U.S. law, it is helpful to understand the government structure and legal system of the United States; that is, the process by which U.S. laws are developed and enforced. This understanding also helps individuals recognize how they can influence the law.

Overview[edit] The purpose of codification is to provide all citizens with manners and written collection of the laws which apply to them and which judges must follow. It is the most widespread system of law in the world, in force in various forms in about countries. Where codes exist, the primary source of law is the law code , a systematic collection of interrelated articles, [7] arranged by subject matter in some pre-specified order, [8] that explain the principles of law, rights and entitlements, and how basic legal mechanisms work. Law codes are simply laws enacted by a legislature , even if they are in general much longer than other laws. Other major legal systems in the world include common law , Islamic law , Halakha , and canon law. Legal systems of the world. Civil law countries can be divided into: Andorra and San Marino those with uncoded mixed systems in which civil law is an academic source of authority but common law is also influential: Scotland and the Roman-Dutch law countries South Africa , Zimbabwe , Sri Lanka and Guyana those with codified mixed systems in which civil law is the background law but has its public law heavily influenced by common law: The Scandinavian systems are of a hybrid character since their background law is a mix of civil law and Scandinavian customary law and they have been partially codified. A prominent example of a civil-law is the Napoleonic Code , named after French emperor Napoleon. The code comprises three components: Civil law courts generally decide cases using codal provisions on a case-by-case basis, without reference to other or even superior judicial decisions. Civil law practitioners, however, traditionally refer to their system in a broad sense as *jus commune* , literally "common law", meaning the general principles of law as opposed to laws specific to particular areas. The use of "common law" for the Anglo-Saxon systems may or may not be influenced by this usage. History[edit] Civil law takes as its major inspiration classical Roman law c. AD 1â€” , and in particular Justinian law 6th century AD , and further expanded and developed in the late Middle Ages under the influence of canon law. In some it went into force wholesale by legislative act, i. Roman law continued without interruption in the Byzantine Empire until its final fall in the 15th century. However, given the multiple incursions and occupations by Western European powers in the late medieval period, its laws became widely implemented in the West. It was first received in the Holy Roman Empire partly because it was considered imperial law , and it spread in Europe mainly because its students were the only trained lawyers. It became the basis of Scots law , though partly rivaled by received feudal Norman law. In England, it was taught academically at Oxford and Cambridge , but underlay only probate and matrimonial law insofar as both were inherited from canon law, and maritime law , adapted from *lex mercatoria* through the Bordeaux trade. Consequently, neither of the two waves of Roman influence completely dominated in Europe. Roman law was a secondary source that was applied only when local customs and laws were found lacking on a certain subject. However, after a time, even local law came to be interpreted and evaluated primarily on the basis of Roman law, since it was a common European legal tradition of sorts, and thereby in turn influenced the main source of law. Eventually, the work of civilian glossators and commentators led to the development of a common body of law and writing about law, a common legal language, and a common method of teaching and scholarship, all termed the *jus commune* , or law common to Europe, which consolidated canon law and Roman law, and to some extent, feudal law. Codification[edit] An important common characteristic of civil law, aside from its origins in Roman law, is the comprehensive codification of received Roman law, i. The earliest codification known is the Code of Hammurabi , written in ancient Babylon during the 18th century BC. However, this, and many of the codes that followed, were mainly lists of civil and criminal wrongs and their punishments. The codification typical of modern civilian systems did not first appear until the Justinian Code. Germanic codes appeared over the 6th and 7th centuries to clearly delineate the law in force for Germanic privileged classes versus their Roman subjects and regulate those laws according to folk-right. Customals were commissioned by lords who presided as lay judges over manorial

courts in order to inform themselves about the court process. The use of customs from influential towns soon became commonplace over large areas. In keeping with this, certain monarchs consolidated their kingdoms by attempting to compile customs that would serve as the law of the land for their realms, as when Charles VII of France commissioned an official custom of Crown law. Two prominent examples include the *Coutume de Paris* written; revised, which served as the basis for the Napoleonic Code, and the *Sachsenspiegel*. The concept of codification was further developed during the 17th and 18th centuries AD, as an expression of both natural law and the ideas of the Enlightenment. The political ideals of that era were expressed by the concepts of democracy, protection of property and the rule of law. Those ideals required certainty of law, recorded, uniform law. So, the mix of Roman law and customary and local law gave way to law codification. Also, the notion of a nation-state implied recorded law that would be applicable to that state. There was also a reaction to law codification. The proponents of codification regarded it as conducive to certainty, unity and systematic recording of the law; whereas its opponents claimed that codification would result in the ossification of the law. In the end, despite whatever resistance to codification, the codification of European private laws moved forward. Codifications were completed by Denmark, Sweden, Prussia, France, and Austria. Germany, and Switzerland adopted their own codifications. These codifications were in turn imported into colonies at one time or another by most of these countries. The Swiss version was adopted in Brazil and Turkey. In the United States, U. In Japan, at the beginning of the Meiji Era, European legal systems—especially the civil law of Germany and France—were the primary models for the judicial and legal systems. In addition, it formed the basis of the law of the Republic of China, which remains in force in Taiwan. Furthermore, Korea, Taiwan, and Manchuria, former Japanese colonies, have been strongly influenced by the Japanese legal system. Some authors consider civil law the foundation for socialist law used in communist countries, which in this view would basically be civil law with the addition of Marxist-Leninist ideals. Even if this is so, civil law was generally the legal system in place before the rise of socialist law, and some Eastern European countries reverted to the pre-socialist civil law following the fall of socialism, while others continued using a socialist legal system. Several civil-law mechanisms seem to have been borrowed from medieval Islamic Sharia and fiqh. For example, the Islamic *hawala hundi* underlies the *avallo* of Italian law and the *aval* of French and Spanish law.

3: Role of US Constitution & Legal System in Business Regulation

The UK System Of Government First of all we are going to take a look at the Uk system of government, because it is very different than the Romanian one. The United Kingdom is a parliamentary democracy with a constitutional monarch.

The government exercises its authority several ways. Permission to Form Most businesses need to register with a state government to operate. Corporations need a charter, and other forms of businesses, such as limited liability companies or partnerships, need other forms of registration. The function of this registration is usually to define the financial liability the owners of the company have. It limits their risk to the amount they have invested in that particular organization. Registration also allows the government to monitor companies to execute its other functions in the business world. Contract Enforcement Businesses contract with other businesses. These contracts may be complex, such as mergers, or they may be as simple as a warranty on supplies purchased. The government enforces these contracts. Companies bring one another to court just as individuals do. An oral agreement can constitute a contract, but usually only a written agreement is provable. If one party fails or refuses to meet its obligation under a contract, a company will turn to the legal system for enforcement. When a vendor fails to honor the guarantee, the purchaser has recourse in the law. Likewise, when a product causes harm to an individual, the courts may hold the vendor or manufacturer responsible. Labeling is another requirement the government imposes on marketers. Many foods, for example, must display nutritional content on the packaging. However, the consumer movement still needs considerable development to protect the public. Employee Protection Many state and federal agencies work to protect the rights of employees. Its mission is to ensure a safe and healthful work environment. The Equal Opportunity Commission protects employees from discrimination. Whether the government is effective in this role is a matter of much discussion. The Gulf oil spill of has been cited as evidence of lax oversight. Taxation Governments at all levels tax businesses, and the resulting revenue is an important part of government budgets. Some revenue is taxed at the corporate level, then taxed as personal income when distributed as dividends. This is in no way inappropriate, since it balances the tax burden between the company and individual and allows the government to tax more equitably. Investor Protection Government mandates that companies make financial information public, thereby protecting the rights of investors and facilitating further investment. This is generally done through filings with the Securities and Exchange Commission. Whether federal regulation has been adequate is a matter of much debate.

4: Prosecutor - Wikipedia

These materials describe some of the basic concepts of our legal system, and the roles played by legislatures and courts. FEDERAL STATUTES The U.S. Constitution gives Congress to power to enact federal laws ("statutes") on certain subjects.

Government Government in the United States is organized into three levels: Each level of government has unique responsibilities. State government is responsible for providing education and defining property rights. Local governments often address matters such as fire and police protection and land-use regulation. Role of the U. Constitution A constitution defines the authorities of government. The law is not determined by a king, monarch, or dictator. Constitution, "We the people The following items illustrate 1 an authority granted in the U. Example of an action the U. Statement as to the role of the people and states in amending the U. Each state also has a constitution, and like the U. A state constitution cannot authorize state government to do something that the U. Constitution prohibits government -- at any level -- from doing. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States XIV Only the citizens of a state can amend the state constitution, for example: Branches of Government One common characteristic of the U. Constitution and each state constitution is that the federal government and the government of each state is organized into three branches of government: Most government agencies are part of the executive branch. The agencies are staffed by government employees whose task is to assist the leader of the executive branch e. The leader of the executive branch of state government often is the governor, but some states such as North Dakota elect additional state leaders such as the Commissioner of Agriculture rather than having the governor hire appoint those agency leaders. In contrast, the leaders of U. The judicial branch is the court system; its role is to resolve disputes and interpret the "law". Law Created by each Branch of Government Each branch of government creates a type of law. Statutory law is enacted by the legislative branch; these statutes set forth the public policy that the elected legislators want to pursue. Often statutes provide general direction on how the executive branch should implement the statutory laws public policy. Regulations are promulgated by the executive branch; regulations provide details as to how the executive agencies will implement the statutes. The common law prior court decisions will be used to guide subsequent court decisions. Overall Structure of U. Government The following table summarizes the U.

5: U.S. Government & Legal System -- Introduction " Food Law

In Part II, the role of law within the American system of government is portrayed. Part III begins with a consideration of the role fulfilled by the Supreme Court.

They usually only become involved in a criminal case once a suspect has been identified and charges need to be filed. They are typically employed by an office of the government, with safeguards in place to ensure such an office can successfully pursue the prosecution of government officials. Often, multiple offices exist in a single country, especially in those countries with federal governments where sovereignty has been bifurcated or devolved in some way. Since prosecutors are backed by the power of the state, they are usually subject to special professional responsibility rules in addition to those binding all lawyers. For example, in the United States, Rule 3. Supreme Court cases and other appellate cases have ruled that such disclosure is required. Typical sources of ethical requirements imposed on prosecutors come from appellate court opinions, state or federal court rules, and state or federal statutes codified laws. A DPP may be subject to varying degrees of control by the Attorney General, usually by a formal written directive which must be published. In Australia, the Offices of the Director of Public Prosecutions institute prosecutions for indictable offences on behalf of the Crown. They are generally appointed by the provincial Attorney-General. Scotland[edit] Though Scots law is a mixed system, its civil law jurisdiction indicates its civil law heritage. Here, all prosecutions are carried out by Procurators Fiscal and Advocates Depute on behalf of the Lord Advocate, and, in theory, they can direct investigations by the police. In very serious cases, a Procurator Fiscal, Advocate Depute or even the Lord Advocate, may take charge of a police investigation. It is at the discretion of the Procurator Fiscal, Advocate Depute, or Lord Advocate to take a prosecution to court, and to decide on whether or not to prosecute it under solemn procedure or summary procedure. Other remedies are open to a prosecutor in Scotland, including fiscal fines and non-court based interventions, such as rehabilitation and social work. United States[edit] In the United States, the director of a prosecution office may be known by any of several names depending on the jurisdiction, most commonly District Attorney. The prosecution is the legal party responsible for presenting the case against an individual or a corporation suspected of breaking the law, initiating and directing further criminal investigations, guiding and recommending the sentencing of offenders, and are the only attorneys allowed to participate in grand jury proceedings. United States Attorneys are appointed by the President and confirmed by the Senate. They represent the federal government in federal court in both civil and criminal cases. Private attorneys general can bring criminal cases on behalf of private parties in some states. Prosecutors are required by state and federal laws to follow certain rules. Supreme Court, is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all, and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor"indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. In Kentucky, Massachusetts, Pennsylvania, and Virginia, criminal prosecutions are brought in the name of the Commonwealth. In the remaining states, criminal prosecutions are brought in the name of the State. Civil law jurisdictions[edit] Prosecutors are typically civil servants who possess a university degree in law and additional training in the administration of justice. In some countries, such as France and Italy, they belong to the same corps of civil servants as the judges. They open preliminary investigations and can hold a suspect in custody for up to 24 hours. With a judge investigating, Crown prosecutors do not conduct the interrogatories, but simply lay out the scope of the crimes which the judge and law enforcement forces investigate la saisine. Like defense counsel, Crown prosecutors can request or suggest further investigation be carried out. The Crown prosecutor is in charge of policy decisions and may prioritize cases and procedures as need be. During a criminal trial, prosecutors must introduce and explain the case to the trier of fact, i. They generally suggest a reasonable

sentence which the court is not obligated to follow; the court may decide on a tougher or softer sentence. Crown prosecutors also have a number of administrative duties. They may advise the court during civil actions. Under Belgian law, judges and prosecutors are judicial officers with equal rank and pay. There are also military prosecutors whose career, although linked to the federal prosecutors, is divided in a manner similar to state prosecutors. In such cases, the prosecutor will officiate as *custos legis*, being responsible to ensure that justice is indeed carried out. Also, they are in charge of external control over police activity and requesting the initiation of a police investigation.

6: The Law and Federal, State and Local Courts - www.enganchecubano.com

The Han dynasty government was largely characterized by a combination of feudal structures and central bureaucracy. The emperor was the head of the government. He was responsible for creating laws, heading the armed forces as its commander-in-chief and serving as the chief executive official.

Since Colombia adopts the representative, republican, and democratic form of government, it is governed by representatives of the people, who are elected through direct vote. The country embraces a system made up of governmental powers mainly an Executive Power, a Legislative Power, and a Judicial Power, and also has a written Constitution. The Constitution is the source and origin of all Colombian laws and it overrides them all. There have been relatively few constitutions since the country finally became an independent nation in 1819. The first constitutions promulgated in 1821, 1831, and 1858 recognized a degree of local autonomy, but after the civil war of 1863-1865, the charter firmly established the unitary form of government. This constitution underwent major amendments in 1886, 1931, 1957, and 1991. Finally, in 1991 a new charter was promulgated; it has also been amended virtually every year until 2015. The Constitution is divided into thirteen sequential titles subdivided into chapters and articles devoted to the political organization of the country and the formal acknowledgment of liberties and freedoms. Full recognition is given to basic principles, such as the preeminence of human rights, national sovereignty, division of powers, and the representative system. The Constitution also has transitory provisions. Brief descriptions of the three branches of the government: Executive Power The Executive power dominates the other branches of government and is vested mainly in the President, the Vice-President, the Ministers, and the directors of administrative agencies. The President both head of government and chief of state is in charge of the general administration of the country and the protection of the National State interests, and is also the Commander-in-Chief of all the Armed Forces. The President is also empowered to direct foreign relations of the State, to declare a state of emergency and suspend liberties, and to convene extraordinary sessions of Congress. The term of office is 4 years, and the President may be re-elected to a single consecutive term. The President appoints the Ministers and directors of administrative agencies. In the administrative area, the President is officially empowered to organize public credit, recognize national debt and arrange its service, and regulate international exchange and foreign commerce, customs duties, tariffs, and charges. Exercise of these powers, however, is subordinate to laws passed by Congress. The Vice-President is elected along with the president by popular vote for a four-year term eligible for a second term. No specific function is constitutionally assigned to the Vice-President who is, nonetheless, empowered to succeed to the Presidency on the death, incapacity, resignation or removal of the President. Ministers are in charge of Ministries devoted to domestic affairs and justice, foreign affairs, defense, finance, education, energy, commerce and industry, culture, environment, communications, transportation, agriculture, and social welfare. Ministers endorse and authenticate, by virtue of their signatures, certain presidential actions that would not be effective otherwise. As head of a ministry and a member of the cabinet, a minister holds a position that is simultaneously administrative and political. The most important function of the Ministers and directors of administrative agencies are to set national policy in all areas of governmental activity. An important task of the President and Ministers is to issue regulations *reglamentos* to specific laws. The approval of these regulations requires that the President and one or more Ministers act jointly. Individually, the President may issue decrees *decretos* on any governmental activity and the Ministers may issue resolutions *resoluciones* regarding specific topics of their competence. Whether it is a regulation, a decree or a resolution, the instrument must be published along with the most important documentation from the executive branch in the official journal *Diario Oficial* before it becomes binding. Senators and representatives are elected by direct popular vote for four years. Legislative sessions begin annually on Independence Day July 20. A special session may be called in by the Executive. For election purposes, the country is divided into districts and each district elects its members roughly proportional to their population. Each department is considered an electoral district and elects at least two representatives. Others are added to each district on the basis of population numbers. Up to five additional house seats will be reserved for ethnic groups, political minorities, and Colombians residing abroad. Currently, there are seats in

the House. There are a constitutionally established number of seats in the Senate and 2 more have been added in representation of indigenous communities. Each senator represents the entire country rather than just one department. Besides its legislative tasks, the House has budgetary responsibilities; it is also empowered to elect the General Ombudsman Defensor del Pueblo or to indict the President and other high officers, and to handle complaints submitted by the Prosecutor General Fiscal General and individual citizens against high officers.

Legislative Process The law-making process is comprised of seven steps: Legislation on any subject can be initiated by: Legislation on matters related to their respective functions may be initiated by: Bills are submitted to the office of the secretary general of either chamber or to members of either chamber meeting in plenary session. A number is assigned to them before submission to a technical, material, and formal analysis by a standing committee of the chamber where the bill was introduced. Bills are distributed among the committees according to subject matter. Each chamber counts with 7 standing committees specializing in different fields: Bills are sent at this point to the government printing office for publication in the congressional gazette *Gaceta del Congreso*. Members of the committee in charge of the bill will then submit a report also published in the congressional gazette to the full committee. If the bill survives debates within the committee, it will be sent for a general or article by article discussion in a plenary session of the chamber. Although there is room for modifications, the chamber may decide to send the bill back to the committee whenever its text becomes significantly different from the one originally submitted. Once the bill is approved by one chamber, it will undergo the same treatment by the pertinent standing committee and plenary sessions of the other chamber. The President has a number of days which varies on the basis of the length of the statute to sanction or promulgate any bill approved by both chambers, propose amendments to it or ask for a reconsideration of any of its provisions. The President may ask Congress to reconsider any statute or parts of it found objectionable. The laws become mandatory as of the date of their publication in the *Diario Oficial*, or at a date indicated in the respective text. A special procedure is required for constitutional reforms. The purpose of a constitutional reform is to effect a partial revision of the Constitution and a replacement of one or more of its provisions, without modifying the fundamental principles and structure of the constitutional text. The initiative for a constitutional reform may proceed from one of the following: Constitutional reform bills must be processed in two ordinary and consecutive terms. The final bill approval requires a majority vote in both chambers. Once approved, the bill may be submitted to a popular vote in order to determine if a constitutional assembly will be organized. A positive vote of a third of registered voters will be sufficient to call the convention. The assembly members will be elected by direct vote in a separate election.

Types of Legislation The hierarchy of Colombian norms is fairly typical of civil law jurisdictions. The supreme set of norms is the Constitution. Under this scheme, Congress should pass the laws or statutes *leyes* with an internal hierarchy: Most statutes are ordinary acts or ordinary laws *leyes ordinarias*. These are common laws, in the essential meaning of the word, originating from Congress, in exercise of its primary legislating function. They deal with all subjects, except those which will be specifically dealt with by other categories of laws. Approval requires the vote of a simple majority, and sanction by the President of the Republic. Enabling laws *leyes habilitantes* are those enacted by an absolute majority of the membership of both chambers to establish the guidelines, purposes and framework for matters that are being delegated to the President, so that decrees with the rank and force of law may be issued. These decrees are issued by the President by means of that delegation of competence from Congress. The President the delegate would not normally have competence to sanction that law, but has acquired the power to do so. Most of these decrees deal with economic or fiscal regulation, support and control of enterprises, scarcity of natural resources, and politically related issues; the decrees may not be used to enact codes or organic laws, or to levy taxes. At all times and on its own initiative, the Congress may amend the decrees issued by the Executive while using its extraordinary powers. Organic laws are those regulating the exercise of legislative activity to establish the internal rules of Congress and of each chamber, concerning the preparation, approval, and execution of the Budgetary Revenues and Appropriations Law, the execution of the general development plan and the regulations concerning the assignment of regulatory responsibilities to the territorial entities. The enactment of organic laws will require an absolute majority vote in both chambers. Statutory laws are enacted by Congress to regulate the following subject areas: The

approval, amendment, or repeal of statutory laws also requires an absolute majority vote in both chambers and must be completed within a single legislative term. Any citizen may intervene in defense or opposition to the bill. The Colombian court system is headed by four roughly coequal, supreme judicial organs: The Supreme Court of Justice Corte Suprema de Justicia decides appeals on errors of law and for that purpose functions as a court of cassation to quash lower court decisions through three chambers specializing respectively in civil, criminal, and labor matters. It also has original jurisdiction in certain proceedings against high functionaries, in certain admiralty matters, in controversies between departments and in controversies relating to government contracts; it is also the highest court having jurisdiction over civil, family, labor, agrarian, commercial and criminal cases. Its 23 judges are selected by their peers from nominees of the Superior Judicial Council for eight-year terms. The Council of State Consejo de Estado is the highest court of administrative law. The Council has original jurisdiction over certain admiralty cases and river navigation matters; jurisdictional conflicts between the departments and the municipalities and between any of them and the national government; public lands concessions; cancellation of naturalization papers; appeals from certain decisions of the national government; etc. It also takes appeals from departmental administrative courts and some national officials. The 27 judges forming the Council are selected by their peers from nominees of the Superior Judicial Council for eight-year terms. The Constitutional Court Corte Constitucional reviews the constitutional validity of laws approved by the legislative branch and some decrees issued by the executive branch; and it is also responsible for procedures related to actions created to protect the rights of those accused of criminal offenses, or actions against abuses of public administration officials, including members of the judiciary. The 9 judges forming the Court are selected by the Senate from nominees of the President, the Supreme Court, and the Council of State for eight-year terms. Its 13 members are selected by the three sister highest courts and by Congress from nominees of the Executive for eight-year terms. The lower court system consists of: The ordinary courts include trial courts with jurisdiction in civil, criminal, labor, family, land among other specialized areas; and superior district courts, which decide appeals from judges of judicial districts and circuit judges, and have original jurisdiction over special matters in which the Government and the departments are parties. The departmental administrative courts hear cases regarding departmental ordinances, municipal resolutions, decisions of departmental and municipal executives; tax matters; etc. Although it belongs to the judicial branch, the Constitution confers upon it an independent role so that it can better perform its functions. The Prosecutor General is designated for a four-year term by the Supreme Court which selects one of the three candidates presented by the President. The Office of the Attorney General Procuraduria General de la Nacion is appointed by the Senate from a list of candidates selected by the President and the highest courts, the Attorney General acts as guardian of constitutional rights and liberties, democratic principles, public interests, and the rule of law in general. The Attorney General shall also file any appropriate action to hold liable public officials who have incurred civil, labor, military, criminal, administrative or disciplinary liability in the course of their official duties. The Office of the Defender of the People Defensoria del Pueblo is an independent body whose mission is to defend and protect human rights and other liberties and interests protected under the Constitution and the laws, in the face of deeds, acts or omissions of the administration. The Defender of the People is appointed for a four-year term by Congress which selects one of the three candidates presented by the President. The Office of the Comptroller General Contraloria General de la Republica is headed by a Comptroller General appointed for a four-year period at the beginning of each presidential term by Congress, which selects one of the three candidates presented by the highest courts.

7: The Chinese Han Dynasty Government System & Laws

Below is a step-by-step synopsis of the role played by the judiciary in the legal system and an introduction to how the judiciary is a check on the power of the legislative and executive branches: â€¢ Step 1: Trial Court - Federal and state trial courts serve as the mechanism for enforcing the law.

Law, a body of legal rules and obligations, provides an essential tool by which all nations seek order and stability. The United States is committed to a just society in which all citizens are equal under the law. In practical terms this concept means that society must be governed by laws that are made by elected officials and are enforceable through the courts. Without a court system, the government would be unable to enforce laws. The Role of Law in Society Under the rule of law, the United States is bound by regulations that govern various interactions among individuals, groups, and governmental bodies. These regulations are ideally applied to all without favoritism. Laws can be changed only through a formal, established system of new legislation or amendments to state or federal constitutions. In contrast to the procedures followed by some undemocratic governments, individuals or groups cannot arbitrarily change accepted laws and ways of dealing with citizens. In framing and ratifying the Constitution, Americans adopted the idea that theirs was a government of laws, not men. The rule of law promised predictability in American lives by placing limits on the power that the government exercised. By applying checks and balances to prevent one branch of government from gaining too much power, the Founders tried to ensure that laws were fairly created and enforced. Thus while in earlier societies the state had made law, in the United States the lawâ€”in the form of the Constitutionâ€”created the state. Types of Law In the United States, one of the most important types of law is what is called constitutional law. Under constitutional law, the courts review the actions of the state or federal government in relation to specific clauses of the Constitution. Besides constitutional law, many other types of law exist. Certainly for the writers of the Constitution, the concept of natural law was essential. They agreed with the ideas expressed by 17th-century English philosopher John Locke. He believed that all individuals are equal and independent, and that they create an organized government in order to protect their collective right to a stable, secure society. Neither government, nor law, nor elected officials can interfere with these privileges. Some of the rights retained by individuals are described in the Bill of Rights, which limits the powers of Congress, for example, to establish a religion, abridge freedom of speech, or subject Americans to unreasonable searches and seizures. Common law consists of the customary practices created by past judicial decisions. After a court makes a decision, that decision becomes a precedent that can be applied to similar cases. Based on precedents and their application to new cases, judicial reasoning proceeds by analogy from one case to another and accumulates to form the basis of common law. Today common law is relevant mostly to areas of family law and disputes over contracts and property. Administrative law involves disputes regarding the authority of administrative agencies that are part of the executive branch and whether their procedures are legal. These agencies are not elected bodies, and yet they have emerged as independent policy-makers. The rise in importance of these administrative agencies challenges the rule of law because officials who are appointed, not elected, exercise a great deal of power. As a result, their rules and procedures have been questioned. At issue is whether the authority of these agencies is abused and whether their actions are within the jurisdictions delegated to them by Congress. The most prevalent form of law today is statute law enacted by a legislative body at the federal, state, or local level. Statute law pertains to either criminal law or civil law. Civil law, which governs the relations of citizens among themselves, involves disputes between citizens and between government and citizen where no crime is alleged. Criminal law deals with public law and public order and mostly covers acts of violence, theft, and fraud. The governmentâ€”at the federal, state or local levelâ€”prosecutes criminal cases and imposes jail sentences, fines, or other forms of punishment on people who are found guilty. The federal government prosecutes comparatively few criminal cases, but it defines crimes, assists in investigations, and helps determine sentencing guidelines. The Federal Courts Today the federal judiciary is based on a three-tiered hierarchy of courts. On the bottom are the 94 U. District Courts in the 50 states and the U. These courts have jurisdiction to hear only those cases allowed under the

Constitution and by federal law. These include cases where crimes have been committed that violate federal laws, and disputes between citizens of different states. The next tier above the district courts contains the 13 Circuit Courts of Appeal. These courts can hear only cases where the ruling of a district court has been appealed contested by one of the parties involved. The circuit courts, like other appeals courts, cannot question the facts of a case, they can consider only questions of law and legal interpretation. The top of the pyramid is the United States Supreme Court, which is the highest court in the country. Rulings of the circuit courts may be appealed to the Supreme Court, but in practice the court hears only cases of important constitutional significance. Congress is responsible for creating and maintaining the federal courts. Federal judges serve for life, although they can be removed by congressional impeachment. These lifetime appointments insulate the federal judiciary—especially the Supreme Court—from the whims of popular opinion, which can influence the legislative and executive branches. On the other hand, because its members are not popularly elected, the federal judiciary is less accountable to the people than are the other two branches of government. In this way, the life tenure of federal judges epitomizes a tension between a democracy of the people and a powerful institution that is not directly accountable to the people. This tension is significant because judicial rulings determine the scope and meaning of the law. Thus, in a very real sense, the courts do make laws. Court rulings, for example, have been responsible for limiting industrial monopolies, determining the pace of racial integration, and protecting individuals from the abuses of government. Some people have criticized the fact that federal judges can issue such far-reaching rulings without fear of being voted out of office. In addition to the district, appeals, and Supreme courts, the federal judicial system includes various courts with jurisdiction over specialized cases. For example, the Tax Court handles cases that arise out of enforcing the tax code, and the Claims Court considers disputes about property taken for public use. A Customs Court handles complicated issues arising from seizures of and taxes on imported goods, while the Patent Court, also with a specialized jurisdiction, deals with controversies about registering patents. The Court of Veterans Appeals reviews decisions regarding veterans benefits made by the Department of Veterans Affairs. The state and local courts—the latter usually at the county, municipal, and township level—hear most of the judicial cases. Annually over 25 million cases enter state and local systems; every year, one in nine Americans is directly involved in some sort of litigation or court proceeding. At the state level, courts are assigned what are called police powers over the health, morals, and safety of their citizens. Thus, by the authority of its health power, a state legislature may require all schoolchildren to be vaccinated; any challenge to this law would be considered in state court. To protect community health in the late 19th century, state courts approved a controversial quarantine of immigrants before they entered the United States. At the same time, many state constitutions include their own Bill of Rights, which limits the power of states over the people. By constitution or by statute, state governments create the local courts that have jurisdiction over minor state offenses and the violation of local ordinances, such as those involving zoning or disturbing the peace. Some local courts have specialized jurisdiction over juveniles and domestic relations. Like those at the federal level, state court systems are arranged into a three-tiered system of trial, appellate, and supreme courts. Decisions by the state supreme courts can be appealed to the U. Supreme Court, which can overturn state laws. An example of the relation between state and federal courts occurred in the s. At that time, state laws that impeded desegregation were overturned because in the view of the Supreme Court, the laws violated the due process and equal protection clauses of the 14th Amendment. Some judges are appointed by state governors and, after a period of time, stand for elections. Other judges are elected from the beginning. Sometimes these elections are contested and partisan; often they are not. In recent years states have tried to improve the quality of state and local judges by creating panels of qualified lawyers from which state governors choose the judges they appoint. Current Trends and Issues The judicial system is challenged by a tremendous volume of cases. The use of the system has escalated because the U. In addition, Americans have become more likely to settle any dispute, no matter how minor, in court. The caseload has also increased because the courts have developed new categories of constitutional rights, mainly as a result of rulings in important, high-profile cases. Examples of this are the right to privacy established in the Supreme Court case *Griswold v. Connecticut* and the legal rights guaranteed defendants by *Miranda v. The court* has expanded the legal rights of defendants in matters

such as pretrial criminal procedures and protections to prisoners in the state and federal prison systems. Changes in technology, such as the development of the Internet, are also new areas that require judicial response. Inevitably such new developments lead to new laws, new kinds of disputes, and new judicial interpretations. Federal district courts heard 87, cases in ; in , , cases were commenced. Circuit court judges heard 51, cases in The Supreme Court, which decides the cases it hears, considered 7, in the same year, and of these only were given full review. Still this is a burdensome amount. A challenge for the Supreme Court is to keep control over the number and type of cases it accepts so that it can reserve its decisions for those that help determine high-level policy. There are many problems that state and local judiciaries face. Among these are long delays for defendants coming to trial, the slowness of the trials themselves, unequal access to justice between the rich and the poor, and difficulties in obtaining jury pools.

8: Civil law (legal system) - Wikipedia

Describe the organization and foundation of the American legal system. Explain the different roles of the federal and state government. The American legal system consists of two separate levels of court, defined as federalism, which together administer and enforce the laws in the United States.

Summary of Basic American Legal Principles What follows are some of the fundamental principles that comprise the American legal system. Each of these is discussed in greater detail in this and other chapters of this book. They are summarized below in order to give the reader an overview of some of the basics of American common law.

Impact of Precedent—The Principle of Stare Decisis The defining principle of common law is the requirement that courts follow decisions of higher level courts within the same jurisdiction. It is from this legacy of stare decisis that a somewhat predictable, consistent body of law has emerged.

Court Hierarchy Court level or hierarchy defines to a great degree the extent to which a decision by one court will have a binding effect on another court. The federal court system, for instance, is based on a three-tiered structure, in which the United States District Courts are the trial-level courts; the United States Court of Appeals is the first level court of appeal; and the United States Supreme Court is the final arbiter of the law. Although the term most often is used in connection with the jurisdiction of a court over particular matters, one may also speak of matters being within or beyond the jurisdiction of any other governmental entity. For instance, while there is only one Supreme Court, the court of appeals is divided into 13 circuits, and there are 94 district courts. The issue of whether authority is mandatory or persuasive relates directly to the application of stare decisis principles.

Primary versus Secondary Authority The various sources of law may also be broken down into primary and secondary sources of law. Primary sources of law may be mandatory on a particular court, or they may be merely persuasive. Whether they are binding or persuasive will depend on various factors. Secondary authority is not itself law, and is never mandatory authority. A court may, however, look towards secondary sources of law for guidance as to how to resolve a particular issue. Secondary authority is also useful as a case finding tool and for general information about a particular issue.

Dual Court Systems The American legal system is based on a system of federalism, or decentralization. Most states have court systems which mirror that of the federal court system.

Interrelationship Among Various Sources of Law One of the more complex notions of American jurisprudence is the extent to which the various sources of law, from both the state and federal systems, interrelate with one another. There is a complex set of rules that defines the relative priority among various sources of law and between the state and federal systems.

What Is Common Law? Civil law systems rely less on court precedent and more on codes, which explicitly provide rules of decision for many specific disputes. Cases are legal determinations based on a set of particular facts involving parties with a genuine interest in the controversy. In cases of pure decisional law, there is no applicable statute or constitutional provision that applies. Court interpretation may rely upon prior decisional law interpreting same or some other constitutional provision. Court interpretation may rely upon prior decisional law interpreting the same or similar statute. A higher level court opinion will in effect abrogate the lower level court opinion in the same case. Has it been followed? Applied in a specific way?

The American Judicial System: A System Based on Advocacy and the Presence of Actual Controversy The American legal system is adversarial and is based on the premise that a real, live dispute involving parties with a genuine interest in its outcome will allow for the most vigorous legal debate of the issues, and that courts should not have the power to issue decisions unless they are in response to a genuine controversy.

Threshold Issues Designed to Preclude Advisory Opinions Given the prohibition against advisory opinions by the federal courts, there are certain threshold prerequisites which must be satisfied before a federal court will hear a case. Issues surrounding the applicability of these prerequisites may also arise in state courts and on petitions for review of agency orders. The principal prerequisites to court review are the following:

Standing—The parties must have an actual, cognizable, usually pecuniary or proprietary, interest in the litigation.

Finality—In the case of appeals or agency review, the action by the trial court or administrative body must be final and have a real impact on the parties.

Exhaustion—The parties must have exhausted any possible avenues for relief available in the trial

court or administrative body. Ripenessâ€”The dispute must present a current controversy which has immediate rather than anticipated or hypothetical effects on the parties. Mootnessâ€”The dispute must not have been resolved. Nor must the circumstances have changed in any way that renders the dispute no longer subject to controversy. No Political Questionsâ€”Courts will not involve themselves in nonjusticiable disputes that are between the other two branches of the federal government and are of a political nature. While these prerequisites are well-established, the courts tend to apply them in a pragmatic way and allow exceptions to these requirements when warranted by the facts. Courts Generally Confine Themselves to the Dispute Presented for Resolution As a jurisdictional matter, courts are supposed to restrict their holdings to the narrowest terms possible in resolving a dispute. This limitation relates to the principle of dictum, under which portions of the opinion not required for the resolution of the precise issues before the court on the facts presented by the parties are of diminished precedential value. Tendency to Avoid Constitutional Issues When Possible Federal courts also tend to avoid deciding constitutional issues when they are able to decide a case on a procedural, statutory, or some other ground. Institutional Roles in the American Legal System 1. In each of these roles, the lawyer will need to engage in factual investigation. With respect to each of these roles, the lawyer will do the following: Lawyer will work with opposing counsel to try to get a favorable resolution for the client with respect to a pending dispute. The parties may already be in litigation when they negotiate, or the parties, through their attorneys, may be negotiating a resolution to a dispute not yet in court. The art of negotiating involves many techniques individual to particular attorneys and the circumstances. The client always retains the right to accept or reject a settlement negotiated or offered by the opposing party. In litigating, the attorney will help pick a jury and participate in pretrial motions. At trial, the attorney will present evidence through testimony of witnesses, documents and perhaps demonstrative evidence e. The lawyer will also present an opening statement and closing argument, and will make and respond to evidentiary objections lodged by the opposing party. The lawyer may also make motions, sometimes supported by a memorandum in support thereof before the court, and propose to the court a set of jury instructions. Judge The judge is the final arbiter of the law. The judge is charged with the duty to state, as a positive matter, what the law is. The judge must also make evidentiary rulings, and charge the jury as to the law to be applied. In addition, the judge is to maintain order in the courtroom. Occasionally, when the parties agree, the judge may also act as trier of fact. Many state court judges are elected by popular vote. Jury The jury, a group of local citizens, is the fact-finder in most trials. The jury will receive instructions from the judge as to the law, and its members will assess the facts as they perceive them in light of the law as instructed, to return a verdict. Have questions about law school? Check out our Facebook page , follow us on Twitter or start networking with law students and lawyers on LexTalk.

9: Role of Government in Business | www.enganchecubano.com

The U.S. government's role in business is as old as the country itself; the Constitution gives the government the power to regulate some commerce. a company will turn to the legal system for.

Traversing thresholds. Turn up the heat Sherrilyn Kenyon Jim Collins How the mighty fall Chen Guidi and Wu Chuntao Hu Jia He Qinglian Zhang Youjie Yang Yinbo Qiu Yueshou Liu Xiaobo He Qinglian Movies of the 60s Tales from Balzac. People Who Made History Mao Zedong Voters, patrons, and parties Christmas Plays for Older Children Taylor series and approximation Nurturing Our Inner Selves, a Huna Approach to Wholeness Lukes mouth quirked at the corner. / Statics and dynamics of alloy phase transformations Hindi news paper list How I Lost 500 Pounds Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe Linkage and crossing over notes Treatise on the law of deeds Super Saved by the Bell Scrapbook Villages and village life Introduction by Jonah Salz. The list of Adrian Messenger Oxford Food an Anthology The haunting of hill house by Shirley Jackson Af form 910 v3 Practical rushwork. Amazon case study strategic management Neuropsychological assessment of neuropsychiatric disorders Effective management of small business X-Statix : Good Guys Bad Guys The biosafety protocol: The real losers are developing countries (Briefly perspectives on legislation, re Conversion of Constantine and pagan Rome. Pioneer history of Milwaukee Reimbursement methodologies. He Cares NT W/Psalms Proverbs New Living Translation The internet threatens privacy Jeffrey Rothfeder Yeshe Tsogyel: enlightened consort, great teacher, female role model Management in the Airline Industry Dr phil life strategies workbook Parts of speech with definition and examples