The Principle Of Legality In International And Comparative Criminal Law

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Brian G. Slocum s "Ordinary Meaning "offers an extended legal-linguistic analysis of the eponymous interpretive doctrine. A centuries-old consensus exists among courts and legal scholars that words in legal texts should be interpreted in light of accepted standards of communication. Therefore the questions of what makes some meaning the ordinary one, and how the determinants of ordinary meaning are identified and conceptualized, are of crucial importance to the interpretation of legal texts. Arguing against reliance on acontextual dictionary definitions, "Ordinary Meaning" rigorously explores the contributions that specific context makes to meaning, along with linguistic phenomena such as indexicals and quantifiers. Slocum provides a theory and a robust general framework for how the determinants of ordinary meaning should be identified and developed."
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French law displays many characteristics that set it apart in a world class of its own. It can be said to proceed from a number of independent streams that coexist despite apparent contradiction. More than half of the 2283 articles of the famous Code Civile of 1804 remain unaltered; yet French administrative judges jealously guard their prerogative to create their own public law. And yet again, since the 1974 law empowering the legislature to convene the Constitutional Council that judges the constitutionality of laws under the 1958 Constitution, the courts' distinction between 'rules' and 'fu.

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The Principles of Law aims to provide the law student with texts on the major areas within the law syllabus. Each text is designed to identify and expound upon the content of the syllabus in a logical order, citing the main and up-to-date authorities. This work covers administrative law.

This volume compares the different conceptions of the rule of law that have developed in different legal cultures. It describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances.

Retroactive Recharacterisation of CrimesThe Principles of Legality and Fair Labelling in International Criminal LawA Modern Treatise on the Principle of Legality in Criminal LawSpringer Science & Business Media

The Netherlands Yearbook of International Law (NYIL) was first published in 1970. It offers a forum for the publication of scholarly articles of a more general nature in the area of public international law including the law of the European Union. With this volume on ‘Legal Equality and the International Rule of Law’, the Netherlands Yearbook of International Law celebrates Pieter Kooijmans’ academic, diplomatic, and judicial career by picking up on an important subject in his early

writings, the principle of legal equality of states. This volume studies if and how the principle of legal equality of states is still important in the international legal order of the early 21st century. In particular, this volume examines the principle's current relevance, e.g., in a pluralistic legal order, its relation to hegemony in international relations and international law, and how it functions in contemporary international organisations. The principle is further explored in the fields of international criminal law, international humanitarian law, and the international law of sovereign immunity.

Administrative Law provides a sophisticated but highly accessible account of a complex area of law of great contemporary relevance and increasing importance. Written in a clear and flowing style, the text has been radically reorganized and extensively rewritten to present administrative law as a framework for public administration. After an exploration of the nature, province, and sources of administrative law as well as the concept of administrative justice, the book briefly discusses the institutional framework of public administration. The second part of the book deals with the normative framework of public administration, starting with a general discussion of administrative tasks and functions and then examining in some detail norms relating to administrative procedure and openness, decision-makers' reasoning processes and the substance of administrative decisions. The next topic is the private law framework provided by the law of tort, contract, and restitution. The third part of the book provides an account of institutions and mechanisms of accountability by which the framework of public administration is policed and enforced: judicial review and appeals by courts and tribunals, bureaucratic and parliamentary oversight, and investigations by ombudsmen. This part ends by considering how these various mechanisms fit into the administrative justice system. The final part of the book explores the functions of administrative law and its impact on administration.

The goal of this book is to minimize the misunderstandings and conflicts between International law and Islamic law. The objective is to bring peace into justice and justice into peace for the prevention of violations of human rights law, humanitarian law, international criminal law, and impunity.

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This work contains the legal contributions and observations of Hugh Henry Brackenridge, Pennsylvania Supreme Court judge, teacher, preacher, publisher, gazetteer, lawyer, and fiction writer who reached the pinnacle of his career during the Jeffersonian era. Brackenridge's body of legal thought is juxtaposed with the published lectures of James Wilson, the commentaries on Blackstone by St. George Tucker, and selections from The Federalist Papers. Contents: Modern Chivalry: The Early Books; Modern Chivalry: The Later Books; Overview of Law Miscellanies; Selected State Supreme Court Cases; Concluding Thoughts.

Laura Grenfell critically evaluates how the rule of law is contextualized and promoted in states where customary law is prevalent.

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The principle of loyalty requires the EU and its Member States to co-operate sincerely towards the implementation of EU law. Under the principle, the European courts have developed significant public law duties on States to deepen the reach of EU law. This is the first full-length analysis of the loyalty principle and its legal implications.

Legality is a traditional normative concept to regulate the relationship between those in power and those subjected to that power. The principle of legality protects the citizen against the arbitrary use of power, or, more precisely, it demands a legal basis (which itself must be of a certain standard) to legitimize State action. Is legality under siege in Europe? The authors contributing to this provocative and important book answer this question in the affirmative. Twenty-one outstanding European legal scholars expose a spectrum of ways in which the traditional legality principle is under pressure because of the creation of new legal orders, including that of the EU, and the interaction between these new orders and that of the State, combined with such factors as expertise driven governance, difficulties of international organizations to meet their objectives due to a lack of adequate powers, and lack of parliamentary control. The question of whether the main functions of legality - legitimating, attributing and regulating the exercise of public authority - are still fulfilled in the context of the overlapping, interacting, and mutually dependent legal orders of the EU, the ECHR, and the Member States is at the background of all the essays in this volume. Recognizing that legality, if it is to survive, demands rigorous reconsideration of its scope and application, the authors interrogate not only such fundamental democratic issues as who has legitimate power to perform legislative acts and through these to exercise of public power over citizens, but also such urgent European problems as the following: ; the use of the precautionary principle in EU decision-making; the scope of the principle that the exercise of public authority must rest on an act of Parliament; the extent to which the EU can provide a legal basis for action of Member State authorities in the absence of such a basis within Member State legal orders; the constitutional position of independent 'regulators'; the requirements that ECJ and ECHR case law impose on the exercise of public authority; whether legislative results are coherent in the sensitive area of equal treatment; transparency, legal certainty, enforceability, and implementation of EC Directives in the field of workers' involvement; new instruments as the Open Method of Coordination and the involvement of social partners in decision-making; the de facto harmonization of national criminal justice systems; and the prominent role of the EU in the field of data protection. There can be little doubt that the issue of legality and to whom it applies - in a world in which the role of the modern State is changing profoundly - is a crucial one. It is highly important in the context of the ongoing discussion on the meaning of democracy and citizenship. This volume, with its clear message that reconsidering legality demands taking serious issue with the uncertainty engendered by the processes of globalization, will resonate profoundly among practitioners and policymakers in this time of momentous change.

This book undertakes an investigation of the role and scope of definition within the criminal law set within a wider examination of the nature of legal materials and the diversity of perspectives on law. It offers an account of how the rules and principles found within legal materials provide practical opportunities for responding to, rather than merely following the law. This opens up a richer notion of legal doctrine than has been acknowledged in earlier representations of the workings of legal rules and principles. It also leads to a rejection of some of the established views on the roles of judges and academics, and provides the incentive for a more rigorous assessment of the serious challenge made by a 'critical' perspective on the criminal law. The intimate connection between the use of legal materials and the practice of definition is explored through a number of detailed studies. These deal with some of the apparently intractable problems concerning the definition of theft, and changes to the definition of recklessness culminating in the recent decision of the House of Lords in R v G. Theoretical insights on the different features of the process of definition and a remodelling of culpability issues are combined to question the conventional intellectual apparatus of the criminal law. The approach developed within the book offers a more realistic appraisal of the feasibility of reform, and of expectations for the principle of legality within the criminal law.

To provide valuable legal service to persons in today's Europe, practitioners must be conversant in both national and transnational law. At the European level, the Principles of European Contract Law (PECL) are an increasingly important element of contract law, together with national contract law, as contained in Civil Codes and various national statute. Accordingly, Kluwer Law International has initiated a series of volumes, under the direction of prof. Hondius of the University of Utrecht, comparing PECL with the most important European legal systems. This volume on Italian law is the second in the series. Using a straightforward comparative method, the editors¿ analysis not only reveals a significant area of convergence between the PECL and Italian contract law, but also highlights the main differences between the two bodies of rules. The reasons for these differences, both legal and non-legal (such as historical, social, economic), are clearly set forth. The book provides complete texts, with annotations, of the PECL and the corresponding Italian rules. The presentation proceeds as follows: general provisions (scope of application, general duties, terminology)formation of contracts (general provisions, offer and acceptance, liability for negotiations)authority of agents (general provisions, direct and indirect representation)validityinterpretationcontents and effectsperformancenon-performance and remedies in generalparticular remedies for non-performance (right to performance, withholding performance, termination of the contract, price reduction, damages and interest) The editors commentary includes extensive reference to case law and legal doctrine at all essential points. In this way they provide a comprehensive description of the law in action as well as its evolving trends. In addition, incisive essays by two leading experts in the field of comparative law, prof. Rodolfo Sacco

and prof. Michael Joachim Bonell, analyse the relationship of the PECL and Italian law and its wider framework in the harmonisation of private law at the European and international levels. The book is a valuable handbook and guide for both foreign and Italian lawyers. For non-Italian lawyers, be they practitioners or academics, it provides a concise but complete and up-to-date outline of current Italian contract law, organized on the basis of a system (PECL) with which many European lawyers are familiar. For Italian lawyers, it offers a clearer insight into a wider European legal contract system whose importance in the evolution of a common European private law is growing rapidly. Principles of European Contract Law Series 2

This text provides a record of an international conference about multinational enterprises held in 1999. It publishes the reports presented by the various delegates, and also includes the ILO Declaration on Fundamental Principles and Rights at Work (1998) and its follow-up.

Judicial control of public power ensures a guarantee of the rule of law. This book addresses the scope and limits of judicial control at the national level, i.e. the control of public authorities, and at the supranational level, i.e. the control of States. It explores the risk of judicial review leading to judicial activism that can threaten the principle of the separation of powers or the legitimate exercise of state powers. It analyzes how national and supranational legal systems have embodied certain mechanisms, such as the principles of reasonableness, proportionality, deference and margin of appreciation, as well as the horizontal effects of human rights that help to determine how far a judge can go. Taking a theoretical and comparative view, the book first examines the conceptual bases of the various control systems and then studies the models, structural elements, and functions of the control instruments in selected countries and regions. It uses country and regional reports as the basis for the comparison of the convergences and divergences of the implementation of control in certain countries of Europe, Latin America, and Africa. The book’s theoretical reflections and comparative investigations provide answers to important questions, such as whether or not there are nascent universal principles concerning the control of public power, how strong the impact of particular legal traditions is, and to what extent international law concepts have had harmonizing and strengthening effects on internal public-power control.

The intertwinement of EC law and national law may create unforeseeability in situations where EC law invades the national cases. This study contributes to the contemporary discussion, which wrestles with questions such as: What have been the visions and objectives for European integration in the last decades? How to describe European Union as a political entity and a legal system? What is the relationship between legal certainty, rule of law, various general principles and human rights?

Incorporating The Details Of The Forest Law And The Relevant Sections Of The Civil And Criminal Law, This Volume Is

A Study And Documentation Of The Legal Aspect Of Forest Administration In British India. Provides A Legal Explanation Of Fundamental Terms Like Ownership, Property, Owner S Right, Reserved Forests, Wood-Rights, Grazing-Rights, Etc. And Discuss Comprehensively The Various Laws Related To Forest Ownership, Constitution Of Forest Estates, Protection Of Forests, Forest Business, Forest Offences And Forest Administration. Also Included Is A Special Chapter Dealing With The Legal Organization Of The Forest Services In The Colonial India. Besides Students And Scholars Of Forest Administration, The Historians In General And Law Historians In Particular Should Be Interested In This Classic Work. Part I: General Law Chapter 1: General Notions Regarding Property; Section 1: Of Property And Its Acquisition, Section 2: Of Possession, Section 3: The Consequences Of Possession, Section 4: The Transfer Of Property, Chapter 2: Of Seaparate Rights Of Servitudes; Section 1: Their Nature, Section 2: Distinction Between Servitudes And Ownership, Section 3: Recapitulation, Chapter 3: Of Government Property And Its Acquisition; Section 1: Property Held In Virtue Of Ancient State Rights, Section 2: State Right In Waste Lands, Section 4: Acquisition Of Land For Public Purposes. Part Ii: The Forest Law Chapter 4: Of Forest Law In India; Section 1: Reasons For A Special Law, Section 2: Forest Laws In Europe And In India, Section 3: To What Lands Does The Special Law Apply, Section 4: The Constitution Of Forest Estates In India, Section 5: In What Does The Constitution Consist, Section 6: Of The Protection Of Trees And Natural Produce On Lands Not Being Forests, Chapter 5: The Limitations To Which Rights Of User Are Subject; Section 1: The Principle That Rights Must Be Limited And May Be Regulated, Section 2: The Extent Of The Limitations, Section 3: Principles Of Regulation Applied To Different Classes Of Rights, Chapter 6: The Procedure For Constituting Permanent Forest Estates; Section 1: The Preliminary Steps, Section 2: Claims To Land, Section 3: Claims To Right-Of-Way Of Water-Course, Section 4: Claims To Other Forest Rights, Section 5: Definition Of Rights Admitted To Exist, Section 6: Method Of Providing For Rights Admitted And Defined, Section 7: Commutation Of Forest Rights, Section 8: Extinction Of Unclaimed Rights, Section 9: Appeals From Settlement Orders, Section 10: New Rights Cannot Grow Up, Section 11: Final Notification, Section 12: Permanent Character Of Reserved Forest, Section 13: Forests Reserved Before The Act, Section 14: Final Demarcation, Chapter 7: Village Forests, Chapter 8: Undivided Or Shared Forests, Chapter 9: Control Over Private Forests In Certain Cases; Section 1: The Indian Law, Section 2: European Law Regarding Private Forests, Chapter 10: Of Rules Made Under The Act. Part Iii: Criminal Law As Applied To The Protection Of Forests And Their Produce In Transit Chapter 11: Protection Against Natural Calamities, Chapter 12: Protection Against Fire, Chapter 13: Protection Agaisnt Offences By Human Agency; Section 1: Preventive Provisions, Section 2: The Law Under Which Offences Are Punished, Chapter 14: The Application Of The Forest Act To Forest Offences; Section 1: Offences Against The Forest Itself, Section 2: Special Offences, Section 3: Cattle Trepass, Section 4: Control Of Timber In Transit And

Offences Connected With It, Chapter 15: Application Of The Penal Code To Forest Offences; Section 1: Offences Directly Connected With A Forest Or Its Produce, Section 2: Offences Indirectly Connected With Forest Administration, Chapter 16: General Principles Of Criminal Law Relating To Offences; Section 1: General Exceptions (Excusing Offences), Section 2: Circumstances Aggravating Offences, Section 3: Limitation Of Time For Prosecution, Section 4: Remarks On Conduct Of Prosecutions, Chapter 17: The Legal Principles Of Punishment; Section 1: Imprisonment And Fine, Section 2: Conifiscation Proceedings, Chapter 18: The Criminal Procedure Law (Sketch Of The Code); Section 1: The Criminal Courts, Section 2: Investigation By The Police, Section 3: Cases On Complaint To The Magistrate, Section 4: The Processes Of Criminal Courts, Summons Warrant, Search Warrant, Section 5: Criminal Trials, Section 6: The Method Of Obtaining Attendance Of Witnesses: The Record Of Evidence, Section 7: The Charge, Section 8: Execution Of Sentence And Recovery Of Fines, Section 9: Appeal And Revision, Section 10: The Trial Of European British Subjects, Section 11: Miscellaneous Proceedings. Part Iv: The Forest Service Chapter 19: The Legal Organization For The Forest Service; Section 1: General Nature Of Public Service, Section 2: The Appointment Of Forest Officers And Organization Of The Service, Section 3: The Special Responsibilities Of Forest Officers, Section 4: The Special Protection Extended By Law To Forest Officers, Section 5: The Legal Powers Of Forest Officers, Section 6: Offences Against The Lawful Authority Of Forest Officers. Part V: The Civil Law As Related To Forest Administration Chapter 20: The Contract Law In Relation To Forest Business; Section 1: General Principles, Section 2: Contracts Of Forest Officers On Behalf Of Government, Section 3: Practical Remarks Regarding Government Contracts, Section 4: On Some Particular Kinds Of Contracts, Section 5: Specific Performance, Chapter 21: The Stamp Law And The Registration Law; Section 1: Stamps, Section 2: Registration, Chapter 22: Civil Procedure Law; Seciton 1: The Civil Courts, Section 2: The Civil Suit, Section 3: The Frame Of The Suit, Section 4: The First Steps In A Suit, Section 5: The Hearing And Judgement, Section 6: The Executionof Decrees, Section 7: Proceedings Incidental To A Suit, Section 8: Of Government Suits, Section 9: Provisional Remedies, Section 10: Special Civil Proceedings, Section 11: Appeals.

What exactly is the context in which all aspects of this new field of criminal law have to be interpreted? What does the principle of legality mean in the context of supranational criminal law? Which tradition lies at the basis of this new law system? Is supranational criminal law as it grows the result of a deliberate policy, tending towards a coherent system? Or is it merely the result of crisis management? Those are some of the questions that are highlighted in this first volume of the Supranational Criminal Law series.

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‘Planning and Development Law in the Netherlands’ seeks to be an accessible introduction to the extensive field of

planning law. The book covers both the ‘planning side’ (the formal system) and the ‘development side’ (including the interrelations between municipalities and developers). It is primarily intended for Dutch and international students. But also researchers and practitioners outside the Netherlands seeking information about Dutch Planning and Development Law may find this a useful introduction to this complex, yet highly relevant field. Fred Hobma and Pieter Jong are lecturers in Planning and Development Law.

This book is a scientific treatise on the principle of legality in criminal law. It explores the relation between the principle of legality and the general theory of criminal law and contains definite rules emphasized for practitioners as well as academia.