

form of states and form of government

Ten set of rules in the state regulated the relationship between citizens and the state .

Types of state

- absolute power in the hands of one, no division of power
- Liberal in the liberal state the power of the state is limited and the separation of power is usually applied but state can't interfere in the private life.
- Democratic state the power belongs to people

In the state there are some rules that divides the power among the branches of the government and depending on how the power is divided a state can be

- Monarchy : here the separation of power do not exist and the monarch holds the power
- Republic here the separation of power is fundamental
 - Legislative branch: Elected parliament or congress makes laws.
 - Executive branch: President or government enforces laws.
 - Judiciary: Courts interpret laws independently.
 - Citizens participate in elections → legitimacy of branches comes from people.

The legal norms

Legal norms regulated relationship between ppl in a social group and can be provided by the state most of the times but can be also part of social norms.

Legal norms must posses

- effectiveness : a legal norms is effective when is actually applied in the real life
- Force : are mandtory and can be enforced by the state most
- Generality: theyre general since they do not refer to a specific person but to a group of ppl or situation (an exception when it's as personal order)
- Abstractness: since they describe a general behavior (exception: una tantrum order)

If you want to join in a social group with legal norms in the moment you enter in the social group you must respect all the norms.

Art18 states that everyone can be part of an association but when you accept you must respect all the rules of the social system.

Legal norms can be

- institutional norms (originated by institutions to members of it)

They define the values around which the institution was formed, and they includes founda,entail principles so basic rules that guide all legal norms.(fundamental principles and part I of the constitution)

- organization norms (originated by organs to members or employees) they provide organizational descriptions of the social group (Part II of the constitution)

THE ORDERING PRINCIPLE are rules that keep hyerchy and coherence in the social group and determinate how the power is destibuted and exercised therefore it defines the form of government

- tyranny if power is concentrated in the hands of a person
- Olygarchy if power is held by a small group
- Democracy if power belongs to ppl.

IN THIS CASE there is the separations of power and the costitutional guarantee of freedoms

The state is a sovereignty political authority made up by

The state can make a rule and enforce it to ensure the survival and the development of the social group

- people (in a de,ocartic system power belongs to ppl)
- Territory which is the space where the state exercise the power
- Spbreignity which is the supreme and independent power of the states and can be either extarnal. (Between states) and internal (un the state between regione for example.

Because each states wants to protect its sovereignty it may refuse to give up part of his power to internationals bodies this can limit the progress and prosperity since some global challenges required shares decision and common rules that's why SUPRANATIONAL ORDER (for ex the Europe Ian union or the United States) were created

Supranational orders are organization where member states voluntarily transfer part of thei sovereignty in or their for the s.o. To make binding rules for all members.

The Italian constitution art11. Says

Italy shall agree, on conditions of equality with other States, to such limitations of sovereignty as may be necessary to ensure peace and justice among Nations; Italy shall promote and encourage international organisations pursuing such goals

IT ACCEPT LIMITS TO HIS SOVEREIGNTY BUT ONLY ON EQUAL TERMS AND IF IT SERVES TO PEACE AND JUSTICE

Public Law

Lesson 1

A law is a set of rules of conduct governing relationship between members of a community (social group) at a given moment in history.

Public law is the branch of law that governs the relationship between individuals and the state, including constitutional, administrative, and criminal law. It regulates how public authorities exercise power and ensures laws are applied fairly to the public.

Functions of law

- Repressive function : the law is used to control behavior and punish who breaks the rules
- Allocative function: law helps to distribute resources, rights and duties
- Function of establishing power : law established and define political power and institutions .

Ex. Article 97 defined how public administrations should be organized.

Ex. Art 70-71-72 express the establishing power functions of law since they define the functions and the function of 5e legislative power.

Legal situations

There are two types of legal situation (the position of a person under a law)

- favourable legal situation when it gives the subject advantages, power or protections

Legitimate interest which ensures lawful actions by public administration.

Power attributes by law to a legal authority to affects others ppl position

Faculty it's the legal possibility to act in front of law but to affects your condition

- Unfavorable situation imposes obligations, duty and limitations
- Obligation when a person is required to behave in a certain way towards another person
- Duty is a general requirement to behave in a certain way usually towards society or law
- Burden is the obligation to prove or provide evidence to support your position in court

Legal system

A legal system is formed by humans that enters in forms of cohabitation or coexistende with others .

There are two types of legal system

- original (sovereign) legal system that doesn't recognize any antithesis superior to itself.
- Derivative (autonomous) legal system that derives its power from an higher legal system

HANS KELSENS NORMATIVE THEORY says that law is made up of norms and every rule is based on an higher rule.

A legal system is made up by

- People: a certain number of individuals that are connected to each other by one moor more common interests
- **Legal norms**: they connect ppl in the social group and define the legal system. Usually those norms are accepted by everyone and in this case we talk about agreement. To ensures the effectiveness of those norms everyone must respect them
- Organization : institution that exercise the legitimate power (use of the force)