DOWNLOAD PDF LAW AND POLITICAL INSTITUTIONS

Chapter 1 : The Study of Political Institutions at the Centre of Financial Economics | Oxford Law Faculty

Political institutions are organizations which create, enforce and apply laws. They often mediate conflict, make (governmental) policy on the economy and social systems and otherwise provide representation for the populous. Learn how political institutions impact the law, economy, culture, and.

Political power In a recent survey of the literature on the political economy of finance available here , we argue that understanding the evolution and functioning of financial systems cannot be fully appreciated without accounting for the critical role played by political institutions. Institutions influence economic outcomes because they shape incentives in society and persist over time. The political economy approach is based on the idea that, within the hierarchy of institutions, political institutions come first because they are more difficult to change than other institutions. In particular, they change more slowly than contracting institutions, which are the institutions governing the private contracts between individuals for example, financial regulations, competition laws, labour laws. Although more fundamental than contracting institutions, political institutions are themselves endogenous. They are subject to changes because they are determined by society, or a segment of it. We classify existing contributions to this field into three groups. The first group of papers, which also represent the first generation of studies on the politics of finance, takes a macro approach and asks the question of why there are so large differences in financial development across countries. The dominant view in comparative economics is that contracting institutions especially investor protection explain cross-country differences. However, this is not consistent with historical and international evidence. Contracting institutions are indeed endogenously determined, being the result of a political bargaining game between different constituencies. The papers we survey show that political institutions for example, electoral rule and voting rights are the omitted variables helping explain historical and international variations in financial development. This is currently the most popular area of research in the field. Such political influence is not restricted to its impact on regulations and legislations but also extends to the way in which existing contracting institutions operate and are enforced. Although ample evidence shows that political connections are valuable, it also shows that they create distortions in the allocation of capital and access to finance in both developing and developed countries. The third group of papers surveyed emphasizes the possibility of feedback effects going from resource distribution to political power and institutions and, in a sense, reconciles the micro with the macro approach. It does so by illuminating the directions of causality and giving new insights into the broad, historical patterns. This is the research approach that holds more promise for the future. To conclude, our survey conveys an important message: Progress in this area requires the skilful integration of several building blocksâ€”from history, economics, law, and political science.

Chapter 2 : Water and related land resources law and political institutions (Book,) [racedaydvl.com]

This book provides a comprehensive study of abortion politics and policy in Northern Ireland. Whilst there is a substantial amount of literature on abortion in Ireland and the rest of the United Kingdom, there has been scant academic attention paid to the situation in Northern Ireland.

It is regulated by the government and enforced by the courts. It is designed to create order, advocating freedom while at the same time enforcing order so that people can live harmoniously with each other. The common law was developed by the English Royal Courts. It is a body of laws which is based on customs and the judicial decisions of previous court cases or precedents rather than on statutory laws. The purpose for adapting this law is to have an anticipated and foreseeable outcome on specific activities. It is meant to guarantee a consistent and uniform application of the law in situations that are alike. It is based on the principle that treating similar situations or facts differently in different occasions is unfair or unjust. So when parties disagree on the interpretation of the law in certain cases, the court follows decisions made for the same situation in the past. It was also in Middle Age England where the concept of equity was developed as a supplement to the strict set of rules or laws which were considered too rough when applied to certain cases. It is a body of principles which advocates fairness and follows the natural law. When decisions on certain cases were considered unfair, the defendant could appeal to the King of England who later delegated the responsibility to the chancellor. Early chancellors were nobles or clergymen. After the 17th century, however, only lawyers were appointed chancellors. Equity allows courts to apply justice based on natural law and on their discretion. Whenever there is a disagreement as to the application of common law, equity is applied. The most distinct difference between law and equity lies in the solutions that they offer. Common law usually awards monetary damages in certain cases, but equity can decree for someone to act or not to act on something. In cases wherein the aggrieved party does not want monetary damages, the defendant can be ordered to return what he has taken. Law courts can order writs which are harder to obtain and are less flexible than injunctions which are ordered by equity courts. While a law court can involve a jury, there is no jury involved in equity; the judge solely decides cases. Law is the body of rules which are regulated by the government and enforced by the courts while equity is a set of rules which follows the natural law and fairness. In a court of law, defendants can be ordered to pay monetary damages while in equity, if the complainant wants to get back what is taken from him instead of getting money, the court can order the defendant to do so. Law can order writs while equity can order injunctions. In a court of law, a case is heard by a jury and the judge while in equity only the judge settles a case. If you like this article or our site. Please spread the word.

Chapter 3 : Tax law and political institutions (Book,) [racedaydvl.com]

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According to Scott Gordon, a political organization is constitutional to the extent that it "contain[s] institutionalized mechanisms of power control for the protection of the interests and liberties of the citizenry , including those that may be in the minority ". An example from the constitutional law of sovereign states would be a provincial parliament in a federal state trying to legislate in an area that the constitution allocates exclusively to the federal parliament, such as ratifying a treaty. Action that appears to be beyond power may be judicially reviewed and, if found to be beyond power, must cease. Legislation that is found to be beyond power will be "invalid" and of no force; this applies to primary legislation, requiring constitutional authorization, and secondary legislation, ordinarily requiring statutory authorization. In this context, "within power", intra vires, "authorized" and "valid" have the same meaning; as do "beyond power", ultra vires, "not authorized" and "invalid". In most but not all modern states the constitution has supremacy over ordinary statutory law see Uncodified constitution below ; in such states when an official act is unconstitutional, i. It was never "law", even though, if it had been a statute or statutory provision, it might have been adopted according to the procedures for adopting legislation. Sometimes the problem is not that a statute is unconstitutional, but the application of it is, on a particular occasion, and a court may decide that while there are ways it could be applied that are constitutional, that instance was not allowed or legitimate. In such a case, only the application may be ruled unconstitutional. Historically, the remedy for such violations have been petitions for common law writs , such as quo warranto. Excavations in modern-day Iraq by Ernest de Sarzec in found evidence of the earliest known code of justice , issued by the Sumerian king Urukagina of Lagash ca BC. Perhaps the earliest prototype for a law of government, this document itself has not yet been discovered; however it is known that it allowed some rights to his citizens. For example, it is known that it relieved tax for widows and orphans, and protected the poor from the usury of the rich. After that, many governments ruled by special codes of written laws. Some of the better-known ancient law codes include the code of Lipit-Ishtar of Isin , the code of Hammurabi of Babylonia , the Hittite code , the Assyrian code and Mosaic law. In BC, a scribe named Draco codified the cruel oral laws of the city-state of Athens ; this code prescribed the death penalty for many offences nowadays very severe rules are often called "Draconian". It eased the burden of the workers, and determined that membership of the ruling class was to be based on wealth plutocracy , rather than by birth aristocracy. Cleisthenes again reformed the Athenian constitution and set it on a democratic footing in BC. Diagram illustrating the classification of constitutions by Aristotle. Aristotle ca BC was the first to make a formal distinction between ordinary law and constitutional law, establishing ideas of constitution and constitutionalism , and attempting to classify different forms of constitutional government. The most basic definition he used to describe a constitution in general terms was "the arrangement of the offices in a state". In his works Constitution of Athens , Politics , and Nicomachean Ethics he explores different constitutions of his day, including those of Athens, Sparta , and Carthage. He classified both what he regarded as good and what he regarded as bad constitutions, and came to the conclusion that the best constitution was a mixed system, including monarchic, aristocratic, and democratic elements. He also distinguished between citizens, who had the right to participate in the state, and non-citizens and slaves, who did not. For constitutional principles almost lost to antiquity, see the code of Manu. One of the first of these Germanic law codes to be written was the Visigothic Code of Euric This was followed by the Lex Burgundionum , applying separate codes for Germans and for Romans; the Pactus Alamannorum ; and the Salic Law of the Franks , all written soon after Influenced by Buddhist teachings, the document focuses more on social morality than institutions of government per se and remains a notable early attempt at a government constitution. The Constitution of Medina Arabic: It constituted a formal agreement between Muhammad and all of the significant tribes and families of Yathrib later known as Medina , including Muslims , Jews , and pagans. To this effect it instituted

a number of rights and responsibilities for the Muslim, Jewish, and pagan communities of Medina bringing them within the fold of one communityâ€”the Ummah. Middle ages after The Pravda Yaroslava, originally combined by Yaroslav the Wise the Grand Prince of Kyiv , was granted to Great Novgorod around , and in was incorporated into the Ruska Pravda , that became the law for all of Kievan Rus. It survived only in later editions of the 15th century. This idea was extended and refined by the English barony when they forced King John to sign Magna Carta in The most important single article of the Magna Carta, related to " habeas corpus ", provided that the king was not permitted to imprison, outlaw, exile or kill anyone at a whimâ€”there must be due process of law first. This article, Article 39, of the Magna Carta read: No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgement of his peers, or by the law of the land. This provision became the cornerstone of English liberty after that point. The social contract in the original case was between the king and the nobility, but was gradually extended to all of the people. It led to the system of Constitutional Monarchy , with further reforms shifting the balance of power from the monarchy and nobility to the House of Commons. The Nomocanon of Saint Sava Serbian: This legal act was well developed. The Nomocanon was completely new compilation of civil and canonical regulations, taken from the Byzantine sources, but completed and reformed by St. Sava to function properly in Serbia. Beside decrees that organized the life of church, there are various norms regarding civil life, most of them were taken from Prohiron. Legal transplants of Roman - Byzantine law became the basis of the Serbian medieval law. The essence of Zakonopravilo was based on Corpus Iuris Civilis. It regulated all social spheres, so it was the second Serbian constitution, after St. The Code was based on Roman - Byzantine law. Between and , a Saxon administrator, Eike von Repgow , composed the Sachsenspiegel , which became the supreme law used in parts of Germany as late as Even so, its first recorded use in the function of a constitution supreme law of the land is with Sarsa Dengel beginning in Third volume of the compilation of Catalan Constitutions of In the Principality of Catalonia , the Catalan constitutions were promulgated by the Court from or even two centuries before, if we consider the Usatges of Barcelona as part of the compilation of Constitutions until , when Philip V of Spain gave the Nueva Planta decrees , finishing with the historical laws of Catalonia. These Constitutions were usually made formally as a royal initiative, but required for its approval or repeal the favorable vote of the Catalan Courts , the medieval antecedent of the modern Parliaments. These laws had, as the other modern constitutions, preeminence over other laws, and they could not be contradicted by mere decrees or edicts of the king. The Golden Bull of was a decree issued by a Reichstag in Nuremberg headed by Emperor Charles IV that fixed, for a period of more than four hundred years, an important aspect of the constitutional structure of the Holy Roman Empire. In China , the Hongwu Emperor created and refined a document he called Ancestral Injunctions first published in , revised twice more before his death in These rules served in a very real sense as a constitution for the Ming Dynasty for the next years. The oldest written document still governing a sovereign nation today [20] is that of San Marino. The first book, with 62 articles, establishes councils, courts, various executive officers and the powers assigned to them. The remaining books cover criminal and civil law, judicial procedures and remedies. Written in , the document was based upon the Statuti Comunali Town Statute of , itself influenced by the Codex Justinianus, and it remains in force today. In the Carta de Logu was legal code of the Giudicato of Arborea promulgated by the giudicessa Eleanor. It was in force in Sardinia until it was superseded by the code of Charles Felix in April The Carta was a work of great importance in Sardinian history. It was an organic, coherent, and systematic work of legislation encompassing the civil and penal law. Iroquois "Great Law of Peace" Main article: Great Law of Peace The Gayanashagowa, the oral constitution of the Iroquois nation also known as the Great Law of Peace, established a system of governance in which sachems tribal chiefs of the members of the Iroquois League made decisions on the basis of universal consensus of all chiefs following discussions that were initiated by a single tribe. The position of sachem descended through families, and were allocated by senior female relatives. Rakove stated that "The voluminous records we have for the constitutional debates of the late s contain no significant references to the Iroquois" and stated that there are ample European precedents to the democratic institutions of the United States. The two forms of government are distinctive and individually remarkable in conception. The English

Protectorate that was set up by Oliver Cromwell after the English Civil War promulgated the first detailed written constitution adopted by a modern state; [32] it was called the Instrument of Government. This formed the basis of government for the short lived republic from to by providing a legal rationale for the increasing power of Cromwell, after Parliament consistently failed to govern effectively. Most of the concepts and ideas embedded into modern constitutional theory, especially bicameralism , separation of powers , the written constitution, and judicial review , can be traced back to the experiments of that period. Charles had rejected the propositions, but before the start of the Second Civil War, the Grandees of the New Model Army had presented the Heads of Proposals as their alternative to the more radical Agreement of the People presented by the Agitators and their civilian supporters at the Putney Debates. On January 4, the Rump Parliament declared "that the people are, under God, the original of all just power; that the Commons of England, being chosen by and representing the people, have the supreme power in this nation". The constitution set up a state council consisting of 21 members while executive authority was vested in the office of " Lord Protector of the Commonwealth "; this position was designated as a non-hereditary life appointment. It also required the calling of triennial Parliaments , with each sitting for at least five months. A modified version of the Humble Petition with the clause on kingship removed was ratified on 25 May. This finally met its demise in conjunction with the death of Cromwell and the Restoration of the monarchy. Other examples of European constitutions of this era were the Corsican Constitution of and the Swedish Constitution of All of the British colonies in North America that were to become the 13 original United States, adopted their own constitutions in and , during the American Revolution and before the later Articles of Confederation and United States Constitution , with the exceptions of Massachusetts, Connecticut and Rhode Island. The Commonwealth of Massachusetts adopted its Constitution in , the oldest still-functioning constitution of any U. Democratic constitutions Constitution of May 3, painting by Jan Matejko , What is sometimes called the "enlightened constitution" model was developed by philosophers of the Age of Enlightenment such as Thomas Hobbes , Jean-Jacques Rousseau , and John Locke. The model proposed that constitutional governments should be stable, adaptable, accountable, open and should represent the people i. This Constitution also limited the executive authority of the hetman, and established a democratically elected Cossack parliament called the General Council. Corsican Constitutions of and were inspired by Jean-Jacques Rousseau. The latter introduced universal suffrage for property owners. The United States Constitution , ratified June 21, , was influenced by the writings of Polybius , Locke , Montesquieu , and others. The document became a benchmark for republicanism and codified constitutions written thereafter. On March 19, the Spanish Constitution of was ratified by a parliament gathered in Cadiz , the only Spanish continental city which was safe from French occupation. The Spanish Constitution served as a model for other liberal constitutions of several South-European and Latin American nations like, for example, Portuguese Constitution of , constitutions of various Italian states during Carbonari revolts i. The leader of the national emancipation process was the Portuguese prince Pedro I , elder son of the king of Portugal. Pedro was crowned in as first emperor of Brazil. The country was ruled by Constitutional monarchy until , when finally adopted the Republican model. In Denmark , as a result of the Napoleonic Wars , the absolute monarchy lost its personal possession of Norway to another absolute monarchy, Sweden. However the Norwegians managed to infuse a radically democratic and liberal constitution in , adopting many facets from the American constitution and the revolutionary French ones; but maintaining a hereditary monarch limited by the constitution, like the Spanish one. The first Swiss Federal Constitution was put in force in September with official revisions in , , , , and The Serbian revolution initially led to a proclamation of a proto-constitution in ; the full-fledged Constitution of Serbia followed few decades later, in

Chapter 4 : "Relationship Between Law and Politics" by Dr. Miro Cerar

Tax Law and Political Institutions is a special issue (Volume 24 No 2) of the journal Law in Context. Table of Contents. Introduction: New Research on Tax Law and.

The consolidation of the rule of law, of the constitutional democracy and the authentic safeguard of the fundamental rights and freedoms is possible but under the conjoint efforts of the citizens and the public institutions. President of Romania makes use of all the constitutional instruments in his power to constantly maintain on the agenda of all the authorities and public institutions in Romania the themes the citizens are concerning about, their issues and their priorities, thus stimulating solution identification. The efficiency of the public authorities and the proper function of the entire public institutional edifice are fundamentally dependent on the professionalism and the integrity of the political class. The Romanian society has become involved and the political class is to follow the same path. Their guarantee and action in their spirit shall become normalcy in Romania. The President has an important role in this respect but the whole political class need to clearly apprehend a principle: The goal of this term of presidential office is that up to its end corruption not to be present top of the items on the public agenda and the institutions to function in the interest of the citizens. The increased quality of the political act involves renouncing legislative short-term changes for political and electoral purpose and considering a persistent legislation. The first part of was dedicated to the commitment to finalise new regulations on local and parliamentary election, on the parties and electoral campaigns budgeting, as well as a new law of the parties to encourage the enlargement of the political space and to allow the extended participation. Since January, President of Romania initiated debates with the political parties and the civil society for this purpose and at the end of the first parliamentary session in these projects were enacted by the Parliament and promulgated by the President. In the constitutional system of separation and equilibrium of powers, President of Romania has the attribute of promulgating the laws after they have been adopted by the Parliament. The thorough functionality of the public institutions, of the economy and of the society depends â€" one way or another â€" on the extent it is related to law, on how the law is produced, initiated, applied and observed. Consequently, the President pays close attention to the laws that are to be promulgated. Some of them have been sent for re-examination, after an accurate analysis based on observing the constitutional principles and the obligations assumed by the Romanian state. Apart from certain reports for reexamination, a distinctive theme is the quality and the coherence of the legislation. The Law as a juridical act of the Parliament and as a base of the social relations needs to regain credibility. Restoring trust in the institutions is a continuous process and requests a permanent engagement. But the outcome of such an approach is so important and beneficial for Romania that no effort is too great for it. The Romanian society will get developed at its complete potential when there is a fair relation between the citizens and the institutions. That supposes the institutions should restore credibility and act efficiently and the citizens should be encouraged to become a partner who observes his obligations, being aware that his interests are safeguarded. Apart from these permanent prerogatives, the President has a very important role to give example of his own interpretation regarding his relationship with the citizen. His projects illustrate the foreground topics of the Romanians, may they be education, a less clumsy legislation or healthcare.

Chapter 5 : Institutions of the European Union - Wikipedia

The relationship between international politics and international law; how international institutions operate and affect social practices, and how legalization of institutions changes the manner of interpretation of legal texts.

Chapter 6 : The Rule of Law and the Reform of the Political Institutions

2 CHAPTER ONE GENERAL INTRODUCTION1 Constitutional law as well as political institutions may seem familiar to people as many of its concepts are usually used in the daily legal or political topics.

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Chapter 7 : Difference Between Law and Equity | Difference Between

political system, which means that the legislatures and courts are political institutions, the rule of law is a political ideal, and adjudication and legal reasoning are practices and techniques which are.

Chapter 8 : Institutions of Law and Forms with Compendium of Political Economy by Mayer | eBay

Department of Political Science, University of Freiburg (email racedaydvl.comburger@racedaydvl.com).Earlier versions of this contribution have been presented at the Max Planck Institute for Foreign and International Criminal Law, Freiburg, and at the ECPR Joint Sessions of Workshops , Mainz.

Chapter 9 : Constitution - Wikipedia

As a political institution, the court is highly unusual, not least because Americans are not quite willing to accept the fact that it is a political institution and not quite capable of denying it.