

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
КИЇВСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ
БУДІВНИЦТВА І АРХІТЕКТУРИ**

Англійська Мова
Методичні рекомендації
до вивчення дисципліни для студентів
спеціальності 081 «Право»

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Містить матеріали для аудиторної роботи студентів за темами “Modern legal Systems”, “Sources of Modern Law: Statute”, “Constitutional Law”, “Administrative Law”, “Criminal Law”. Вміщує автентичні тексти, а також комплекс вправ і завдань комунікативного характеру, спрямованих на розвиток навичок професійно-орієнтованого усного та писемного мовлення.

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ЗАГАЛЬНІ ПОЛОЖЕННЯ

Методичні рекомендації призначені для студентів освітньо-кваліфікаційного рівня «Бакалавр» спеціальності «Право» (ОПП «Будівельне та містобудівне право») і необхідні для проведення практичних занять з англійської мови. Вони мають за мету :

- набуття навичок роботи з текстовим матеріалом за фахом та засвоєнням термінологічної лексики;
- розвиток вмінь та навичок читання , розуміння та реферування літератури англійською мовою;
- забезпечення навичок усного та писемного мовлення з урахуванням професійного спрямування.

Робота складається з 5 розділів, кожен розділ включає текст юридичної тематики, до кожного тексту додаються вправи для формування навичок читання – Reading Comprehension та вивчення і засвоєння лексики – Vocabulary Study а також перекладу юридичних текстів.

МЕТА ТА ЗАВДАННЯ НАВЧАЛЬНОЇ ДИСЦИПЛІНИ

Головна мета дисципліни : формування комунікативних компетенцій у студентів - умінь і навичок здійснювати спілкування в усній та писемній формі в межах професійної сфери. Основним завданням студентів є оволодіння знаннями фахової терміносистеми і набуття вмінь використовувати спеціалізовану лексику для виконання професійно-орієнтованих завдань.

Компетентності студентів, що формуються в результаті засвоєння дисципліни

Інтегральна компетентність	
ІК	Здатність розв'язувати складні спеціалізовані задачі у галузі правничої діяльності.
Загальні компетентності	
ЗК05	Здатність спілкуватися іноземною мовою.
ЗК13	Здатність зберігати та примножувати моральні, культурні, наукові цінності і досягнення суспільства на основі розуміння історії та закономірностей розвитку предметної області, її місця у загальній системі знань про природу і суспільство та у розвитку суспільства, техніки і технологій, використовувати різні види та форми рухової активності для активного відпочинку та ведення здорового способу життя.

Програмні результати здобувачів освітньої програми, що формуються в результаті засвоєння освітньої компоненти

Код	Програмні результати
ПРН10	Вільно спілкуватись державною та іноземною мовами як усно, так і письмово, із застосуванням правничої термінології.
ПРН11	Мати базові навички риторики.
ПРН15	Вільно використовувати для правничої діяльності доступні інформаційні технології і бази даних.
ПРН17	Працювати в команді, забезпечуючи виконання завдань команди.

МЕТОДИ НАВЧАННЯ

1. Методи організації та здійснення навчально-пізнавальної діяльності.

1) За джерелом інформації:

- *Словесні*: пояснення, розповідь, бесіда.
- *Наочні*: спостереження, ілюстрація, демонстрація.
- *Практичні*: вправи.

За логікою передачі і сприймання навчальної інформації: індуктивні, дедуктивні, аналітичні, синтетичні.

3) За ступенем самостійності мислення: репродуктивні, пошукові, дослідницькі.

4) За ступенем керування навчальною діяльністю: під керівництвом викладача; самостійна робота студентів: з книгою; виконання індивідуальних навчальних проектів.

II. Методи стимулювання інтересу до навчання і мотивації навчально пізнавальної діяльності:

1) Методи стимулювання інтересу до навчання: навчальні дискусії; створення ситуації пізнавальної новизни; створення ситуацій зацікавленості (метод цікавих аналогій тощо).

НАВЧАЛЬНИЙ КОНТЕНТ

Методична розробка містить 5 тематичних розділів. Кожен тематичний розділ включає текст юридичної тематики, та містить у собі комплекс комунікативно спрямованих вправ та завдань, що дозволяють студентам засвоїти лексичний матеріал, розвинути вміння та навички

читання англомовних фахових текстів і також навички говоріння та письма.

Текст є базовим матеріалом для засвоєння теми та її обговорення.

Частина Reading чітко структурована. Вправи, що передують тексту, готують студентів до сприйняття нової теми. Після текстові завдання містять вправи на розуміння прочитаного тексту- Reading Comprehension. Лексико- граматичні вправи Vocabulary Study спрямовані на засвоєння лексичних одиниць і розширення знань фахової терміносистеми.

UNIT 1. Modern Legal Systems

1. Before reading the text about legal systems answer the following questions:

1. What types of legal systems do you know?
2. What type of legal system is the most commonly used in the world today?
3. What type of legal system is used in Ukraine?

2. Match the following English words and phrases with Ukrainian equivalents:

- | | |
|------------------------------|---------------------------------|
| 1) scripture | a) заборонити щось законодавчим |
| 2) adherence to | b) священна книга |
| 3) medieval | c) пророк |
| 4) revival | d) незмінність |
| 5) unalterability | e) середньовічний |
| 6) to legislate against smth | f) додержання |
| 7) prophet | g) божество |
| 8) deity | h) відродження |

3. Read the text «Legal systems» and compare the content with your answers in Exercise 1.

Notes on the text:

Sharia - Шаріат - сукупність правових, морально-етичних і релігійних норм ісламу.

Halakha - Галаха - традиційне іудейське право.

MODERN LEGAL SYSTEMS

There are hundreds of *legal systems* in the world. Although each system has its own individuality, it is possible to group many of them into legal 'families'.

In general, legal systems around the world can be split into *civil law* jurisdictions, systems using *common law and equity, religious and customary*

law. The specific system that a country follows is often determined by its history, its connection with countries abroad, and its adherence to international standards. The sources that jurisdictions *recognize* as *binding* are the defining features of legal systems. Yet classification of different systems is a matter of form rather than substance, since similar rules often prevail.

Civil law (sometimes known as **Continental European Law** or Romano-Germanic law) is the legal system used in most countries around the world today. In civil law the sources recognized as *authoritative* are, primarily, legislation - especially codifications in constitutions or *statutes passed* by government - and, secondarily, *custom*. Even the most ancient peoples compiled law codes. The earliest legal code known in its entirety is the Code of Hammurabi, a king who reigned over Babylon around 2000 BC. But modern civil law systems essentially *derive from* the legal practice of the Roman Empire, whose texts were rediscovered in medieval Europe. In the 6th century Emperor Justinian I *appointed* a commission to collect and consolidate existing sources of Roman law. This commission published three books that were collectively known as the Corpus Juris Civilis (Body of Civil Law), or the Justinian Code. The Code embodied many generations of legal documents as well as interpretations by great jurists (legal scholars).

The revival of the Roman civil law tradition eventually formed the basis for a common legal language throughout Europe.

Common law and equity (also called Anglo-American law) are systems of law whose special distinction is the doctrine of *precedent*. Alongside this "judge-made law", common law systems always have governments who *pass* new *laws* and statutes. But these are not put into a *codified* form. Common law comes from England and was inherited by almost every country that once belonged to the British Empire. Common law had its beginnings in medieval England, *influenced* by the Norman conquest of England which introduced legal concepts and institutions from the Norman and Islamic laws.

Religious law is based on scriptures and their interpretations. The source of religious law is the deity, legislating through the prophets. Examples include the Jewish law (**Halakha**) and Islamic **Sharia**, both of which mean the "path to follow". Religious laws are eternal and immutable because the word of God cannot *be amended* or legislated against by judges or governments. However religion never *provides* a thorough and detailed legal system. In a religious legal system *disputes* are usually *settled* by an officer of that religion, so the same person is both judge and priest.

Customary law. In many parts of the world unwritten local or tribal custom sets the standard of behaviour and *provides for conciliation* and dispute settlement. Most of the African countries, for instance, have a formal constitutional and commercial law inspired by French, Belgian or British

models but the relations between private individuals are regulated by customary law. This also applies to China and India.

II Reading COMPREHENSION

1. Answer the following questions using the information from the text:

1. What are the main legal 'families' in the world today?
2. What factors determine the type of legal system a country follows?
3. What are the defining features of legal systems?
4. What sources are recognized as authoritative in civil law systems?
5. How was the Corpus Juris Civilis created?
6. Who makes laws in the common law countries?
7. What is the source of law in religious law system?
8. What is characteristic of customary law?

2. Find in the text words and expressions which mean:

1. something that is done by people in a particular society because it is traditional;
2. to choose someone for a position or a job;
3. the principle that a fair judgment must be made in a situation where the existing laws do not provide an answer;
4. to arrange laws, principles, facts etc in a system;
5. to correct or make small changes to something that is written or spoken;
6. an action or official decision that can be used to give support to later actions or decisions;
7. a person, book, or document that supplies you with information;
8. the process of trying to get people to stop arguing and agree.

III. VOCABULARY STUDY

1. Make the following sentences complete by translating the words and phrases in brackets:

1. The two great law families of modern Western civilization are (цивільне право) (also called Romano-Germanic law) and (звичаєве право) (also called Anglo-American law). They (походять від) ancient Roman law and ancient Germanic tribal law and have been altered by various customary, ecclesiastical, feudal, commercial, and sociopolitical influences.
2. (Доктрина прецеденту) is strong in English law, and means that the decisions of higher courts are (обов'язкові до виконання) for judges of lower courts.
3. Iran's highest judicial body, the Supreme Council of Justice, (призначає) all judges and (кодифікує) Islamic law. The council also drafts

all (законодавчі акти) related to civil and criminal offences; the Majlis then may (вносити поправки) any proposed act.

2. Find in the text the English equivalents for the following phrases:

Призначити комісію, визнавати обов'язковим до виконання, приймати закони, вносити поправки до статуту, вирішувати спор, походити з правової практики, правова система, справляти вплив, передбачати перемирення, авторитетне джерело, створити основу, стародавні народи, приватна особа.

3. Complete the sentences with the words from the active vocabulary.

1. The ... requires motorcyclists to wear helmets.
2. New nations from the eighteenth century onward have found it both necessary and useful to ... their constitutions.
3. All of your ... have to be listed at the end of the paper.
4. Bagehot's work continued to be regarded as an ... work long after the Constitution had undergone fundamental change.
5. The meeting achieved ... between the two sides.
6. UN involvement in the country's affairs would set a dangerous
7. That security guy never ... me. I always have to show him my ID.
8. Some version of the ... is found today only in places once occupied by the British, among them Ireland, the USA, Canada, Australia, New Zealand etc.

4. Insert the right preposition (at, for, against, above, from, into, on).

1. Modern civil law systems derive ... the legal practice of the Roman Empire.
2. Critics of the amendment base their position ... the following points.
3. The book is divided ... six sections.
4. Andrew is studying law ... Harvard University.
5. Many ministers seem to regard themselves as ... the law.
6. It's ... the law to be drunk in public.
7. Most Americans rely ... television as their chief source ... information.
8. The new constitution provides ... a 650-seat legislature.

5. Translate the following sentences into English:

1. Після тривалого обговорення депутати вирішили призначити комісію, яка має розробити поправки до закону.
2. Згідно з доктриною прецеденту рішення, прийняте судом у справі, обґрунтування якого вважається нормою, є обов'язковим для інших судів при вирішенні аналогічних справ.
3. У сучасних правових системах Європи та Америки більшість правових інститутів походить з правової практики Римської імперії.
4. Поки всі намагання адвоката вирішити спір та досягти примирення були марними.
5. Джерелом релігійного права є Бог, тому навіть уряд не може

заборонити дію релігійних законів.

UNIT 2 Sources of Modern Law: Statute

1. Answer the following questions:

1. Do you know what the word «statute» means?
2. What language does the word «statute» come from? What meaning did it have?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------|---|
| 1) a formal written enactment | a) прецедентне право |
| 2) case law | b) урядові органи |
| 3) government agencies | c) постанови адміністративних органів влади |
| 4) a source of law | d) постанови місцевих органів влади |
| 5) topical arrangements | e) тематичні класифікації |
| 6) administrative regulations | f) формальний писаний закон |
| 7) municipal ordinances | g) джерело права |

3. Which of the following do you think are important for a statute?

Tradition, codification, adoption of the Parliament, court hearing, signing, royal assent, public discussion.

4. Read the text to understand what information is of primary importance or new for you.

A *statute* is a formal written enactment of a legislative authority that governs a state, city, or county. Typically, statutes command or prohibit something, or declare policy. The word is often used to distinguish law made by legislative bodies from case law and the regulations issued by government agencies. Statutes are sometimes referred to as legislation. As a source of law, statutes are considered primary authority (as opposed to secondary authority).

Before a statute becomes law in some countries, it must be agreed upon by the highest executive in the government, and finally published as part of a code. In many countries, statutes are organized in topical arrangements (or "*codified*") within publications called codes, such as the United States Code. In many nations statutory law is *distinguished from* and subordinate to constitutional law.

Statutory law or statute law is written law (as opposed to oral or customary law) set down by a legislature or other governing authority such as the executive branch of government in response to a perceived need to clarify the functioning of government, improve civil order, to codify existing law, or for an

individual or company to obtain special *treatment*. Examples of statutory law comprehend traditional civil law and modern civil code systems in contrast to common law. In addition to the statutes passed by the national or state legislature, lower authorities or municipalities may also publish administrative regulations or municipal *ordinances* that have the force of law — the process of creating these administrative decrees are generally classified as *rulemaking*. While these enactments are subordinate to the law of the whole state or nation, they are nonetheless a part of the body of a jurisdiction's statutory law.

II Reading COMPREHENSION

1. Are the following statements true or false? Correct the false ones.

1. A statute is a formal written document.
2. Statutes may forbid something.
3. A statute must be agreed upon by the highest executive in the court.
4. In many countries, statutes are codified.
5. As a rule, statutory law is distinguished from administrative law.
6. Statutory law is case law.
7. Modern civil code systems can be called examples of statutory law.

2. Complete the following sentences according to the information from the text:

1. A statute governs
2. A statute must be...
3. A legislature sets down...
4. Civil code systems can be contrasted to...
5. Traditional civil law is an example of...
6. Lower authorities may publish...
7. Rulemaking is a process of...

III. VOCABULARY STUDY

1. Find words in the text that mean the same.

Law, to differentiate, classified, to include, lawmaking

2. Fill each gap with a suitable word from the box. Use each word once only.

laws codify example civil abolished permanent

The first civilization to ... its laws was ancient Babylon. The first real set of codified laws, the Code of Hammurabi, was compiled circa 1760 BC by the Babylonian king Hammurabi, and is the earliest known ... code. The first...

system of codified ... could be found in China, with the compilation of the Tang Code in CE 624. This formed the basis of the Chinese criminal code, which was then replaced by the Great Qing Legal Code, which was in turn... in 1912 following the Revolution and the establishment of the Republic of China. The new laws of the Republic of China were inspired by the German codified work, the Bürgerliches Gesetzbuch. A very influential... in Europe was the French Napoleonic code of 1804.

3. Match an adjective to a noun.

- | | |
|---------------|-----------------|
| 1. government | a) authority |
| 2. primary | b) legislature |
| 3. written | c) arrangements |
| 4. state | d) order |
| 5. topical | e) agency |
| 6. civil | f) enactment |

4. Complete the following with the correct auxiliary verb in the positive or negative form. Check your answers with the text.

1. A statute ... govern a family.
2. The word «statute» ... often used to distinguish law made by legislative bodies from case law and the regulations issued by government agencies.
3. Statutes... sometimes referred to as legislation.
4. In many nations statutory law... subordinate to constitutional law.
5. Common law... written law.

5. Translate into English.

Правова карта світу досить різноманітна. Кожна країна має власну систему права. Інколи на терені однієї країни діють різні правові системи. Так, шотландське право суттєво відрізняється від англійського, хоча обидві правові системи діють у межах однієї країни - Великої Британії. Країни можуть належати до різних соціально-економічних формацій, у них можуть бути різні форми державного устрою, різні політичні режими, що не може не відбиватися на нормах права і формуванні правових систем.

Статутне право є системою законів, які приймаються парламентом, а також підзаконних нормативних актів, прийнятих на виконання законів, їх називають делегованим або допоміжним законодавством. Закон Англії про делеговані акти 1946 р. ввів поняття «акт, що видається на підставі статуту». Нормотворчими повноваженнями наділяються різні органи. Насамперед це уряд, королева, міністри, місцеві органи. Більшу частину делегованого законодавства становить урядова нормотворчість. Вона існує в різних формах: укази короля в Раді, правила, накази, інструкції

тощо. Особливе місце серед актів урядової нормотворчості належить тим, що приймаються на підставі надзвичайних законів, за невиконання яких передбачені кримінальні санкції. Місцеві органи влади наділені правом видавати постанови та інструкції, сфера дії яких обмежена відповідною територією.

UNIT 3 Constitutional Law

1. . Read the definition given below.

Constitution is defined as a set of basic laws and principles that a country is governed by.

Add one sentence of your own to the given definition.

Read the text and work over the italicized terminology:

CONSTITUTIONAL LAW: OUTLINE OF HISTORY AND DEVELOPMENT

We may begin by asking the question: «What is *constitutional law* and what part does it play in our *constitution*? » One motive for seeking a definition of constitutional law is simply to settle conventional questions of usage within the legal system for purposes of exposition: to mark, for example, the boundaries of constitutional law and administrative law, or public law and private law. Another point of asking this question is to establish the existence of clear distinction between rules of strict law and rules established by political practice or *constitutional convention*.

So, constitutional law is the law which establishes, empowers and regulates institutions of government. Simple as it may seem, there is a complication because constitution has three meanings. First, it means all the laws regulating government. From this first meaning comes a second meaning where constitution refers to a system of government. Finally, constitution is used in a narrow sense to mean a document or statute, called «Constitution» containing basic constitutional rules.

The concept of constitution was first outlined in Aristotle's classification of governments identified with constitution. He believed that the best *form of constitution* is the combination of monarchy, aristocracy and democracy so that citizens could realize their rights and carry out the duties for the benefit of the whole society.

The modern ideological roots of the idea of constitutional law are connected with the names of Thomas Hobbes, John Locke and other scholars who claimed the concept of concentration of powers and separation of powers and developed the notion of *social contract*. According to the above-mentioned notion, people in society willingly give up absolute freedom for sake of security

and prevention of rule of «the law of the jungle» (the principle that only the strongest will survive).

The works of these philosophers influenced upon the authors of the US Constitution and the French Declaration of the Rights of Man and the Citizen.

As the constitution is the framework for government then constitutional law is the study of foundational laws of *nation states*. Constitutions may limit or define the authority and procedure of political bodies to provide for enforcement of new laws and regulations.

Constitutional law is the body of law governing the *implementation and interpretation of the constitution*. It defines the range and application of the terms of the Constitution and covers fundamental aspects of the application of government authority in the nation states. It is a field of law that is both complex and broad. Some *constitutional lawyers* maintain that the Constitution purposely remains vague and subject to interpretation so that it may be *adopted to* the circumstances of a changing society. Other *constitutional scholars* however, maintain that the provisions of the Constitution should be strictly construed and their *provisions* applied in a very literal manner.

Constitution is usually understood as the main formal document of the state but, of course, dealing with constitutional law the constitutional lawyer must not only consider *constitutional history* and political practice but also conventions of various kinds that are closely linked with the constitution itself.

II. Reading COMPREHENSION

1. Make up the plan of the text to outline the general ideas.

2. Answer the questions to check your level of understanding the text:

- a. What are the motives for seeking the definition of constitutional law?
- b. What form of government was the best possible, according to Aristotle?
- c. Whose works should we keep in mind speaking about development of constitutional law?
- d. Why is this field of law broad and complex?
- e. What two points of view of the constitution are mentioned in the text?
- f. Why does a constitutional lawyer have to take into consideration the existing conventions and extralegal rules?

3. Translate into Ukrainian:

the boundaries of constitutional law, distinction between rules, political practice, classification of forms of governments, the notion of social contract, «the law of the jungle», foundational laws of nation states, enforcement of new laws and regulations, application of the terms, subject to interpretation, the main formal document of the state.

4. Referring to the text define the meaning of the word combinations:

Legal provision

Legal system

III. VOCABULARY STUDY

1. Choose the word on the right that is associated with the word on the left:

- Definition - term, exposition, custom
- Constitution - work, document, tradition
- Democracy - convention, custom, government
- Provision - article, subject, influence
- Enforcement - authority, court, regulation
- Scholar - school, scientist, circumstances

2. Decide on the right answer choosing among the following words and putting them in the appropriate form: to constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality

The federation was ... in 1949.

The UK is a... monarchy.

The right to speak freely is written in the ... of the USA.

A decision on the proposal's ... still has to be made.

... oppressions were the reason for the international conflict.

He was ... incapable of dealing with this matter.

3. State the part of speech for the following words and use them in the word combinations of your own:

Constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality.

4. Read and comment upon the definition of the constitution given below:

Constitution is the fundamental, underlying document which establishes the government of a nation or state. The U.S. Constitution, originally adopted in convention on September 17, 1787, ratified by the states in 1788, and thereafter amended 27 times, is the prime example of such a document. It is the basis for all decisions by the U.S. Supreme Court (and federal and state courts) on constitutionality.

In 1803 the power of the Supreme Court to strike down federal statutes was firmly established. The Supreme Court is the final arbiter of constitutional interpretation. The "equal rights" provision of the 14th Amendment established that the rights in the first ten amendments ("Bill of Rights") applied to state governments.

Unfortunately, state constitutions have gathered tremendous amounts of baggage of detail by amendment over the years, and it is more difficult to "fine tune" state constitutions by further amendment than it is to enact statutes (pass new laws). However, state courts are bound by their state's constitution on

fundamental issues. The so-called English constitution is an unwritten body of legal customs and rights developed by practice and court decisions from the 11th to the 18th Century.

5. Translate into English paying special attention to the terminology on the topic «Constitutional Law»:

Конституційне право (державне право) - це галузь права.

Конституційне право спирається на Конституцію як головний закон держави та основу поточного законодавства країни. Під Конституцією, що є головним джерелом системи права в державі, розуміється сукупність актів та конституційних звичаїв, які проголошують права та свободи людини і громадянина, визначають основи суспільного устрою, форму правління та територіального статусу, а також основи організації центральних та місцевих органів влади.

Конституційне право - це система правових норм, що закріплюють та регулюють групу суспільних відносин, а саме:

1. соціально-економічний, політичний та територіальний устрій держави;
2. забезпечення реалізації прав та свобод людини і громадянина;
3. систему державної влади;
4. систему внутрішнього самоврядування.

UNIT 4. Administrative Law

1. Answer the following questions:

- 1) What sphere of law does administrative law belong to?
- 2) What is the main task of administrative law?
- 3) What administrative bodies can you think of?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|--------------------------|-------------------------|
| 1) rulemaking | a) винесення судового |
| 2) adjudication | b) урядові установи |
| 3) regulatory agenda | c) оподаткування |
| 4) taxation | d) нормотворчість |
| 5) government agencies | e) судовий перегляд |
| 6) judicial review | f) суттєвий для оцінки |
| 7) vital in appreciating | g) регулятивна програма |

3. Read the text paying special attention to the most important

definitions.

ADMINISTRATIVE LAW

Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rulemaking, adjudication, or the enforcement of a specific regulatory agenda.

Rulemaking is an agency process for formulating, amending, or repealing a rule. A rule in turn is the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.

Adjudication is an agency process for the formulation of an order. An order in turn is the whole or part of a final disposition of an agency in a matter other than rule making but including licensing.

Administrative law is considered a branch of public law. As a body of law, administrative law deals with the decision-making of administrative units of government (e.g., tribunals, boards or commissions) that are part of a national regulatory scheme in such areas as police law, international trade, manufacturing, the environment, taxation, broadcasting, immigration and transport.

Administrative law expanded greatly during the twentieth century, as legislative bodies world-wide created more government agencies to regulate the increasingly complex social, economic and political spheres of human interaction.

While administrative decision-making bodies are often controlled by larger governmental units, their decisions could be reviewed by a court of general jurisdiction under some principle of judicial review based upon due process (United States) or fundamental justice (Canada).

Judicial review of administrative decision, it must be noted, is different from an appeal. When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas in appeal the correctness of the decision itself will be under question. This difference is vital in appreciating administrative law in common law countries.

II. Reading COMPREHENSION

1. Give the definitions for the following terms and expressions or explain in other words.

- 1) administrative law;
- 2) rulemaking;
- 3) a rule;
- 4) adjudication;

5) an order.

2. Answer the following questions using the information from the text:

- 1) What can government agency action include?
- 2) What does administrative law deal with?
- 3) When did administrative law expand greatly? Why?
- 4) Why could the decisions of administrative decision-making bodies be reviewed by a court of general jurisdiction?
- 5) How does judicial review of administrative decision differ from an appeal?

3. Complete the following sentences according to the information from the text:

- 1) A rule is the whole or a part of an agency statement of general or particular applicability and....
- 2) The decision-making of administrative units of government (e.g., tribunals, boards or commissions) are part of...
- 3) While administrative decision-making bodies are often controlled by larger governmental units,...

III VOCABULARY STUDY

1. Complete the sentences with the active vocabulary from the list.

judicial review rulemaking administrative agencies administrative law decision-making bodies
--

Most countries that follow the principles of common law have developed procedures for that limit the reviewability of decisions made by administrative law bodies.

Administrative law may also apply to review of decisions of so-called quasi-public bodies, such as non-profit corporations, disciplinary boards, and other that affect the legal rights of members of a particular group or entity.

Because the United States Constitution sets no limits on the tripartite authority of, Congress enacted the Administrative Procedure Act to establish fair administrative law procedures to comply with the requirements of Constitutional due process.

Generally speaking, most countries that follow the principles of common law have developed procedures for judicial review that limit the reviewability of decisions made by bodies.

Often these procedures are coupled with legislation or other common law doctrines that establish standards for proper.

2. Choose the right preposition in brackets according to the contents of the sentences (*up, with, of, for, to, of*).

Administrative law is the body law regulating government decision-making. Review of administrative decisions can take place internally and externally. The federal system of administrative law is made of four elements:

- Tribunals - independent bodies which provide ‘merits review’, that is, examining and ‘re-making’ government decisions;
- Courts - providing ‘judicial review’ the lawfulness of government decision-making
- The Commonwealth Ombudsman - a permanent office holder the power to investigate maladministration;
- Freedom of Information - laws which create a general right of access official information, subject to exclusions.

The benefits of having a system review of administrative decisions that is well established and independent include encouraging higher-quality decision making and building public confidence in government administration.

3. The verbs below can all be used to form nouns. Find in the text the words which have related meanings. Pay special attention to the stress.

Example:: To govern (v.) - government (n.)

To act, to enforce, to state, to adjudicate, to formulate, to broadcast, to immigrate, to decide, to review.

4. Give the English equivalents for the following word combinations:

Адміністративне право, урядова установа, регулятивна програма, винесення судового рішення, оподаткування, нормотворчість, судовий перегляд, формулювати (анулювати) норму.

Unit 5. Criminal Law

1. Read and comment on the quotation by Edmund Burke (1729 - 1797), Irish-born British statesman and political philosopher: “Bad laws are the worst sort of tyranny”.

2. Answer the question: What is the main task of criminal law?

CRIMINAL LAW

Criminal law (also known as penal law) is the body of law that deals with crime and the legal punishment of criminal offenses.

Criminal law seeks to protect the public from harm by inflicting punishment upon those who have already done harm and by threatening with punishment those who are tempted to do harm. The harm that criminal law aims to prevent varies. It may be physical harm, death, or bodily injury to human beings; the loss of or damage to property; sexual immorality; danger to the government; disturbance of the public peace and order; or injury to the public health. Criminal law also often tries to avoid harm by forbidding conduct that may lead to harmful results.

Criminal punishment, depending on the offense and jurisdiction, may include execution, loss of liberty, government supervision (parole or probation), or fines. There are some archetypal crimes, like murder, but the illegal acts are not wholly the same between different criminal codes, and even within a particular code lines may be blurred, as civil law violations sometimes give rise also to criminal consequences. Criminal law typically is enforced by the government, unlike the civil law, which may be enforced by private parties.

Criminal law involves prosecution by the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in a civil case the victim brings the suit. Persons convicted of a crime may be incarcerated, fined, or both. However, persons found liable in a civil case may only have to give up property or pay money, but are not incarcerated.

II. Reading COMPREHENSION

- 1) What does the term “criminal law” denote?
 - 2) What way does criminal law seek to protect the public from harm?
 - 3) What can criminal punishment include?
 - 4) Are illegal acts the same in different criminal codes?
 - 5) What is criminal law / civil law usually enforced by?
 - 6) Who initiates the suit in a civil case / criminal case?
- 1. Match the two parts of the sentences:**
- 1) Criminal law often tries to ...
 - 2) Criminal law typically is enforced ...
 - 3) Civil law may be enforced ...
 - 4) Criminal law involves ...
 - 5) Civil cases involve ...
 - 6) In a criminal case ...
 - 7) In a civil case ...
 - 8) Persons convicted of a crime ...
 - 9) Persons found liable in a civil case ...
 - a. by the government.
 - b. the victim brings the suit.

- c. prosecution by the government of a person for an act that has been classified as a crime.
- d. may only have to give up property or pay money, but are not incarcerated.
- e. may be incarcerated, fined, or both.
- f. avoid harm by forbidding conduct that may lead to harmful results.
- g. individuals and organizations seeking to resolve legal disputes.
- h. the state initiates the suit
- i. by private parties.

III VOCABULARY STUDY

1. In the text “Criminal Law” find the synonyms for the following words and word combinations.

Penal law, criminal offense, civil offence, damage, penalty, prohibited, human being, disagreement, to be imprisoned, responsible, criminal code, control, be found guilty.

2. Choose and read the word that best completes the sentence.

- 1) Criminal *I* Civil law is the branch of law that defines crimes, treats of their nature, and provides for their probation *I* punishment.
- 2) A Criminal Code *I* Execution is a compilation of government laws that outline a nation's laws regarding criminal offenses, and the maximum and minimum punishments that courts can suit *I* impose upon offenders when such crimes are committed (for example: vandalism, retail theft, theft of property etc.).
- 3) A tort *I* crime is a civil wrong committed against an individual; a tort *I* crime, on the other hand, is regarded as an offense committed against the public, even though only one individual may have been wronged.
- 4) It'll be some weeks before your offence *I* case comes to trial.
- 5) A penalty *I* supervision is a legal or official punishment for committing a crime or other offense, e.g. a fine or imprisonment.

3. Give the English equivalents for the following word combinations:

Кримінальне право, кримінальний кодекс, злочин, правопорушення, покарання, призначати покарання, загрожуючи покаранням, запобігати злочину, тілесні ушкодження, забороняти, втрата свободи, нагляд, умовне покарання, типові злочини, призвести до шкідливих наслідків, бути схильним до чогось, бути ув'язненим, порушення громадського порядку.

4. Translate into English:

Згідно зі ст. 3 КК України законодавство України про кримінальну відповідальність становить кримінальний кодекс України. Цей письмовий нормативно-правовий акт приймається Верховною Радою України або

всеукраїнським референдумом, який визначає, які суспільно небезпечні діяння є злочинами і які покарання застосовуються до осіб, що їх вчинили.

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