LEGAL SYSTEMS: WORLD & HONG KONG

(This set of teaching aids is designed and prepared by the HKU Rule of Law Education Project Team.)
01. MAJOR LEGAL SYSTEMS AND THE LEGAL SYSTEM IN HONG KONG

02. CASES AND THE EVOLUTION OF LEGAL SYSTEM IN HK

03. JUDICIAL REVIEW AND HUMAN RIGHTS

04. Q&A SESSION
01. MAJOR LEGAL SYSTEMS & THE LEGAL SYSTEM IN HONG KONG

Definition and comparison
More than law: towards a definition of ‘legal system’

‘Law is the set of rules and regulations enforced by the government. The formal law, though, is just part of a broader legal system that includes the structures, substance, and culture that breathe life into the law on the books. Together, law and the legal system function as both a method of social control and a means of dispute settlement.’

Legal system: seeing more than the rule

Enactment
- How did the rule become ‘law’?
- Who are responsible for making the rule?
  - The monarch?
  - The legislature?
  - The courts?
  - Local custom?

The rule
- E.g. unlawful killing of another person is a punishable criminal offence

Interpretation
- How does the court understand the rule?
- How does the court apply the rule to the specific situation?

Enforcement
- Making sure people observe the rule
- Penalty for those who break the rule