

Faculty of Law



DROI1001 Sources, Principles and Methods of Law - Part 1

[60h] 6 credits

This course is taught in the 1st semester

Teacher(s): David Renders, Henri Simonart, Marc Van Overstraeten
Language: French
Level: First cycle

Aims

The purpose of the course is to allow students to obtain an overall view of the judicial phenomenon. At the end of the course, the students should be able to address the study of the various types of judicial material they will be taught later, which requires a command of the basic concepts.

The initial objective of the course is to provide information. This objective is reached when the student is able to describe and state explicitly the main judicial realities, both in the public and in the private field, and to perceive their reasons for existing. In addition to the information thus provided, the purpose is to make sure that students integrate the strictness and precision required by the law, that they can explain and apply the main principles which structure the basic judicial material and that they are able to explain the methods linked to the elaboration of the law, to its application and to its relativity in time and in space. This course is divided into two parts: DROI 1001 (1st part divided into auditory A & B) and DROI 1002 (2nd divided into auditory A & B). This course includes a mandatory directed paper DROI 1002 T.

Main themes

The following elements must be analysed:

- the concept of the judicial system (the constituent elements : the rule of law, the grouping of judicial rules, and the structuring of the system through the general principles of the law);
- the sources of internal law. Complete examination of mandatory sources: common law in the broad sense, collective employment agreements, and the private judicial act. Examination of prudential sources: doctrine and jurisprudence
- the sources of general international law, European Council law and European Union law;
- the articulations and relations between the sources of internal law as well as between those and the sources of international law;
- the methods of law (techniques relating to the concepts, evidence, sanctions, interpretation and command of time);
- the general theory on the private judicial act (the classifications and analysis of the principles that control it: autonomy of the will, consensual approach, convention law and relativity of the acts);
- introduction to judicial organisation

The course consists of lectures completed, where necessary, by other teaching methods. The syllabus should be available to the students at the beginning of the term.

Content and teaching methods

The course is taught the classical way, by means of lectures, at the rate of two two-hour courses per week during the 1st term. The students are required to play an active part in their education: they will be regularly asked to obtain, particularly by electronic means, information on specific political and judicial issues which are topical and relate to the course.