

English for Lawyers 1

Lecturer: Miljen Matijašević

G10, room 6/I, Tue 14:15–15:15

e-mail: miljen.matijasevic@pravo.hr

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State Governance and Administration of Justice



Unit 6

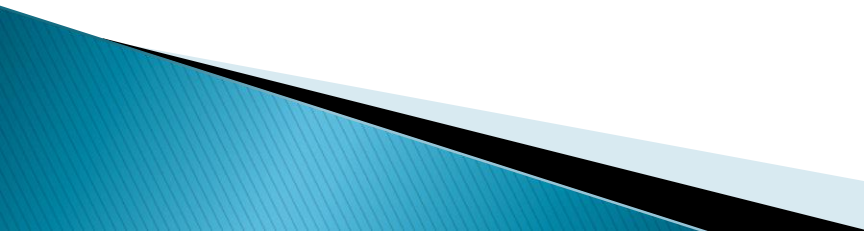
State Governance

- ▶ Who runs our country? Who has the most power? Is it one person or a body of persons?

Separation of Powers

- ▶ What do you know about the concept of ‘separation of powers’?
- ▶ separation of powers:
 - legislative power
 - the power to make law
 - executive power
 - the power to control the state budget and enforce the law
 - judicial power
 - the power to enforce the law in the event of a dispute or prosecution

Separation of Powers

- ▶ the idea of the concept – separation of powers between different persons:
 - legislative power – legislative branch of government
 - executive power – executive branch of government
 - judicial power – judicial branch of government
 - ▶ system of checks and balances
 - ▶ ways in which the three branches control one another and limit each other's power
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The Legislative Branch

- ▶ legislative authority: a LEGISLATURE
 - usually called a parliament or assembly
 - HR: Sabor, UK: Parliament, USA: Congress
 - represents the people (embodiment of democracy)
 - consists of elected representatives
 - unicameral or bicameral
 - the upper chamber may not be elected but appointed or elected by the lower
- Q: What are the typical powers of legislative bodies?

The Legislative Branch

- ▶ typical powers:
 - debating legislative proposals
 - enacting law
 - approving the state budget
 - ratifying treaties
 - confirming the government
 - controlling/scrutinizing the work of the executive
 - debating current issues
 - legislative proposals may be drawn up by the government or parliamentary representatives

The Legislative Branch

- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
 - legislature
 - parliament
 - legislative chamber
 - unicameral/bicameral
 - elected
 - state budget
 - draw up/draft
 - legislative proposal
 - enact law

The Legislative Branch

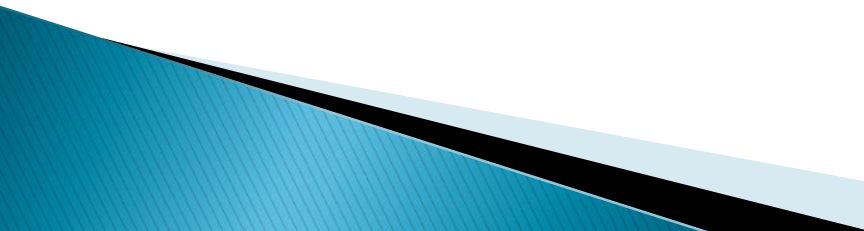
- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
 - legislature – zakonodavno tijelo
 - parliament – parlament (npr. u Hr: Sabor)
 - legislative chamber – dom zakonodavnog tijela
 - unicameral/bicameral – jednodomni/dvodomni
 - elected – izabran (od glasača)
 - state budget – državni proračun
 - draw up/draft – sastaviti
 - legislative proposal – prijedlog zakona
 - enact law – usvojiti, donijeti zakon

The Executive Branch

- ▶ executive branch:
 - central body – the GOVERNMENT
 - in English-speaking countries: the CABINET
 - presided over by a PRIME MINISTER
 - other executive bodies: the ministries, administrations, government offices, agencies, the police, the tax administration, etc.
 - in some countries also: PRESIDENT
 - in presidential systems, the president has considerable powers (France, USA)
 - in semi-presidential, his powers are limited (Croatia)

The Executive Branch

- ▶ the government/cabinet consists of ministers
 - ▶ sometimes also known as ‘secretaries’
 - ▶ each is responsible for a government department (ministry)

 - ▶ Q: What are the typical powers of the executive branch?
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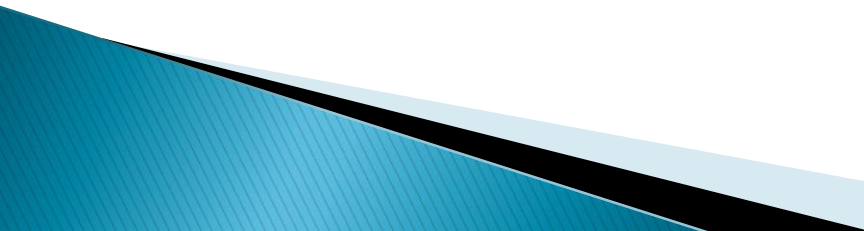
The Executive Branch

- ▶ typical powers:
 - designing policies in all areas of the life of a state (educational, social, employment, agricultural, industrial policy, etc.)
 - allocation of state budget funds
 - state budget proposed to the legislature for confirmation
 - once confirmed, it is implemented (money is spent as planned)
 - policies require a legislative basis – drawing up legislative proposals to be voted and enacted by the legislature

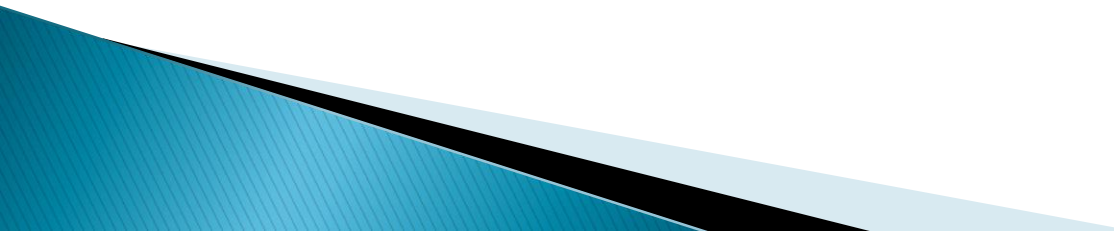
The Executive Branch

- ▶ constituting a government:
 - the party who wins the election chooses a person to be the prime minister
 - usually the president of the winning party, but it may be anybody
 - the choice may be subject to the approval by the legislature and/or the president
 - the prime minister selects member of his government/cabinet
 - this may also be subject to the approval by the legislature


The Executive Branch

- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
 - design policies
 - implement a development strategy
 - allocate state budget funds
 - government (in the narrow sense)
 - government department
 - subject to approval by the legislature
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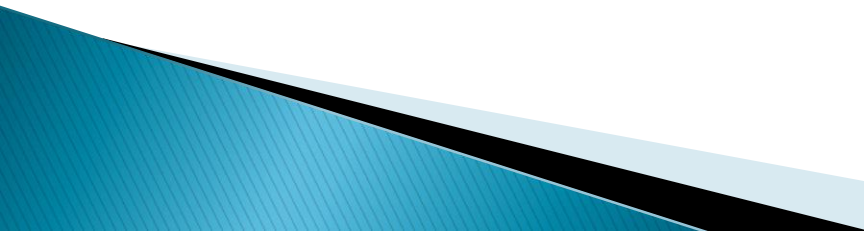
The Executive Branch

- design policies – kreirati politike
 - implement a development strategy – provoditi strategiju razvoja
 - allocate state budget funds – dodijeliti proračunska sredstva
 - government (in the narrow sense) – vlada
 - government department – ministarstvo
 - subject to the approval by the legislature – podliježe odobrenju zakonodavnog tijela
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The Judicial Branch

- ▶ the court system
 - ▶ a hierarchy of courts with a supreme court on the top
 - ▶ first–instance courts: trial courts
 - ▶ they hear cases
 - ▶ second–instance courts: appeal courts
 - ▶ multiple levels possible
 - ▶ specialized courts also very common
 - ▶ the supreme court: last instance for appeals
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The Judicial Branch

- ▶ powers:
 - forums for resolution of disputes and prosecution of crimes
 - enforcement of law/adjudication in all types of cases
 - ▶ crucial requirement: impartiality
 - ▶ judges prohibited from engaging in political activity
 - ▶ however, judicial appointments may be subject to political involvement: the choice of the legislature or the executive in some countries
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The Judicial Branch

- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
 - enforce the law
 - adjudication
 - first–instance court
 - court of appeal
 - supreme court

The Judicial Branch

- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
 - enforce the law – provoditi zakon
 - adjudication – sudsko odlučivanje
 - first–instance court – prvostupanjski sud
 - court of appeal – žalbeni sud
 - supreme court – vrhovni sud

Thank you for your attention!

