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**ОДЕСЬКИЙ ДЕРЖАВНИЙ УНІВЕРСИТЕТ ВНУТРІШНІХ СПРАВ**

**Кафедра мовної підготовки**



**ЛЕКСИЧНИЙ ПРАКТИКУМ З АНГЛІЙСЬКОЇ МОВИ**

**“A TUTORIAL ON LEGAL VOCABULARY IN THE  
CONTEXT OF LEARNING ENGLISH”**

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**Іноземна мова (англійська):** Лексичний практикум з англійської мови «A Tutorial on Legal Vocabulary in the Context of Learning English». Одеса: ОДУВС, 2025. 137 с.

Пропонований лексичний практикум з англійської мови складено відповідно до Програми навчальної дисципліни «Іноземна мова за професійним спрямуванням». Практикум має на меті підготувати майбутніх фахівців у галузі права до застосування англійської мови у професійній сфері. Лексичний практикум містить тексти для читання, термінологічну лексику та вправи на засвоєння лексики. Він складений за проблемним принципом, що дозволяє використовувати наданий матеріал для спілкування та вирішення професійних задач. Для здобувачів рівня вищої освіти за спеціальністю D8 Право.

**Рекомендовано до друку** рішенням Вченої ради Одеського державного університету внутрішніх справ

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## ПЕРЕДМОВА

Лексичний практикум з англійської мови “Tutorial on Legal Vocabulary in the Context of Learning English” призначений для здобувачів вищої освіти денної/заочної форми навчання з спеціальності D8 «Право», а також для широкого кола осіб, що використовують англійську мову в своїй практичній діяльності у сфері права та юриспруденції.

Метою практикуму є:

- забезпечення цілісного і послідовного засвоєння англійської лексики та фахової термінології;
- формування вмінь та навичок професійного спілкування;
- розвиток навичок та вмінь самостійного вирішення проблем при іншомовному спілкуванні за допомогою різного типу вправ з тематики діяльності в сфері права.

За своєю структурою лексичний практикум складається з двох юнітів, організованих за тематичним принципом. У першому юніті надана загальна інформація щодо сфери права, включаючи тексти для перекладу та вправи на засвоєння лексики. У другому юніті надана інформація з окремих видів права, включаючи тексти для перекладу та вправи на засвоєння лексики. Також надаються практичні міні-ситуації з реального життя для розглядання та вирішення проблем, пов'язаних з порушенням законодавства. Практикум побудований таким чином, що забезпечує підґрунтя й для самостійного навчання.

Лексичний практикум містить завдання на запам'ятовування лексики. Тексти для читання підібрані виключно з тематики права, включають в себе багато професійної лексики та проблемні післятекстові завдання до них. Фахові тексти першого юніта охоплюють загальну інформацію щодо сфери права, включаючи визначення поняття закону, правові системи, види права (публічне право, приватне право), загальну інформацію щодо професії юриста, слідчого та інформацію щодо видів доказів. Фахові тексти другого юніта охоплюють такі теми, як цивільне право та види його порушень, кримінальне право та види його порушень, конституційне право, адміністративне право та види його порушень, трудове право.

Відібрані тексти мають за мету розвиток загального світогляду здобувача вищої освіти, формування знань з проблем фахового напрямку майбутніх фахівців сфери права. Усний практикум має на меті відтворити вже засвоєну лексику в усному діалогічному та монологічному мовленні, у вирішенні професійних ситуацій та спірних питань.

Матеріал подано в зручному для засвоєння матеріалу вигляді. Вправи спрямовані не тільки на засвоєння фахової лексики, а також на розвиток та формування критичного мислення у здобувачів. Тематика і характер навчальних матеріалів, запропонованих у практикумі, забезпечують формування у студентів професійного словника, а також навиків читання і мовлення в рамках правової діяльності.

Викладачеві пропонується організація різних форм роботи під час заняття (парна, індивідуальна, робота у великих і малих групах) та використання інтерактивної, ігрової та проблемної технологій навчання. Викладач має самостійно вирішувати в якій послідовності подавати матеріал у межах кожного розділу. Автором пропонується велика кількість текстів та лексичних вправ, проблемних завдань для того, щоб викладач мав можливість вибору матеріалу як для практичних занять, так і для самостійної роботи здобувачів вищої освіти. Практикум буде корисним студентам під час систематизації навчального матеріалу та всім зацікавленим особам у вивченні фахової лексики у сфері права та юриспруденції. Його можна використовувати як для групових, так і для індивідуальних занять.

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# Unit 1

## Law. General Notions



### 1. The Law

#### Ex. 1 Read and translate the following text

**Law** is a set of rules that are created and are [enforceable](#) by social or governmental institutions to regulate behavior, with its precise definition a matter of longstanding debate. It has been variously described as a [science](#) and as the art of justice. State-enforced laws can be made by a [legislature](#) group or by a single legislator, resulting in [statutes](#); by the executive through [decrees](#) and [regulations](#); or established by judges through [precedent](#), usually in [common law](#) jurisdictions.

Private individuals may create legally binding [contracts](#), including arbitration agreements that adopt [alternative ways of resolving disputes](#) to standard court litigation. The creation of laws themselves may be influenced by a [constitution](#), written or tacit, and the [rights](#) encoded therein. The law shapes [politics](#), [economics](#), [history](#) and [society](#) in various ways and also serves as a mediator of relations between people.

Legal systems vary between jurisdictions, with their differences analysed in comparative law. In civil law jurisdictions, a legislature or other central body codifies and consolidates the law. In common law systems, judges may make binding case law through precedent, although on occasion this may be overturned by a higher court or the legislature. Historically, religious law has influenced secular matters and is, as of the 21st century, still in use in some religious communities. Sharia law based on Islamic principles is used as the primary legal system in several countries, including Iran and Saudi Arabia.

The scope of law can be divided into two domains: public law concerns government and society, including constitutional law, administrative law, and criminal law; while private law deals with legal disputes between parties in areas such as contracts, property, torts, delicts and commercial law. This distinction is stronger in civil law countries, particularly those with a separate system of administrative courts; by contrast, the public-private law divide is less pronounced in common law jurisdictions.

Law provides a source of scholarly inquiry into legal history, philosophy, economic analysis and sociology. Law also raises important and complex issues concerning equality, fairness, and justice.

Law is more than just a system of rules – it is the foundation of social order and stability. Without law, societies would struggle to resolve disputes, protect rights, or ensure justice. While its precise definition remains debated, the purpose of law is universally recognized: to regulate human behavior, balance individual freedoms with collective responsibilities, and provide mechanisms to

address conflicts. The law is both a science, with its reliance on analysis and logic, and an art, requiring interpretation, fairness, and judgment.

At the heart of every legal system lies the principle of justice. Justice ensures that individuals are treated fairly, that wrongs are addressed, and that rights are respected. To achieve this, different branches of law have developed. **Criminal law** seeks to punish and deter crime, while **civil law** governs relationships between individuals, such as contracts and property rights. **Family law** addresses issues like marriage, divorce, and child custody, while **business law** regulates trade, corporations, and financial dealings. Each of these areas requires precise rules and consistent application to ensure trust in the system.

The process of making laws also reflects the values of a society. Legislatures enact statutes, executives issue decrees and regulations, and courts establish precedents through their opinions. In common law countries, judicial decisions often carry as much weight as written statutes, while in civil law systems, codified law is the primary source of authority. Internationally, treaties and conventions influence national legislation, especially in fields like human rights, trade, and environmental protection.

Law is not static; it evolves with changing social, political, and economic conditions. For example, issues like digital privacy, cybercrime, and intellectual property have emerged as new areas of legal concern in the modern world. Likewise, international law continues to grow in importance as globalization connects states, businesses, and individuals across borders. Dispute resolution now often involves negotiation, mediation, or arbitration, offering alternatives to lengthy trials.

The practice of law requires more than knowledge of statutes and precedents. Lawyers must conduct legal research, analyze complex issues, and apply rules to specific cases. They must also advocate on behalf of their clients, draft legal documents, and represent them in courts or administrative hearings. Accuracy, clarity, and responsibility are essential qualities, since even small errors may change the outcome of a case. Furthermore, lawyers must ensure compliance with applicable laws and regulations, offering solutions that balance legal obligations with practical needs.

Beyond its technical aspects, law carries profound ethical and philosophical significance. It raises questions about equality, fairness, and human rights. Should laws always reflect majority opinion, or should they protect minorities against injustice? How can laws remain relevant in fast-changing societies while preserving stability? These questions continue to shape legal scholarship and political debates worldwide.

Ultimately, law is a tool for order, but it is also a living institution that reflects the culture, values, and aspirations of a community. It is present in every stage of human interaction – from private agreements to international diplomacy – and it defines the responsibilities and freedoms of individuals and governments alike. By ensuring justice and protecting rights, the law not only regulates society but also gives it meaning, direction, and a vision for a fair and sustainable future.

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### *List of Vocabulary*

**(to be) enforceable (by)** – підлягають виконанню  
**longstanding debate** (Latin: *debatio*) – давня дискусія  
**state-enforced laws** – закони, які приймає держава  
**common** (Latin: *commune*) **law** – загальне право  
**civil** (Latin: *civile*) **law** – цивільне право  
**court litigation** – судовий процес  
**legislator** (Latin: *legislator*) – законодавець  
**a group legislature** – група законодавчих органів  
**statute** (Latin: *statutae*) – статут  
**executive** (Latin: *executio* – виконання) – виконавчий  
**decree** (Latin: *decretum*) – указ  
**regulation** (Latin: *regulatio*) – постанова, правило  
**established by** – встановлений  
**legally binding contracts** – контракти, які юридично зобов'язують

**arbitration** (Latin: *arbitratio* – арбітраж) **agreement** – арбітражна угода  
**resolve disputes** (Latin: *disputatio* – обговорення) – вирішувати суперечки  
**court litigation** (Latin: *litigatio*) – судовий процес  
**jurisdiction** (Latin: *iurisdictio*) – юрисдикція  
**written or tacit** (Latin: *tacito* – тихий) – письмовий чи негласний  
**therein** – там, в тому, в ньому  
**legislature** – законодавча влада, законодавчий орган  
**codify the law** – кодифікувати закон (систематизувати та об'єднати закони країни щодо окремих галузей права)  
**consolidate** (Latin: *consolidatio* от *consolido* – укріплюю) **the law** – консолідувати закон (систематизувати нормативні правові акти)  
**binding case law** – обов'язкова прецедентна практика  
**on occasion** – іноді  
**be overturned** – бути скасованим  
**secular** (Latin: *saeculari*) **matters** – світські питання (справи)  
**as of the** – станом на  
**sharia law** – закон шаріату  
**scope of law** – сфера права  
**domain** – галузь  
**public** (Latin: *public*) **law** – публічне право  
**tort** – делікт (цивільне право)  
**delict** (Latin: *delictum*) – делікт, правопорушення, порушення закону  
**scholarly** – науковий  
**inquiry** – дослідження  
**equality** – рівність  
**fairness** – справедливість  
**justice** – справедливість правосуддя, законність  
**resolve** – вирішувати  
**provide** – забезпечувати  
**address conflicts** – вирішувати конфліктів  
**precise** – точний  
**remain debated** – залишатися предметом дискусій  
**purpose** – мета  
**reliance** – ґрунтуватися, спиратися  
**both... and...** – і...і...  
**require** – вимагати  
**criminal law** – кримінальне право  
**punish** – карати  
**deter** – стримувати  
**property** – власність  
**civil law** – цивільне право  
**family law** – сімейне право  
**issue** – спірне питання  
**divorce** – розлучення  
**child custody** – опіка над дитиною  
**business law** – комерційне право  
**trade** – торгівля  
**corporation** – корпорація  
**financial dealings** – фінансові операції  
**ensure** – забезпечувати  
**enact statutes** – приймати закони  
**executives** – виконавча влада  
**issue** – видавати  
**decree** – указ

**regulation** – постанова  
**establish** – встановлювати  
**common law** – загальне право  
**codified law** – кодифіковане право  
**human rights** – права людини  
**applicable laws** – чинне законодавство  
**cybercrime** – кіберзлочинність  
**intellectual property** – інтелектуальна власність  
**legal concern** – правове занепокоєння  
**aspiration** – прагнення

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Вирішення спору; світські питання (справи); законодавча влада, законодавчий орган; виконавчий орган; публічне право; консолідувати закон; обов'язкова прецедентна практика; сфера права; судовий процес; письмовий чи негласний; контракти, які юридично забов'язують; вирішення спору; давня дискусія; арбітражна угода; бути скасованим; кодифікувати та консолідувати закон; закон шаріату; закони, які приймає держава; група законодавчих органів; підлягають виконанню; справедливість правосуддя, законність; станом на; цивільне право; загальне право; договори та конвенції; писані закони; чинні закони та нормативні акти; юридичні зобов'язання; практичні потреби; глибоке значення; національне законодавство; цифрова конфіденційність; приватні угоди; обов'язки та свободи; значення, напрямок і бачення; справедливий та сталий; вирішувати суперечки; обов'язкова прецедентна практика; залишатися предметом дискусій; опіка над дитиною; фінансові операції; чинне законодавство; права людини.

## Ex. 3 Answer the questions on the text

1. Give the definition of Law.
2. What types of contracts may private individuals create?
3. What can influence the creation of laws?
4. What does the law shape?
5. What codifies and consolidates the law in civil law jurisdictions?
6. What can judges create in common law systems that can in some cases be overturned by a higher court or legislature?
7. What are two domains into which the scope of law can be divided?
8. Can you list the main areas covered by private law?

## Ex. 4 Fill in each sentence with the suitable word from the vocabulary list in the necessary form

1. Laws \_\_\_\_\_ by social or governmental institutions to regulate behavior.
2. The definition of justice has been the subject of \_\_\_\_\_ throughout history.
3. \_\_\_\_\_ laws are often created by a legislature or a single legislator.
4. In \_\_\_\_\_ systems, precedents set by judges play a crucial role.
5. \_\_\_\_\_ systems rely on codification and consolidation of legal principles.
6. \_\_\_\_\_ provide an alternative method for resolving disputes.
7. Many business disputes are resolved through \_\_\_\_\_.
8. A skilled \_\_\_\_\_ can influence the creation of significant legal statutes.

9. A \_\_\_\_\_ is responsible for drafting new laws.
10. A \_\_\_\_\_ defines specific legal obligations or rights within a jurisdiction.
11. The \_\_\_\_\_ branch is tasked with enforcing laws and regulations.
12. The president issued a \_\_\_\_\_ to address the urgent economic crisis.
13. A new environmental \_\_\_\_\_ was established to reduce carbon emissions.
14. The principle was \_\_\_\_\_ by a landmark court ruling.
15. Companies enter into \_\_\_\_\_ to protect their interests.
16. An \_\_\_\_\_ can simplify dispute resolution for contracting parties.
17. Effective \_\_\_\_\_ can save time and resources for both parties.
18. Complex cases often escalate to \_\_\_\_\_ for a formal resolution.
19. The court's authority extends only within its \_\_\_\_\_.
20. The agreement was \_\_\_\_\_, depending on the nature of the understanding.
21. The \_\_\_\_\_ debated amendments to the healthcare statute.
22. Efforts to \_\_\_\_\_ have improved clarity in civil law systems.
23. Legislators aim to \_\_\_\_\_ to ensure consistency across jurisdictions.
24. Reforms to \_\_\_\_\_ addressed overlapping regulations.
25. A \_\_\_\_\_ precedent is rarely overturned without compelling reasons.

### Ex. 5 Answer the following questions

1. What is the primary purpose of law as defined in the text?
2. How has law been described in terms of its nature?
3. What are the different ways state-enforced laws can be created?
4. What role do private individuals play in the legal system?
5. How can a constitution influence the creation of laws?
6. In what ways does law shape society and its institutions?
7. What is the distinction between civil law and common law systems regarding the creation of laws?
8. How does religious law continue to influence legal systems in modern times?
9. What are the two primary domains of law, and what do they encompass?
10. How does the distinction between public and private law vary between civil law and common law jurisdictions?
11. What are some areas of scholarly inquiry related to law?
12. What fundamental issues does the study of law raise, according to the text?

### Ex. 6 Match the words with the corresponding meanings

- |                          |                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1. are enforceable by    | a) in or into that place, time, or thing                                                                                                |
| 2. tort                  | b) the process of resolving disputes through the court system                                                                           |
| 3. be overturned         | c) the range or extent of subject matter, relationships, or activities that a specific law, branch of law, or legal system governs      |
| 4. arbitration agreement | d) combining two or more separate legal acts into one single act, combining existing laws relating to a particular subject into one law |
| 5. decree                | e) a body of religious law that forms a part of the Islamic tradition based on scriptures of Islam, particularly the Qur'an and hadith  |
| 6. longstanding debate   | f) the legal term for the legal authority granted to a legal entity to enact justice                                                    |
| 7. court litigation      | g) understood without being expressed directly                                                                                          |
| 8. executive             | h) a wrongful act or infringement of a right leading to civil legal liability                                                           |
| 9. codify the law        | i) a legal term that refers to a civil wrong comparable to a tort                                                                       |
| 10. common law           | j) an official order issued by a legal authority                                                                                        |
| 11. state-enforced laws  | k) the state of being equal, especially in status, rights and                                                                           |

- opportunities
12. statute **l)** a branch of law that covers the rules of law governing property and personal non-property legal public relations between equal subjects of law – individuals and legal entities, territorial communities, states and other subjects of public law
13. secular matters **m)** the quality of treating people equally or in a way that is right or reasonable
14. therein **n)** the body of law primarily developed through judicial decisions
15. established **o)** a discussion or argument that has been ongoing for a significant period of time
16. civil law **p)** to be reversed or annulled, often referring to a legal decision being invalidated by a higher authority
17. legally binding contract **q)** the ethical , philosophical idea that people are to be treated impartially, fairly, properly, and reasonably by the law and by arbiters of the law, that laws are to ensure that no harm befalls another, and that, where harm is alleged, a remedial action is taken - both the accuser and the accused receive a morally right consequence merited by their actions
18. regulation **r)** a contract in which parties agree to resolve disputes through arbitration rather than litigation
19. resolving dispute **s)** judge-made law that inferior courts must follow
20. jurisdiction **t)** rules or regulations established by a government (the "state") that are legally binding and enforced through its authority
21. consolidate the law **u)** to arrange laws, rules, or regulations into a systematic code, does not necessarily create new law, it merely arranges existing law, usually by subject, into a code
22. sharia law **v)** the controlling of an activity or process, usually by means of rules
23. written or tacit **w)** to actually carry it out by compelling people to follow it
24. the scope of law **x)** the area of authority, control, or subject matter governed by a specific set of laws, regulations, or legal entities
25. public law **y)** any process that has the aim of augmenting knowledge, resolving doubt, or solving a problem
26. delict **z)** the part of law that governs relations and affairs between legal persons and a government, between different institutions within a state, between different branches of governments, as well as relationships between persons that are of direct concern to society
27. binding case law **A)** any agreement that's legally enforceable
28. equality **B)** the process of finding a resolution to a disagreement between parties, either outside or within the court system
29. fairness **C)** the part of government which executes or enforces the law
30. domain **D)** accepted and recognized or followed by many people
31. inquiry **E)** a formal written enactment of a legislative body; a law enacted by a legislature
32. justice **F)** concerned with earthly life or material gains, worldly matters

## 2. Legal systems

### Ex. 1 Read and translate the following text

**A legal system** is the framework of rules, institutions, and procedures through which justice is administered and social order is maintained. Around the world, legal systems vary greatly, yet they serve the same essential purpose: to regulate behavior, resolve disputes, and define the rights and

responsibilities of individuals and organizations. In general, legal systems can be split between *civil law* and *common law* systems. Modern scholars argue that the significance of this distinction has progressively declined. The numerous legal transplants, typical of modern law, result in the sharing of many features traditionally considered typical of either common law or civil law. The third type of legal system is *religious law*, based on scriptures. The specific system that a country is ruled by is often determined by its history, connections with other countries, or its adherence to international standards. The sources that jurisdictions adopt as authoritatively binding are the defining features of any legal system.

*The civil law system* is the most widespread in the world. Originating in continental Europe, particularly from Roman law traditions, it relies heavily on codification. Laws are written in comprehensive legal codes, covering private law, public law, and criminal law. Judges in civil law countries generally play the role of applying statutes to specific cases rather than creating new law. This system emphasizes clarity, predictability, and uniformity, since written rules are meant to guide legal decisions. Countries such as France, Germany, Spain, and most of Latin America use the civil law model.

By contrast, *the common law system*, which developed in England, relies largely on precedent. In this model, judicial decisions and court opinions carry binding authority for future cases. Judges interpret legislation but also create case law through their rulings. This provides flexibility, as the law can evolve over time in response to changing circumstances. Common law is practiced in countries such as the United Kingdom, the United States, Canada (except Quebec), and Australia. One of its strengths lies in adaptability, but critics argue that reliance on precedent may sometimes lead to inconsistencies.

*The religious law system* is based on sacred texts and spiritual principles. It is most prominently represented by Islamic law, or Sharia, which is derived from the Quran, Hadith, and centuries of scholarly interpretation. Sharia governs not only personal matters like marriage, inheritance, and family relations but can also extend to finance, criminal justice, and state governance. Other forms of religious law, such as Jewish Halakha or Canon law in the Catholic Church, continue to regulate aspects of community life. In some countries, religious law functions alongside civil or common law, creating hybrid systems.

Modern globalization has blurred the distinctions between these categories. Legal transplants – where one jurisdiction adopts elements from another – are now common. For instance, many civil law countries incorporate aspects of common law in commercial transactions, while common law systems frequently codify regulations in statutes. International law, treaties, and conventions also influence domestic legal frameworks, leading to greater harmonization of rules across borders.

The legal system a country follows often reflects its history, colonial past, cultural identity, and level of integration with international standards. Former British colonies generally adopted common law, while nations with ties to continental Europe embraced civil law. In some regions, postcolonial states deliberately combined traditions to address their unique needs.

Legal systems are not only about written laws but also about institutions – courts, legislatures, law enforcement bodies – and the values underpinning them. They determine how laws are made, interpreted, and enforced, and they influence the degree of fairness, transparency, and accountability in governance. Comparative law as a discipline seeks to analyze these differences and similarities, offering insights into how societies organize their legal orders.



ASIA



In conclusion, while civil law, common law, and religious law remain the principal categories, the reality of modern governance shows a trend toward convergence and hybridization. Law is increasingly viewed as a dynamic system that adapts to the pressures of globalization, technological change, and international cooperation. Understanding legal systems is essential not only for legal professionals but also for citizens, as it provides a deeper appreciation of how justice is structured and maintained across the world.

**legal system** – правова система  
**framework** – набір, сукупність  
**procedure** – процедура  
**justice** – правосуддя  
**maintain** – підтримувати  
**essential** – основний  
**behavior** – поведінка  
**resolve disputes** – вирішувати спори  
**define** – визначати  
**split** – поділений  
**civil law** – цивільне право  
**common law** – загальне право  
**scholar** – вчений  
**argue** – стверджувати, доводити  
**significance** – значення  
**distinction** – відмінність  
**decline** – зменшуватися  
**typical** – типовий  
**sharing** – спільне використання  
**feature** – риса  
**consider** – вважати, розглядати  
**either...or...** – як... так і...  
**religious law** – релігійне право  
**scriptures** – священні писання  
**determine** – визначити  
**adherence** – дотримання  
**jurisdiction** – юрисдикція  
**adopt** – приймати  
**authoritatively binding** – обов'язковий до виконання  
**defining feature** – визначальна риса  
**widespread** – поширений, дуже поширений  
**originate** – походження  
**particularly** – зокрема  
**Roman law** – римське право  
**codification** – кодифікація  
**rely on** – спиратися  
**comprehensive legal codes** – комплексні правові кодекси  
**private law** – приватне право  
**public law** – публічне право  
**criminal law** – кримінальне право  
**apply** – застосовувати  
**statute** – статут  
**case** – справа  
**clarity** – чіткість  
**predictability** – передбачуваність  
**uniformity** – одноманітність  
**(to be) meant to** – призначений для  
**guide** – керувати  
**legal decision** – юридичне рішення  
**precedent** – прецедент  
**judicial decisions and court opinions** – судові рішення та судові висновки  
**carry binding authority** – нести/мати обов'язкову силу

**legislation** – законодавство  
**judge** – суддя  
**case law** – прецедентне право  
**ruling** – рішення  
**flexibility** – гнучкість  
**evolve** – змінюватися  
**in response** – у відповідь  
**circumstances** – обставини  
**strengths lie** – сильні сторони полягають  
**adaptability** – адаптивність  
**reliance** – опора  
**lead to** – призводити до  
**inconsistency** – невідповідність

### **Ex. 2 Answer the following questions on the text**

1. What is the main purpose of a legal system?
2. How do legal systems around the world differ while serving the same essential function?
3. What are the three main types of legal systems mentioned in the text?
4. What is the defining feature of any legal system according to the sources it adopts?
5. Which legal system is the most widespread in the world, and where did it originate?
6. What is the main characteristic of the civil law system in terms of legislation?
7. What role do judges play in civil law countries compared to common law countries?
8. How does the common law system rely on precedent, and what is its main advantage?
9. Which countries are examples of those following the common law model?
10. What are some criticisms of the common law system mentioned in the text?
11. What is Sharia law, and what areas of life does it regulate?
12. How can religious law coexist with civil or common law in some countries?
13. What effect has globalization had on the distinctions between different legal systems?
14. How have colonial history and cultural identity influenced the choice of legal systems in various countries?
15. Why is understanding legal systems important for both legal professionals and ordinary citizens?

### **Ex. 3 Multiple-choice questions**

1. What is the main purpose of a legal system?
  - a) To limit international cooperation
  - b) To regulate behavior and maintain social order
  - c) To increase state power over citizens
  - d) To promote religious values only
2. Which of the following is NOT mentioned as a type of legal system?
  - a) Civil law
  - b) Common law
  - c) Religious law
  - d) Administrative law
3. What determines the specific legal system a country follows?
  - a) Climate and geography
  - b) Population size
  - c) History, international connections, and standards
  - d) Natural resources

4. Which legal system is the most widespread globally?
  - a) Religious law
  - b) Civil law
  - c) Common law
  - d) Customary law
  
5. Where did the civil law system originate?
  - a) England
  - b) Continental Europe
  - c) Middle East
  - d) North America
  
6. What is the main characteristic of civil law systems?
  - a) Dependence on judicial precedents
  - b) Reliance on comprehensive written codes
  - c) Absence of written laws
  - d) Use of religious texts
  
7. What role do judges play in civil law countries?
  - a) They create new laws through court rulings
  - b) They enforce laws without interpretation
  - c) They primarily apply statutes to cases
  - d) They decide based on personal opinions
  
8. What is the key feature of the common law system?
  - a) It relies mainly on codified statutes
  - b) It is based on judicial precedents
  - c) It avoids written judgments
  - d) It focuses only on criminal law
  
9. Which of the following countries follows the common law model?
  - a) France
  - b) Germany
  - c) Australia
  - d) Spain
  
10. What is one advantage of the common law system mentioned in the text?
  - a) Its reliance on fixed written codes
  - b) Its flexibility and ability to evolve
  - c) Its strict separation from international law
  - d) Its minimal role for judges
  
11. What is Sharia law primarily based on?
  - a) Roman legal codes
  - b) The Quran, Hadith, and scholarly interpretation
  - c) English court precedents
  - d) International treaties
  
12. In some countries, how does religious law interact with other legal systems?
  - a) It fully replaces civil and common law
  - b) It exists only in rural areas
  - c) It functions alongside civil or common law
  - d) It applies only to foreign nationals

13. How has globalization affected legal systems worldwide?

- a) It has made them more isolated
- b) It has caused them to adopt similar features
- c) It has removed the need for legal codes
- d) It has abolished international treaties

14. Why did many former British colonies adopt the common law system?

- a) Due to geographical similarities
- b) Due to historical colonial influence
- c) Because it was cheaper to maintain
- d) Because it avoided written laws

15. Why is understanding legal systems important for citizens?

- a) It helps them avoid paying taxes
- b) It provides insight into how justice is structured
- c) It guarantees winning in court
- d) It replaces the need for lawyers

**Ex. 4 Think and answer the questions. The answers require analysis, comparison, inference, and reasoning**

#### **Analytical questions**

1. Why do legal systems around the world vary greatly even though they serve the same essential purpose?
2. If a country's legal system relies heavily on written codes and aims for predictability, which system does it most likely follow?
3. Why has the distinction between civil law and common law systems declined in modern times?
4. Imagine a country where judges have the power to create laws through their rulings. Which type of legal system does it most likely have?
5. If two countries both follow civil law but have different cultural and historical backgrounds, can their legal systems still differ? Why or why not?

#### **Comparative reasoning**

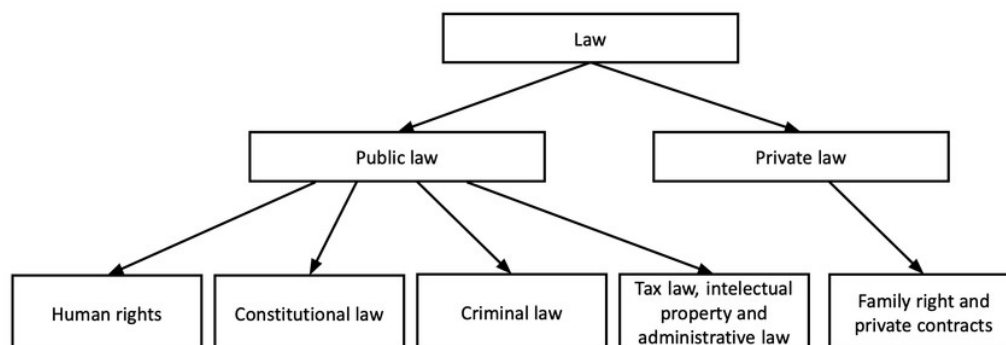
1. What is one key difference between judges' roles in civil law and common law systems?
2. If a former British colony and a former Spanish colony were compared, what legal systems would they most likely follow?
3. How does the flexibility of the common law system both benefit and challenge its users?
4. Why do some countries adopt a hybrid legal system combining civil, common, and religious elements?
5. How has globalization influenced the development of modern legal systems?

#### **Inference and application**

1. If a country wants its legal system to ensure **clarity and uniformity** in judgments, which type of legal system would best achieve this goal?
2. If two countries sign an international treaty, what impact can it have on their domestic legal systems?
3. Why is comparative law an important discipline in the study of legal systems?

4. What is one reason why religious law continues to play a strong role in some countries despite globalization?
5. Why is it important for ordinary citizens, not just lawyers, to understand their country's legal system?

### 3. Types of Law



**Ex. 1 Read and translate the following text**

#### 3.1 Public law

Public law is the part of law that governs relations and affairs between legal persons and a government, between different institutions within a state, between different branches of governments, as well as relationships between persons that are of direct concern to society. Public law comprises constitutional law, administrative law, tax law and criminal law, as well as all procedural law. Laws concerning relationships between individuals belong to private law.

The relationships public law governs are asymmetric and unequalized. Government bodies (central or local) can make decisions about the rights of persons. However, as a consequence of the rule-of-law doctrine, authorities may only act within the law (*secundum et intra legem*). The government must obey the law. For example, a citizen unhappy with a decision of an administrative authority can ask a court for judicial review.

The distinction between public law and private law dates back to Roman law, where the Roman jurist Ulpian first noted it. It was later adopted to understand the legal systems both of countries that adhere to the civil-law tradition, and of those that adhere to common-law tradition.

The borderline between public law and private law is not always clear. Law as a whole cannot neatly be divided into "law for the State" and "law for everyone else". As such, the distinction between public and private law is largely functional rather than factual, classifying laws according to which domain the activities, participants, and principal concerns involved best fit into. This has given rise to attempts to establish a theoretical understanding for the basis of public law.

#### *Public law in civil law and common law jurisdictions*

Traditionally, the division between public and private law has been made in the context of the legal systems found in Continental Europe, whose laws all fall within the tradition of civil law. However, the public/private divide does not apply strictly to civil law systems. Given public law's emphasis on aspects of the State that are true of all systems of government and law, common law legal systems acknowledge, even if they do so unconsciously, that actions which must be prohibited by the State need not necessarily be prohibited for private parties as well.

For many years, public law occupied a marginal position in continental European law. It was not until the second half of the twentieth century that public law began to play a prominent role in European society through the constitutionalization of private law, as well as the development of

administrative law and various functional fields of law, including labor law, medical law, and consumer law. Though this began to blur the distinction between public and private law, it did not erode the former. Instead, it elevated public law from its once marginal state, with an acknowledgment that there are few, if any, areas of the law that are free from potential State intervention. In Italy, for example, the development of public law was considered a project of state-building. Now, in countries such as France, public law now refers to the areas of constitutional law, administrative law, and criminal law.

### *Areas of public law*

#### **Constitutional law**

In modern states, constitutional law lays out the foundations of the state. Above all, it postulates the supremacy of law in the functioning of the state – the rule of law.

Secondly, it sets out the form of government – how its different branches work, how they are elected or appointed, and the division of powers and responsibilities between them. Traditionally, the basic elements of government are the executive, the legislature and the judiciary.

And thirdly, in describing what are the basic human rights, which must be protected for every person, and what further civil and political rights citizens have, it sets the fundamental borders to what any government must and must not do.

In most jurisdictions, constitutional law is enshrined in a written document, the Constitution, sometimes together with amendments or other constitutional laws. In some countries, however, such a supreme entrenched written document does not exist for historical and political reasons – the Constitution of the United Kingdom is an unwritten one.

#### **Administrative law**

Administrative law refers to the body of law that regulates bureaucratic managerial procedures and defines the powers of administrative agencies. These laws are enforced by the executive branch of a government rather than the judicial or legislative branches (if they are different in that particular jurisdiction). This body of law regulates international trade, manufacturing, pollution, taxation, and the like. This is sometimes seen as a subcategory of civil law and sometimes seen as public law as it deals with regulation and public institutions

#### **Criminal law**

This type of law comprises the constitutional law, tax law, administrative law and criminal law.

#### **Tax law**

Tax law first became an area of public law during the 17th century, as a consequence of new theories of sovereignty that began to emerge. Until this point, taxes were considered gifts under the law, given to the State by a private donor – the taxpayer. It is now considered an area of public law, as it concerns a relationship between persons and the State.

## **3.2 Private law**

Private law is that part of a legal system that governs interactions between individual persons. It is distinguished from public law, which deals with relationships between both natural and artificial persons (i.e., organizations) and the state, including regulatory statutes, penal law and other law that affects the public order. In general terms, private law involves interactions between private individuals, whereas public law involves interrelations between the state and the general population. In legal systems of the civil law tradition, it is that part of the *jus commune* that involves relationships between

individuals, such as the law of contracts and torts (as it is called in the common law tradition), and the law of obligations (as it is called in the civil law tradition).

### *Private law in common law jurisdictions*

The concept of private law in common law countries is a little broader, in that it also encompasses private relationships between governments and private individuals or other entities. That is, relationships between governments and individuals based on the law of contract or torts are governed by private law, and are not considered to be within the scope of public law.

### *European Union law*

The European Commission and the European Council have stated a desire to achieve greater approximation of private law across its (now) 27 member states of the European Union, including within the fields of contract law, property law and family law. In regard to contract law, it the Commission and Council have argued that there are problems resulting from divergences in this field of law across the EU, and in regard to family law, the Council suggests that this field is "a possible subject for a discussion on ... approximation".

### *Areas of private law*

- Agricultural law
- Business law
  - Company law
  - Commercial law
- Civil law
  - Law of obligations
    - Contract law
    - Tort law
    - Law of unjust enrichment and quasi-contracts
- Trust law
- Law of agency
- Property law
- Family law – family-related issues and domestic relations including marriage, civil unions, divorce, spousal abuse, child custody and visitation, property, alimony, and child support awards, child abuse issues, and adoption.
- Succession – estate planning, testate and intestate succession, probate, and law of wills
- Consumer protection
- International private law
- Labour law
- Some aspects of transport law, for example contracts of carriage

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### *List of Vocabulary*

**scripture** (Latin: scriptura) – писання

**determine** – визначати

**adherence** (Latin: inhaero to) – дотримання

**adopt as** – приймати як

**authoritatively binding** – обов'язковий до виконання

**(to be) of direct concern to** – мати безпосереднє відношення до

**public law** – публічне право

**constitutional law** – конституційне право

**administrative law** – адміністративне право

**tax law** – податкове право  
**criminal law** – кримінальне право  
**procedural law** – процесуальне право  
**private law** – приватне право  
**labor law** – трудове право  
**unequalized** – нерівний  
**government bodies** – державні органи  
**make decision** – приймати рішення  
**rule-of-law doctrine** (Latin: regula iuris doctrina) – доктрина верховенства права  
**authorities** (Latin: auctoritates) – органи влади  
**act within the law** (Latin: secundum et intra legem – згідно та в рамках закону) – діяти в рамках закону  
**obey the law** – підкорятися закону  
**judicial review** – судовий розгляд  
**adhere to** (Latin: inhaero to) – дотримуватися  
**as such** – таким чином  
**principal concerns** – основні інтереси  
**emphasis** – акцент  
**common law legal systems** – правові системи загального права  
**acknowledge** – визнавати  
**(to be) prohibited** (Latin: prohibitus) – заборонений  
**medical law** – медичне право  
**consumer law** – споживче право  
**intervention** (Latin: interventu) – втручання  
**lay out the foundations** – закладати основи  
**above all** – перш за все  
**supremacy** (Latin: suprema – верховний) **of law** – верховенство закону  
**the rule of law** – верховенство права  
**(to be) elected** – бути обраним  
**(to be) appointed** – бути призначеним  
**executive** – виконавчий  
**legislature** – законодавчий  
**judiciary** – судова влада  
**the executive, the legislature and the judiciary** – виконавча, законодавча та судова влада  
**further** – додатковий  
**(to be) enshrined** – закріплений  
**amendment** (Latin: emendatio) – поправка  
**entrenched** – який є закріплений  
**unwritten** – неписаний

## **Ex. 2 Answer the questions on the text**

1. What are the three main types of legal systems mentioned in the text, and what is the basis of each?
2. Why do modern scholars argue that the distinction between civil law and common law systems has declined?
3. What are the key relationships governed by public law, and how are they typically characterized?
4. How does the rule-of-law doctrine limit the power of government authorities under public law?
5. What are the primary areas included under public law, according to the text?
6. How has the role of public law changed in continental Europe since the mid-20th century?
7. In what ways does constitutional law define the structure and limits of modern states?

8. How does administrative law differ from other branches of public law, and which branch of government enforces it?

9. What is the distinction between public law and private law in terms of the parties involved and the nature of their interactions?

10. List at least five specific fields included under private law and explain the focus of one of them.

**Ex. 3 Fill in each sentence with the suitable word from the vocabulary list in the necessary form**

1. \_\_\_\_\_ is often considered a sacred writing, forming the basis of religious law in many countries.
2. A country's legal system is usually \_\_\_\_\_ by its history, international influences, or colonial past.
3. \_\_\_\_\_ to international human rights standards is essential for countries seeking EU membership.
4. The court may \_\_\_\_\_ a new policy \_\_\_\_\_ binding precedent in future cases.
5. Supreme Court decisions are \_\_\_\_\_ on all lower courts.
6. Environmental issues are of \_\_\_\_\_ to both the government and the public.
7. \_\_\_\_\_ governs the relationships between individuals and government bodies.
8. \_\_\_\_\_ defines the structure and powers of the government.
9. \_\_\_\_\_ ensures that public administration acts within legal frameworks.
10. Citizens must pay taxes in accordance with \_\_\_\_\_ regulations.
11. \_\_\_\_\_ punishes individuals who commit acts prohibited by the state.
12. \_\_\_\_\_ outlines the steps for conducting legal actions in court.
13. \_\_\_\_\_ regulates disputes between individuals or private entities.
14. \_\_\_\_\_ protects workers' rights and regulates employer-employee relationships.
15. Legal relations in public law are typically \_\_\_\_\_, with the state holding more power.
16. Government bodies are required to \_\_\_\_\_ transparently and fairly.
17. The \_\_\_\_\_ ensures that authorities do not act arbitrarily.
18. All officials must act \_\_\_\_\_ to preserve justice and legal order.
19. Even the president must \_\_\_\_\_ the law, according to constitutional principles.
20. A citizen can request \_\_\_\_\_ of an administrative decision they believe is unlawful.

**Ex. 4 Translate the words and phrases from Ukrainian into English**

**Essential Word Phrases**

(to be sought in the text)

Правові системи загального права; адміністративне право; підкорятися закону; основні інтереси; виконавча, законодавча та судова влада; споживче право; судовий розгляд; верховенство закону; бути обраним; перш за все; кримінальне право; обов'язковий до виконання; конституційне право; доктрина верховенства права; медичне право; мати безпосереднє відношення до; виконавчий; додатковий; поправка; бути призначеним; визнавати; заборонений; закріплений; органи влади; трудове право; державні органи; закладати основи; неписаний; діяти в рамках закону; підкорятися закону; дотримання; нерівний; процесуальне право; публічне право; приймати як; втручання; приватне право; податкове право.

**Ex. 5 Complete the following sentences**

1. Legal systems are generally categorized into civil law, common law, and \_\_\_\_\_.

2. Modern scholars believe the distinction between civil and common law has become less significant due to \_\_\_\_\_.
3. Public law governs relationships between legal persons and the state, while private law governs \_\_\_\_\_.
4. According to the rule-of-law doctrine, authorities must act \_\_\_\_\_.
5. The difference between public and private law was first noted by the Roman jurist \_\_\_\_\_.
6. In France, public law typically includes areas such as \_\_\_\_\_.
7. Constitutional law defines the structure of government and guarantees \_\_\_\_\_.
8. Administrative law regulates bureaucratic procedures and the powers of \_\_\_\_\_.
9. In common law countries, private law also includes relationships between governments and individuals based on \_\_\_\_\_.
10. The European Union aims to harmonize private law across member states, especially in areas such as \_\_\_\_\_.

## 4. The Profession of a Lawyer

### Ex. 1 Read and translate the following text

A **lawyer** (also called **attorney**, counsel, or counselor) is a licensed legal professional who advises and represents others in legal matters, helps people address legal issues. They offer guidance, represent clients in court, and handle important legal paperwork, such as wills or contracts. Lawyers may work with private individuals, companies, or government agencies to uphold the law and protect people's rights.

They often focus on specific branches of law, like criminal, family, or business law. For instance, a criminal lawyer defends those charged with crimes, while a family lawyer deals with matters like divorce or child custody. Regardless of their focus, lawyers apply their legal expertise to resolve disputes, negotiate deals, and support their clients' interests.



### 4.1 Duties and Responsibilities

Lawyers have a wide range of duties and responsibilities, which may vary depending on their practice area and the specific needs of their clients. Some common duties and responsibilities of lawyers include:

- **Providing Legal Advice:** Lawyers offer legal advice and counsel to individuals, businesses, or organizations on various legal matters. They analyze legal issues, interpret laws and regulations, and advise clients on their rights, obligations, and potential courses of action.

- **Researching Legal Issues:** Lawyers investigate legal matters by examining statutes, regulations, case law, and other sources. This research helps them understand how the law applies to specific cases and supports their legal arguments and client advice.
- **Drafting Legal Documents:** They create various legal papers, including contracts, agreements, motions, briefs, and legal analyses. These documents must be precise, legally sound, and meet all necessary legal requirements.
- **Representing Clients:** Lawyers represent clients in various legal proceedings, including negotiations, mediations, arbitrations, administrative hearings, trials, and appeals. They advocate on behalf of their clients' interests, present evidence, examine witnesses, and argue legal points in court.
- **Negotiating Settlements:** Lawyers negotiate settlements and agreements on behalf of their clients to resolve legal disputes outside of court. They engage in discussions with opposing parties or their legal representatives to reach mutually acceptable outcomes that meet their clients' objectives.
- **Conducting Case Management:** Lawyers manage all aspects of their cases, including case strategy, preparation, and organization. They maintain communication with clients, keep them informed about case developments, and ensure that deadlines are met and procedures followed.
- **Advising on Compliance and Risk Management:** Lawyers advise businesses and organizations on compliance with laws, regulations, and industry standards to mitigate legal risks and prevent potential liabilities. They develop compliance programs, review policies and procedures, and provide training to ensure adherence to legal requirements.
- **Upholding Ethical Standards:** Lawyers must adhere to ethical standards and professional conduct rules established by state bar associations. They maintain confidentiality, avoid conflicts of interest, and act with integrity and honesty in their interactions with clients, courts, and other parties involved in legal proceedings.

## 4.2 Types of Lawyers



There are many different types of lawyers, each specializing in a particular area of law. Each area of law has its own set of rules, regulations, and legal precedents, and requires a unique set of skills and knowledge to navigate effectively.

- **Animal Lawyer**: An animal lawyer specializes in legal issues related to animals, including animal welfare, protection, and rights. They may work on cases involving animal cruelty, neglect, custody disputes, wildlife conservation, or advocacy for animal rights and welfare laws.

- **Corporate Lawyer**: Corporate lawyers specialize in providing legal advice and representation to businesses, corporations, and other organizations. They handle a wide range of corporate legal matters, including corporate governance, mergers and acquisitions, contract negotiations, regulatory compliance, and litigation.

- **Criminal Lawyer**: Criminal lawyers, also known as defense attorneys, specialize in representing individuals or organizations accused of committing crimes. They provide legal counsel, challenge evidence, advocate for their clients' rights, and defend them in criminal proceedings, including trials, plea negotiations, and sentencing hearings to achieve the best possible outcome.

- **Environmental Lawyer**: Environmental lawyers focus on legal issues related to environmental protection, conservation, and sustainability. They work on cases involving environmental regulations, land use, pollution control, natural resource management, and climate change mitigation, advocating for environmental justice and representing clients in legal proceedings.

- **Family Lawyer**: Family lawyers specialize in legal matters related to family relationships and domestic issues. They handle cases such as divorce, child custody and support, adoption, paternity disputes, prenuptial agreements, and domestic violence, providing legal advice, mediation, and representation to individuals and families navigating these sensitive matters.

- **Immigration Lawyer**: Immigration lawyers specialize in assisting individuals, families, and businesses with immigration-related legal matters. They provide guidance on visa applications, citizenship issues, deportation proceedings, asylum claims, and other immigration issues, advocating for their clients' rights and helping them navigate the complexities of immigration law.

- **Intellectual Property Lawyer**: Intellectual property lawyers specialize in protecting and enforcing the legal rights of individuals or businesses regarding intellectual property assets. They handle matters such as trademark registration, patent applications, copyright infringement disputes, licensing agreements, and intellectual property litigation.

- **Personal Injury Lawyers**: Personal injury lawyers specialize in representing individuals who have been injured due to the negligence or wrongdoing of others. They advocate for their clients to receive compensation for medical expenses, lost wages, pain and suffering, and other damages through negotiation, mediation, or litigation in civil court.

- **Prosecutor**: Prosecutors represent the government in criminal cases, working to prove that the defendant is guilty beyond a reasonable doubt. They collaborate with law enforcement, present evidence in court, and seek justice for victims and society while upholding the law.

- **Real Estate Lawyer**: Real estate lawyers specialize in providing legal services related to real property transactions and disputes. They handle matters such as property purchases, sales, leases, zoning issues, title examinations, and real estate litigation, ensuring that their clients' interests are protected and transactions comply with applicable laws and regulations.

- **Bankruptcy Lawyer**: Bankruptcy lawyers focus on helping clients manage financial troubles. They guide individuals or businesses through the bankruptcy filing process, work to ensure fair treatment, and address matters related to outstanding debts. These attorneys also provide ongoing support during bankruptcy cases and frequently negotiate with creditors to reach workable solutions.

- **Employment lawyer:** Employment lawyers focus on matters related to workplace law. They handle conflicts between employers and employees, work to protect employee rights, and help ensure fair and lawful treatment in the workplace.
- **Finance and Securities Lawyer:** Finance and Securities Lawyers are key figures in the legal field, specializing in issues involving finance, investments, and securities. They provide legal advice and representation to individuals and companies involved in financial dealings, ensuring compliance with relevant regulations and laws.
- **Civil Rights Lawyer:** Civil rights lawyers are dedicated to defending and promoting individuals' legal rights and freedoms, ensuring equal treatment and protection under the law. They handle cases related to discrimination, unlawful actions by law enforcement, voting rights issues, and other breaches of civil rights.
- **Military Lawyer:** Military lawyers offer legal assistance to service members, handling legal matters specific to military life and regulations. They deal with issues such as military justice, legal matters related to deployment, and service member benefits.
- **Public Interest Lawyer:** Public interest lawyers advocate for social justice and offer legal support to underserved and disadvantaged groups. They may utilize the legal system to address social issues, whether working for government agencies, non-profit organizations, or independently.
- **General Practice Lawyer:** General practice attorneys offer versatile legal support across multiple areas of law, addressing a wide spectrum of client needs. They handle diverse legal issues such as contract conflicts, property transactions, and other general legal matters.
- **Government Lawyer:** Government lawyers operate within public agencies, offering legal advice and representation. They address a range of legal issues related to governmental functions, regulatory compliance, and the development of public policies.
- **Civil Litigation Lawyer:** Also known as litigators or trial attorneys, civil litigation lawyers focus on representing clients in court for non-criminal legal conflicts. These cases may involve matters like personal injury, workplace disputes, real estate issues, and other civil disagreements.
- **Tax Lawyer:** A tax lawyer is an attorney who focuses on the intricate and specialized area of tax law. They have deep knowledge of legal tax issues and offer various services to both individuals and businesses. Their main responsibility is to help clients understand and comply with tax laws, while providing expert legal guidance on all tax-related concerns.
- **Estate Planning Lawyer:** An estate planning lawyer is a legal expert who focuses on drafting documents and offering guidance regarding the distribution of a person's assets after they pass away. They work to make sure a person's final wishes are respected and that asset transfers are carried out efficiently, minimizing taxes and following legal requirements.

### 4.3 What is the Workplace of a Lawyer Like?



A lawyer's workplace can vary depending on the type of law they practice and where they work. Many lawyers work in offices where they meet with clients, review legal documents, and prepare for cases. These offices may be part of a law firm, a company's legal department, or a government agency. Lawyers also spend time on the phone or video calls discussing legal matters with clients or other lawyers.

Some lawyers spend a lot of time in courtrooms, especially those who handle criminal cases or lawsuits. In court, they present evidence, question witnesses, and argue on behalf of their clients. Other lawyers might rarely go to court and instead focus on research, writing legal contracts, or negotiating settlements. For these lawyers, their workplace might include a quiet space filled with books and computers for conducting research.

Lawyers often have demanding work schedules, especially when working on big cases or meeting tight deadlines. They may need to travel to meet clients, attend hearings, or gather evidence. While the work can be stressful, it is also rewarding for those who enjoy solving problems and helping others navigate the legal system.

#### 4.4 Choosing a Legal Specialization

The demand for lawyers and the range of their work are diverse. They typically handle tasks such as filing lawsuits, evaluating cases, preparing legal documents, and various other responsibilities. Lawyers work in a variety of settings, from corporate environments to criminal cases, reflecting the vast demand for their services. The Bachelor of Laws program introduces students to the fundamentals of various legal specializations. Graduates with this degree may choose to pursue a Master of Laws or engage in diverse areas of legal practice.

Choosing a legal specialization requires careful consideration of your interests, skills, career goals, and market demand. Here are some steps to help you make an informed decision:

- **Self-Assessment:** Start by reflecting on your interests, strengths, and values. Consider the areas of law that appeal to you the most and align with your personal and professional goals.
- **Research:** Conduct thorough research into different legal practice areas to understand their scope, complexity, and career prospects. Explore the types of cases and clients typically associated with each specialization, as well as the day-to-day responsibilities and challenges.
- **Networking:** Reach out to practicing lawyers, law professors, and legal professionals in various specialties to gain insights into their experiences and perspectives. Networking can provide valuable information and help you build connections within different legal fields.
- **Internships and Externships:** Seek out opportunities to gain practical experience in different legal practice areas through internships, externships, or clerkships. Hands-on experience can provide valuable insights into the realities of different legal specialties and help you determine which areas are the best fit for your interests and skills.

- **Consider Market Demand:** Research the demand for legal services in different practice areas, taking into account factors such as industry trends, client needs, and economic conditions. Specializing in a niche area with high demand can offer greater career opportunities and potential for growth.
- **Evaluate Personal Preferences:** Consider your preferred work environment, lifestyle preferences, and long-term career goals when choosing a legal specialization. Some specialties may require extensive travel, long hours, or high-stress work environments, while others offer more flexibility and work-life balance.
- **Seek Guidance:** Consult with mentors, career counselors, and legal professionals who can provide guidance and advice based on their expertise and experience. They can offer valuable insights, answer questions, and help you navigate the decision-making process.
- **Continuing Education:** Keep abreast of developments in the legal profession and consider pursuing additional education or training in your chosen specialization. Continuing education programs, workshops, and seminars can deepen your knowledge and skills in specific areas of law and enhance your career prospects.

#### 4.5 Pros and Cons of Being a Lawyer

Becoming a lawyer offers numerous advantages and opportunities, but it also comes with its own set of challenges and drawbacks. Here are some pros and cons of being a lawyer:

##### Pros

The infographic features a central image of a woman in a business suit holding a laptop, with a large green arrow pointing upwards behind her. To the right of the image is a list of ten pros, each accompanied by a small green icon. The background includes faint images of a gavel and scales of justice. At the bottom, the logo for 'Express LEGAL FUNDING' is displayed.

## PROS OF BEING A LAWYER

- High earning potential and financial rewards
- Job flexibility and diverse career opportunities
- Work/life benefits offered by law firms
- Continual learning and intellectual stimulation
- Career longevity
- Wheelchair-accessible sedentary career
- Helping others and making a social impact
- Prestige, influence, and respect
- Development of communication abilities and adaptable skills

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- **Intellectual Challenge:** Law is a complex and dynamic field that offers continuous intellectual stimulation and problem-solving opportunities. Lawyers engage in critical analysis, research, and argumentation to address legal issues and advocate for their clients' interests.
- **Variety of Career Paths:** Lawyers have a wide range of career options available to them, including private practice, government work, corporate law, public interest law, academia, and more. This diversity allows lawyers to pursue their interests and passions in various areas of law.
- **Financial Rewards:** Lawyers often have the potential to earn high salaries, particularly in prestigious law firms or specialized practice areas. Successful lawyers can command substantial fees for their services and enjoy financial stability and career advancement opportunities.
- **Impact and Influence:** Lawyers have the opportunity to make a positive impact on society by advocating for justice, defending individual rights, and shaping public policy. They play a crucial role in upholding the rule of law and protecting the rights and freedoms of individuals and communities.
- **Continuous Learning:** The legal profession offers opportunities for lifelong learning and professional development. Lawyers must stay abreast of changes in laws, regulations, and legal precedents, which requires ongoing education and training to maintain their expertise and effectiveness.

## Cons

**CONS OF BEING A LAWYER**

- Expensive legal education and student debt
- Bar exam cost
- Bar membership dues
- Highly competitive job market
- High levels of stress
- High rate of lawyer substance abuse
- Long working hours
- Difficult and high-maintenance clients
- Higher ethical standards

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- **Long Hours and Stress:** The legal profession is notorious for its demanding workload and long hours, especially for lawyers in private practice or high-pressure practice areas. Lawyers often face tight deadlines, high-stakes cases, and intense pressure to deliver results, leading to stress and burnout.
- **High Pressure and Responsibility:** Lawyers bear significant responsibility for the outcomes of their cases and the well-being of their clients. The pressure to win cases, meet client expectations, and uphold ethical standards can be immense and may contribute to anxiety and job-related stress.
- **Work-Life Balance:** Achieving a healthy work-life balance can be challenging for lawyers, particularly those in high-demand practice areas. Long hours, evening and weekend work, and frequent travel can take a toll on personal relationships, health, and overall well-being.
- **Job Market Competition:** The legal job market can be highly competitive, especially for entry-level positions and prestigious opportunities. Aspiring lawyers may face challenges securing employment, advancing their careers, or establishing successful practices in saturated markets.
- **Emotional Toll:** Dealing with contentious legal disputes, sensitive client matters, and traumatic experiences can have a significant emotional toll on lawyers. The nature of legal work may expose lawyers to emotionally challenging situations, including conflicts, crises, and human suffering.

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### *List of Vocabulary*

**solve** – вирішувати  
**legal** – юридичний  
**advice** – порада  
**represent** – представляти  
**precise** – точний  
**will** – заповіт  
**follow** – слідувати  
**protect** – захищати  
**area** – галузь, сфера діяльності  
**criminal law** – кримінальне право  
**family law** – сімейне право  
**business law** – господарське право  
**defend** – захищати  
**accuse** – звинувачувати, обвинувачувати  
**crime** – злочин  
**divorce** – розлучення  
**child custody** – опіка над дитиною  
**solution** – рішення, вирішення, розв'язування  
**negotiate agreements** – укладати угоди  
**advocate interests** – відстоювати інтереси  
**duty** – обов'язок  
**responsibility** – відповідальність  
**providing legal advice** – надання юридичних консультацій  
**offer** – пропонувати  
**legal matter** – юридичне питання  
**issue** – проблематичне питання  
**regulations** – нормативні акти, норми  
**obligation** – зобов'язання  
**courses of action** – напрямки дій  
**researching legal issues** – дослідження юридичних питань  
**conduct legal research** – проводити правові дослідження

**regulatory compliance** – відповідність нормативним вимогам  
**plea negotiations** – переговори про визнання вини  
**gather** – збирати  
**identify** – визначати  
**relevant** – відповідний  
**precedent** – прецедент  
**apply** – застосовувати  
**court opinions** – висновки суду  
**support the arguments** – підтримувати аргументи  
**provide guidance** – надавати керівництво щодо дій  
**drafting legal documents** – складання юридичних документів  
**prepare and draft** – підготовлювати та складати  
**agreement** – угода  
**pleading** – позовна заява  
**motion** – клопотання  
**brief** – короткий виклад справи  
**legal opinions** – юридичні висновки  
**ensure** – гарантувати  
**sentencing hearing** – слухання щодо оголошення вироку  
**accurate** – точний  
**outcome** – результат  
**clear** – ясний, зрозумілий  
**comply with** – відповідати  
**applicable law** – чинний закон  
**legal proceeding** – судове провадження  
**negotiations** – переговори  
**mediation** – посередництво  
**arbitration** – арбітраж  
**administrative hearing** – адміністративне слухання  
**trial** – суд, судовий розгляд  
**intricate** – складний  
**appeal** – апеляція  
**advocate** – захищати, відстоювати  
**person's assets** – активи особи  
**evidence** – докази  
**witness** – свідок  
**argue legal points** – відстоювати правові питання  
**court** – суд  
**protection, conservation, and sustainability** – захист, збереження та сталий розвиток  
**settlement** – відрегулювання  
**on behalf of** – від імені  
**resolve legal disputes** – вирішувати судові спори  
**engage in** – брати участь у, займатися  
**opposing parties** – протиборчі сторони  
**copyright infringement** – порушення авторських прав  
**ensuring compliance** – забезпечення відповідності  
**courtroom** – зал суду  
**lawsuit** – судовий позов  
**evidence** – докази  
**domestic violence** – домашнє насильство  
**divorce** – розлучення  
**argue on behalf of their clients** – виступати від імені своїх клієнтів  
**financial dealings** – фінансові операції  
**self-assessment** – самооцінка

**internships and externships** – стажування та екстернатури  
**niche area** – нішева зона  
**intellectual property assets** – активи інтелектуальної власності  
**hands-on experience** – практичний досвід  
**personal preferences** – особисті вподобання  
**keep abreast of** – бути в курсі  
**continuing education program** – програма підвищення кваліфікації  
**service member benefits** – пільги для військовослужбовців  
**drawback** – недолік  
**bear** – нести, видержувати  
**charge** – обвинувачення  
**outstanding debts** – непогашені борги  
**filing lawsuits** – подання позовів  
**consideration of the interests and skills** – врахування інтересів та навичок

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Обробляти важливі юридичні документи; представляти клієнтів у суді; опіка над дитиною; вирішувати судові спори; підтримувати інтереси клієнтів; юридичні питання; тлумачити закони та нормативні акти; вивчення законів, нормативних актів, судової практики; пред'являти докази; допитувати свідків; обговорювати юридичні питання в суді; протиборчі сторони; досягти взаємоприйнятних результатів; ведення справ; зменшення юридичних ризиків; запобігти потенційним зобов'язанням; забезпечувати дотримання вимог законодавства; дотримуватися етичних норм; правила професійної поведінки; зберігати конфіденційність; уникати конфліктів; інтересів; діяти чесно та порядно; судове провадження; юридичні прецеденти; адвокат у справах тварин; добробут, захист та права тварин; жорстокість, нехтування, суперечки про опіку; охорона дикої природи; злиття та поглинання; корпоративне управління; відповідність нормативним вимогам; судовий процес; переговори про визнання вини; слухання щодо оголошення вироку; захист, збереження та сталий розвиток; внутрішні проблеми; надання юридичних консультацій; клопотання про притулок; суперечки щодо порушення авторських прав; активи інтелектуальної власності; недбалість або неправомірні дії інших осіб; біль і страждання; процедура подання заяви про банкрутство; забезпечити справедливе ставлення; справи про банкрутство; конфлікти між роботодавцями та працівниками; фінансові операції; забезпечення відповідності; графік роботи; пільги для військовослужбовців; непогашені борги; отримати уявлення про досвід та перспективи; нішева область; цінні ідеї; бути в курсі.

## Ex. 3 Answer the questions on the text

1. What is another term for a lawyer besides "attorney"?
2. Name two main services lawyers provide to clients.
3. Which three groups can lawyers work with to uphold the law and protect people's rights?
4. Give an example of what a criminal lawyer does.
5. What type of cases does a family lawyer handle?
6. List three common duties or responsibilities of a lawyer.
7. What does "providing legal advice" involve?
8. Why is researching legal issues important for a lawyer's work?
9. Name two types of legal documents lawyers may draft.
10. In what types of legal proceedings might lawyers represent clients?
11. Which type of lawyer handles cases about patents and trademarks?

12. What does an environmental lawyer focus on?
13. Who does a prosecutor represent in criminal cases?
14. Which lawyer helps clients with visa applications and citizenship issues?
15. What is the primary role of a personal injury lawyer?
16. What are two common workplace settings for lawyers?
17. Name one factor to consider when choosing a legal specialization.
18. How can internships help law students decide on a specialization?
19. Give one advantage and one disadvantage of being a lawyer.
20. Why might being a lawyer take an emotional toll on a person?

#### **Ex. 4 Multiple-choice questions**

1. What is another term for a lawyer besides "attorney"?
  - A) Judge
  - B) Plaintiff
  - C) Counsel
  - D) Clerk
2. Which of the following is a main service lawyers provide?
  - A) Cooking meals
  - B) Representing clients in court
  - C) Conducting scientific experiments
  - D) Selling insurance
3. Lawyers may work with which three groups to protect people's rights?
  - A) Banks, schools, hospitals
  - B) Private individuals, companies, government agencies
  - C) Churches, charities, sports teams
  - D) Journalists, artists, politicians
4. What does a criminal lawyer do?
  - A) Prepares tax returns
  - B) Defends individuals accused of crimes
  - C) Builds houses
  - D) Teaches law at a university
5. Which type of cases does a family lawyer handle?
  - A) Pollution disputes
  - B) Mergers and acquisitions
  - C) Divorce and child custody
  - D) Patent applications
6. Which of the following is a common duty of a lawyer?
  - A) Driving buses
  - B) Drafting legal documents
  - C) Selling property
  - D) Writing novels
7. Providing legal advice involves:
  - A) Writing fiction stories
  - B) Teaching mathematics
  - C) Analyzing legal issues and advising on rights and obligations
  - D) Planting trees

8. Why is researching legal issues important for lawyers?
  - A) To learn new languages
  - B) To understand how the law applies to cases
  - C) To find clients on social media
  - D) To win popularity contests
  
9. Which is an example of a legal document a lawyer might draft?
  - A) Travel itinerary
  - B) Contract
  - C) Menu
  - D) Resume
  
10. In which of the following proceedings might a lawyer represent a client?
  - A) Birthday parties
  - B) Mediations
  - C) Sports competitions
  - D) School plays
  
11. Which lawyer handles patents and trademarks?
  - A) Corporate lawyer
  - B) Criminal lawyer
  - C) Intellectual property lawyer
  - D) Tax lawyer
  
12. An environmental lawyer focuses on:
  - A) Designing buildings
  - B) Environmental protection and regulations
  - C) Marriage counseling
  - D) Selling farmland
  
13. Who does a prosecutor represent in criminal cases?
  - A) The defendant
  - B) The government
  - C) The jury
  - D) The media
  
14. Which lawyer helps with visa applications and citizenship issues?
  - A) Immigration lawyer
  - B) Military lawyer
  - C) Real estate lawyer
  - D) Civil rights lawyer
  
15. The primary role of a personal injury lawyer is to:
  - A) Defend against tax fraud
  - B) Help injured clients seek compensation
  - C) Draft wills and trusts
  - D) Manage corporate mergers
  
16. Which of the following is a common workplace for lawyers?
  - A) Factories and warehouses
  - B) Law firms and government agencies
  - C) Farms and ranches
  - D) Retail stores

17. Which is a factor to consider when choosing a legal specialization?
  - A) Favorite color
  - B) Personal interests and skills
  - C) Preferred vacation spots
  - D) Hobbies
  
18. How can internships help in choosing a specialization?
  - A) By providing free travel
  - B) By giving practical experience in legal areas
  - C) By offering permanent jobs immediately
  - D) By avoiding court work altogether
  
19. Which of the following is both a possible advantage and disadvantage of being a lawyer?
  - A) High salary but long working hours
  - B) Free housing
  - C) Unlimited vacation
  - D) No education required
  
20. Why might being a lawyer take an emotional toll?
  - A) Because of boring daily routines
  - B) Because of dealing with sensitive and stressful cases
  - C) Because lawyers work alone
  - D) Because of lack of technology

**Ex. 5 Fill in each sentence with the suitable word from the vocabulary list**

1. Lawyers often help clients \_\_\_\_\_ complex legal problems.
2. A \_\_\_\_\_ expert can clarify confusing laws and procedures.
3. It is important to seek \_\_\_\_\_ before signing any contract.
4. Attorneys may \_\_\_\_\_ their clients in court.
5. A contract must be written in \_\_\_\_\_ language.
6. Writing a \_\_\_\_\_ ensures that a person's assets are distributed fairly.
7. Young lawyers should \_\_\_\_\_ professional ethics.
8. Lawyers work to \_\_\_\_\_ the rights of their clients.
9. Criminal defense is a challenging \_\_\_\_\_ of law.
10. \_\_\_\_\_ deals with crimes and punishments.
11. \_\_\_\_\_ often addresses issues like marriage and child custody.
12. \_\_\_\_\_ regulates commercial transactions and agreements.
13. Defense attorneys are trained to \_\_\_\_\_ clients in trials.
14. Prosecutors may \_\_\_\_\_ someone of committing a \_\_\_\_\_.
15. Divorce cases sometimes involve disputes over \_\_\_\_\_.
16. A skilled lawyer can find a \_\_\_\_\_ during negotiations.
17. Attorneys help clients negotiate agreements and \_\_\_\_\_.
18. Providing \_\_\_\_\_ is a lawyer's duty and responsibility.
19. Law students gain experience by \_\_\_\_\_ and learning to conduct legal research.
20. Courts often rely on \_\_\_\_\_ and \_\_\_\_\_ to support the arguments of each side.

**Ex. 6 Think, answer and debate the following questions:**

1. In your opinion, which skill is more important for a lawyer – strong communication abilities or deep legal knowledge? Why?

2. How do you think the role of a lawyer might change in the future with the rise of artificial intelligence and technology?

3. Should lawyers be allowed to refuse cases based on their personal beliefs, or should they represent any client within the law?

4. Do you think the high salaries some lawyers earn are justified by the nature and difficulty of their work? Why or why not?

5. How can lawyers balance their duty to defend clients with their responsibility to uphold justice and ethical standards?

6. What type of law specialization do you think has the greatest impact on society, and why?

7. In your opinion, is the legal profession more about helping people or about winning cases? Explain your point of view.

### **Ex. 7 Render the following text from Ukrainian into English**

#### **Професія юриста**

Професія юриста заслужено вважається однією з найдавніших і найпрестижніших. Сучасне життя неможливо уявити без великої кількості фахівців у цій сфері. Саме вони допомагають розібратися в складнощах правових процедур. Адвокати, юрисконсульти, прокурори, нотаріуси, судді та слідчі забезпечують дотримання законів і підзаконних актів, а також гарантують неминучість покарання у разі їх порушення під час здійснення юридичної діяльності. Юридичні послуги потрібні практично в усіх сферах: трудових відносин, судового захисту, оподаткування, консалтингу, інвестиційного бізнесу, страхування, нерухомості, будівництва, митних операцій, військової справи та багатьох інших. Кожен з фахівців має володіти спеціальними, унікальними знаннями в своїй сфері.

Один із основних обов'язків юриста – надання юридичних консультацій приватним особам, компаніям та організаціям. Клієнти покладаються на юристів у питаннях тлумачення законів, роз'яснення зобов'язань та пропозиції можливих варіантів дій. У багатьох випадках юристи репрезентують клієнтів у суді, захищають їх від звинувачень або відстоюють їхні інтереси на переговорах. Вони також можуть брати участь у складанні юридичних документів, підготовці договорів та забезпеченні дотримання чинного законодавства.

Щоденна робота юриста включає проведення юридичних досліджень, аналіз прецедентів і збирання відповідних доказів для обґрунтування своїх аргументів. Комунікативні навички є вкрай важливими, оскільки юристи мають чітко та переконливо викладати свої аргументи перед суддями, присяжними чи протилежною стороною. Точність і достовірність також є критично важливими, оскільки навіть невеликі помилки в документах або заявах можуть вплинути на результат справи.

Окрім судових розглядів та слухань, юристи часто беруть участь у медіації та арбітражі для вирішення правових спорів без тривалих судових розглядів. Це вимагає навичок ведення переговорів, терпіння та спроможності знаходити справедливі рішення, прийнятні для всіх сторін. Крім того, юристи повинні постійно знати нові закони, нормативні акти та судові рішення. Програми підвищення кваліфікації, стажування та практичний досвід допомагають їм адаптуватися до мінливого правового середовища.

Професія юриста не позбавлена складнощів. Вона вимагає тривалого робочого дня, великої відповідальності та стресостійкості. Однак вона пропонує значні переваги: інтелектуальний розвиток, громадську повагу та можливість позитивно впливати на життя людей. Зрештою, юристи служать як своїм клієнтам, так і суспільству загалом, забезпечуючи справедливість, об'єктивність і захист основних прав.

Якщо проаналізувати прогнози щодо майбутнього ринку праці, помітно, що зростає попит на міждисциплінарні спеціальності. Високо цінуються вміння мислити системно, працювати за умов невизначеності, бути відкритим до різних культур і орієнтуватися на потреби клієнта.

Експерти сходяться на думці, що до 2030 року в юриспруденції набиратимуть обертів нові напрями: мережевий юрист, віртуальний адвокат, кіберслідчий і медіаполіцейський. Це

закономірно, адже технології стрімко проникають у повсякдення, дедалі більше адмінпослуг переходить онлайн, а дистанційні сервіси стають найзручнішими для більшості громадян. Розвиток штучного інтелекту змінить підходи до роботи юристів, роблячи правову допомогу доступнішою, ефективнішою та економічно вигіднішою.

Отже, професія юриста була, є й залишатиметься однією з найбільш затребуваних і перспективних – це шлях відповідальності, служіння справедливості та цілеспрямованості.

## 5. The Profession of an Investigator



### Ex. 1 Read and translate the following text

**Investigator** is a person whose job is to examine a crime, problem, statement, etc. in order to discover the truth.

Investigators play an essential role in the justice system and various industries. Their work involves the collection, verification, and analysis of information, which is then used in both criminal and civil cases. Investigators work in a wide range of fields, including criminal investigations, corporate fraud, private investigations, and insurance claims. Each area requires specialized knowledge and expertise, but the core responsibilities of gathering facts and evidence remain consistent.

The most crucial skill an investigator needs is objectivity. An investigator's job is not to judge but to uncover the truth, regardless of personal feelings or biases. This requires strict attention to detail and a neutral mindset to ensure that all findings are accurate and thoroughly documented. Without proper documentation, an investigator's efforts might be disregarded in court or other legal settings.

Another important aspect of an investigator's role is communication. Investigators must prepare detailed reports, sometimes used as legal evidence, which should be comprehensive, precise, and easy to understand. When called to testify, investigators need to explain their findings clearly, breaking down complex details into simple, digestible facts that a jury or judge can grasp. Inaccurate or unclear reports can severely affect the outcome of a case.

### 5.1 Types of Investigators

#### **Criminal Investigators**

- Murder
- Theft
- Fraud
- Evidence Collection
- Witness Interviews
- Court Presentations

#### **Insurance Investigators**

#### **Corporate Investigators**

- Fraud
- Theft
- Policy violations
- Competitor Investigations
- Partner Investigations

#### **Private Investigators**

Suspicious Claimes  
Incident Analysis  
Fact Verification

Infidelity  
Background checks  
Missing Persons  
Legal Guidelines

### **Missing Persons & Criminal Investigators**

Working alongside law enforcement, NGOs, or private agencies, missing persons investigators help families and authorities locate individuals who have disappeared. This field requires strong research skills, surveillance techniques, and the ability to track leads across different locations. These individuals often work for law enforcement agencies, investigating serious crimes like murder, theft, and fraud. They collect evidence, interview witnesses, and present their findings in court.

### **Private Investigators**

Hired by individuals or companies, private investigators handle personal cases like infidelity, background checks, or finding missing persons, surveillance. They operate independently of law enforcement but must still follow legal guidelines. The ability to gather evidence, conduct interviews, and analyse information makes this career an exciting and highly sought-after profession.

### **Corporate Investigators**

Many businesses employ corporate investigators to uncover internal fraud, theft, misconduct or violations of company policy. These professionals work within HR, compliance, or risk departments to conduct workplace investigations related to employee disputes, theft, harassment claims, or breaches of company policy. With cyber threats on the rise, companies also need investigators to protect against data breaches and insider threats. They may also investigate business competitors or partners.

### **Insurance & Fraud Investigator**

Insurance companies rely on investigators to detect fraudulent claims. This includes cases involving injury claims, staged accidents, property damage, and worker's compensation fraud. Investigators in this field review evidence, conduct interviews, and perform surveillance to ensure that claims are legitimate, saving companies from financial loss.

### **Government & Regulatory Compliance Investigator**

Various government agencies employ investigators to ensure compliance with laws and regulations. Investigators in these fields examine wage theft, illegal business practices, tax fraud, and workplace health and safety violations.

### **Risk & Security Consultant**

If you have a background in security or risk management, an investigative qualification can enhance your career in corporate security, intelligence, or counter-fraud operations. Many organisations require professionals who can assess threats, analyse risks, and conduct security audits to protect their assets and staff.

### **Cyber Investigator**

With the rise in cyber crime, the demand for digital and cyber investigators has increased. Businesses and law enforcement agencies need skilled professionals who can trace online fraud, investigate cyberstalking, and track digital footprints. A background in investigations, combined with cyber security training, can position you for an in-demand career in digital forensics.

### **Legal & Litigation Support**

Law firms frequently require investigative professionals to assist with legal cases. Investigators help gather evidence for civil litigation, family law cases, and criminal defence. This may include witness interviews, asset searches, background checks, and surveillance to support legal proceedings.

### **Debt Recovery & Skip Tracing**

A growing number of investigative professionals specialise in skip tracing, which involves tracking down individuals who have defaulted on debts, skipped court appearances, or are avoiding legal obligations. Investigators use databases, surveillance, and research skills to locate people for debt collection agencies, legal firms, and financial institutions.

### Journalism & Investigative Reporting

For those with a passion for uncovering the truth, an investigations qualification can be useful in investigative journalism. Reporters who specialise in crime, politics, or corporate corruption use investigative techniques to source information, verify facts, and expose hidden truths.

## 5.2 Key Responsibilities of an Investigator



The duties of an investigator can be wide-ranging, but some common tasks include collecting evidence, such as gathering physical evidence from a crime scene, obtaining documents, or recording video surveillance. Evidence is essential to building a case. Interviewing witnesses is also crucial, as effective questioning techniques are needed to get truthful and useful information from those involved. Surveillance is another common aspect, where investigators monitor individuals to collect evidence, either through physical presence or using technology like cameras or tracking devices. Once evidence is gathered, investigators analyze it to draw conclusions and understand how different pieces of information fit into the bigger picture. This leads to writing detailed reports that may be used in legal proceedings. These reports must be accurate, clear, and thorough since they often play a critical role in court decisions.

### Key Takeaways

- Investigators collect, verify, and analyze information for criminal and civil cases.
- Objectivity is crucial for ensuring unbiased findings.
- Strong communication skills, including writing reports and testifying in court, are essential.
- Investigators work in various fields such as criminal law, corporate fraud, private investigations, and insurance claims.
- Critical thinking and attention to detail are vital for piecing together evidence.
- Proper documentation and adherence to legal guidelines ensure evidence is admissible in court.
- Skills like integrity, objectivity, and critical thinking are essential to successful investigative work.

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### *List of Vocabulary*

**solving crime** – розкриття злочину

**gather evidence** – збирати докази

**legal proceeding** – судовий розгляд

**criminal justice system** – система кримінального правосуддя

**law enforcement agency** – правоохоронні органи  
**stakeholder**– зацікавлена сторона  
**uncover** – розкривати, виявляти  
**complex case** – складний випадок  
**primary objective** – основна мета  
**identify perpetrator** – визначати винного  
**establish motive** – встановлювати мотив  
**compelling case** – переконливі докази  
**prosecution** – судове переслідування  
**employ** – використовувати, застосовувати  
**conduct the investigation** – проводити розслідування  
**meticulously** – ретельно  
**crime scene** – місце злочину  
**gather** – збирати  
**forensic** – судова експертиза  
**interview** – опитувати  
**witness** – свідок  
**suspect** – підозрюваний  
**problem-solving ability** – здатність до вирішення проблем  
**critical thinking** – критичне мислення  
**attention** – увага  
**detail** – деталь  
**connect** – зв'язувати, з'єднувати  
**dot** – точка, факт  
**unravel** – розплутувати, розгадувати  
**mystery** – таємниця  
**time is of the essence** – час має вирішальне значення  
**ensure** – гарантувати, забезпечувати  
**justice is served** – торжество правосуддя  
**closure** – припинення, закриття  
**provide** – надавати, забезпечувати  
**victim** – жертва  
**maintaining** – підтримка  
**order** – порядок  
**stand up in court** – виступати у суді  
**protect** – захищати  
**accused** – обвинувачений  
**fingerprints** – відбитки пальців  
**footprints** – сліди ніг  
**DNA** – ДНК (дезоксирибонуклеїнова кислота)  
**physical evidence** – речові докази  
**establish** – встановлювати  
**investigation** – розслідування  
**crime scene** – місце злочину  
**examine** – оглядати, обстежувати, перевіряти, доглядати  
**document the scene** – документувати місце злочину  
**look for** – шукати  
**responsibility** – відповідальність  
**collect** – збирати  
**preserve** – зберігати  
**related to** – пов'язаний з  
**digital evidence** – цифрові докази  
**surveillance footage** – запис відео спостереження  
**computer records** – комп'ютерні записи

**chain of custody** – ланцюжок поставок  
**admissibility** – допустимість  
**interrogation** – допит  
**comprehensive understanding** – всебічне розуміння  
**questioning techniques** – методи допиту  
**elicit** – виявляти, отримувати, випитувати  
**valuable** – цінний  
**obtain** – отримувати  
**confession** – визнання  
**additional** – додатковий  
**skill** – майстерність, вміння, здатність  
**discretion** – обачність  
**circumstances** – обставини  
**utilize** – використовувати  
**digital piracy** – цифрове піратство  
**cold case detectives** – детективи з нерозкритих справ  
**re-investigating** – повторне розслідування  
**review** – переглядати, перевіряти  
**re-interview** – повторно опитувати  
**advancement** – досягнення  
**tenacious attitude** – наполегливе ставлення  
**dedication** – відданість  
**long-standing mystery** – давня таємниця  
**search efforts** – пошукові роботи  
**local communities** – місцеві спільноти  
**locate** – знайти  
**compassion** – співчуття  
**families affected** – сім'ї постраждалих  
**white-collar crimes** – злочини, пов'язані з посадовими злочинами  
**embezzlement** – розкрадання  
**money laundering** – відмивання грошей  
**corporate fraud** – корпоративне шахрайство  
**employee** – працівник  
**financial** – фінансовий  
**forensic accountant** – бухгалтер-криміналіст  
**trace** – слід, відстежувати  
**flow of money** – потік грошей  
**fraudulent activity** – шахрайська діяльність  
**realm of law enforcement** – сфера правоохоронних органів  
**purpose** – мета  
**corporate espionage** – корпоративне шпигунство  
**pet detectives** – детективи з пошуку домашніх тварин  
**behavior** – поведінка  
**fieldwork** – польові роботи  
**emotionally charged situations** – емоційно заряджені ситуації  
**the ability to handle pressure** – здатність справлятися з тиском  
**murder** – вбивство  
**theft** – крадіжка  
**fraud** – шахрайство  
**evidence** – докази  
**court** – суд  
**infidelity** – невірність  
**background checks** – перевірка біографічних даних  
**surveillance** – спостереження

**law enforcement** – правоохоронні органи

**legal guidelines** – правові рекомендації

**compliance** – відповідність

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Збирати докази; проводити розслідування; розслідування кримінальних справ; розслідувати випадки корпоративного шахрайства; приватні детективи; дослідження цивільної справи; об'єктивне висвітлення фактів; складання звітів; надання свідчень у суді; спостереження за підозрюваним; аналітичні навички; увага до деталей; шахрайство зі страховими претензіями; недобросовісні методи роботи; порушення етики; дотримання законодавства; збирати та аналізувати інформацію; винести справедливий вирок; критичне мислення; підготувати судовий звіт; розслідування діяльності конкурентів; опитувати свідків; збирати речові докази; використовувати камери спостереження та пристрої стеження; чітко пояснити свої висновки; аналізувати факти; ефективні методи допиту; розслідувати діяльність конкурентів чи партнерів з бізнесу; захоплива та дуже затребувана професія; перевірка біографічних даних; детективи з нерозкритих справ; злочини, пов'язані з посадовими злочинами; податкове шахрайство; порушення техніки безпеки; оцінювати загрози; проводити аудити безпеки; кіберзлочинність; відстежувати цифрові сліди; цивільний судовий процес; перевірка біографічних даних; спостереження для підтримки судового розгляду; агентства з стягнення боргів; пропускати судові засідання; не сплачувати борги; розкривати правду; журналістські розслідування.

## Ex. 3 Answer the questions on the text:

1. What are the main responsibilities of an investigator?
2. How does maintaining objectivity impact an investigator's work?
3. What skills are necessary for successful investigation work?
4. What is the role of surveillance in investigations?
5. Why is proper documentation crucial for investigators?
6. What are some of the fields where investigators work?
7. What is the importance of communication skills in an investigator's job?
8. How does an investigator's report affect legal proceedings?
9. What methods do investigators use to gather evidence?
10. Why is integrity important for investigators?

## Ex. 4 Fill in each sentence with the suitable word from the vocabulary list in the necessary form

1. The private \_\_\_\_\_ gathered enough \_\_\_\_\_ to solve the case.
2. His role in the company is to investigate cases of \_\_\_\_\_.
3. The investigator's \_\_\_\_\_ was crucial to securing a conviction.
4. They used \_\_\_\_\_ to monitor the suspect's activities.
5. \_\_\_\_\_ is essential when preparing legal \_\_\_\_\_ for court.
6. Her \_\_\_\_\_ allowed her to solve the most complex cases.
7. The team carried out a thorough \_\_\_\_\_ of the crime scene.
8. The investigator's job is to remain \_\_\_\_\_ and present the facts.
9. \_\_\_\_\_ thinking helped him analyze the situation logically.
10. Without \_\_\_\_\_, an investigation cannot be properly conducted.

### Ex. 5 Answer the questions

1. What skills are needed to gather and analyze evidence?
2. Why is it important for an investigator to remain unbiased?
3. What distinguishes a private investigator from one working in law enforcement?
4. How does surveillance help in investigations?
5. What are the consequences of improper documentation in investigations?
6. How do corporate investigators differ from those involved in criminal investigations?
7. What is the role of an investigator in legal proceedings?
8. How can an investigator's testimony influence the outcome of a trial?
9. What type of cases might require the involvement of an insurance investigator?
10. Why is integrity crucial in investigative work?

### Ex. 6 Complete the following sentences

1. Investigators often begin their work by \_\_\_\_\_.
2. Surveillance is an effective tool for \_\_\_\_\_.
3. In criminal investigations, the primary role of the investigator is to \_\_\_\_\_.
4. Proper \_\_\_\_\_ ensures that evidence is admissible in court.
5. Investigators need strong communication skills to \_\_\_\_\_.
6. Reports are essential because \_\_\_\_\_.
7. The investigator's job is to find \_\_\_\_\_.
8. Objectivity is critical in investigations because \_\_\_\_\_.
9. When analyzing evidence, investigators must remain \_\_\_\_\_.
10. Corporate investigators help prevent \_\_\_\_\_.

### Ex. 7 Match the words with the corresponding meanings

Word	Meaning
1. investigator	a) the process of monitoring someone's actions
2. evidence	b) to make an official statement in court
3. surveillance	c) to work impartially without personal biases
4. objectivity	d) unlawful deception to gain something
5. report	e) examination of data to draw conclusions
6. fraud	f) facts or information used to support a legal case
7. testify	g) written records that provide evidence or information
8. integrity	h) a person who gathers information for legal cases
9. documentation	i) quality of being honest and having strong moral principles
10. analysis	j) a detailed account of findings in an investigation

### Ex. 8 Render the following text into English

#### Професія слідчого – на сторожі безпеки громадян

Професія слідчого бере свій початок з тих давніх пір, коли став формуватися інститут держави, отже, влади. У всі віки, починаючи з часів Римської імперії і виникнення «Римського права», потрібно було ґрунтовно довести провину підозрюваного. Збір фактів у справі,

систематизування їх і подання на судовий розгляд – першочергові обов'язки і завдання слідчого. Згодом з'явилася і розвинулася юридична наука і її похідне – кримінальне право. Своє професійне свято слідчі-професіонали, діяльність яких спрямована на забезпечення безпеки громадян нашого суспільства, в Україні відзначають 1 липня. Слідчий – це юрист, який займається розслідуванням злочинів: кримінальних, економічних, політичних. Специфіка професії полягає у пошуку злочинців і притягнення їх до відповідальності.

Однак, крім своїх професійних обов'язків, слідчий повинен добре орієнтуватися в будь-яких правових питаннях. Наприклад, в фінансах, якщо доводиться розслідувати економічні злочини, в банківській справі, вникати в технологічні процеси виробництва, якщо розслідується злочин на промисловому підприємстві та багато іншого.

Спеціалізація професії підрозділяється на ведення кримінальних справ, розслідування економічних злочинів і податкових махінацій, ведення справ, пов'язаних із захистом інтелектуальної власності та авторського права, а також злочинів в сфері інформаційних технологій.

Робота слідчого неможлива без наявності наступних особистих якостей: уважність, врівноваженість, самоконтроль, психологічна і розумова змобілізованість, ерудованість в різних питаннях, спостережливість, тактовність, неупередженість, здатність до логічного мислення, наполегливість, кмітливість, принциповість і чесність, вміння працювати з людьми, гарне знання людської психології, впевненість в собі і здатність миттєво прийняти рішення, витривалість і готовність до напруженої роботи, а іноді і акторська майстерність.

Потреба в професійних слідчих завжди висока, проте фахівців, як правило, не вистачає. Адже ця робота вимагає таланту, покликання, наполегливості і завзятості. Професійна діяльність слідчого поширюється на слідчі органи МВС, прокуратуру, а так же, військову прокуратуру, органи безпеки. Основною вимогою є юридична освіта.

### **Ex. 9 Put the words into their correct spaces in the text**

*Evidence, integrity, investigate, gathered, objectivity, testify, surveillance, critical, private, documents.*

#### **The Role of an Investigator**

The role of an investigator is to (1) various situations and collect (2) that can be used in court or other legal matters. Investigators must maintain a high level of (3) and (4) throughout their work to ensure unbiased and accurate findings. They often use (5) techniques to observe suspects or locations discreetly, which can be (6) to the success of an investigation.

Once all the necessary information has been (7), it is crucial to organize it into clear (8) that may later be used in legal proceedings. If required, the investigator may also need to (9) in court, presenting their findings to help determine the outcome of a case. Whether working in a public or (10) sector, an investigator's role demands careful attention to detail and ethical conduct at all times.

### **Ex. 10 Think and answer the question.**

Maria is hired by a company to investigate claims of employee misconduct. During her investigation, she gathers evidence, conducts interviews, and writes a detailed report. How does Maria's work as a corporate investigator differ from that of a law enforcement investigator?

## **6. Types of Evidence**



## **Ex. 1 Read and translate the following text**

Criminal and civil cases both depend on one decisive factor: evidence. Whether you're working with the plaintiff or the defense, you can't build a case without tangible proof to back up your arguments. That proof can take many different forms. From forensic information to eyewitness testimony, legal professionals often rely on a plethora of proofs to corroborate their claims.

### **1. Direct Evidence**

Direct evidence directly demonstrates a fact that a lawyer is trying to prove in a criminal or civil case. Video footage, eyewitness testimony, and audio recordings are some of the most common forms.

This type of evidence carries much greater weight in a courtroom, as it leaves less room for doubt than circumstantial evidence. However, direct evidence is not irrefutable. Eyewitnesses can be cross-examined, for instance, and even video or audio can be faked.

### **2. Circumstantial Evidence**

Any indirect forms of legal evidence fall under the broader category of circumstantial evidence. Fingerprints at a crime scene or financial records indicating fraud — these types of evidence suggest a connection between the accused and the crime. In civil cases, attorneys might draw on email exchanges or company documentation to demonstrate neglect.

Any of the following types of evidence we'll discuss fall into one of these first two categories, depending on the specific details of the case and the nature of the evidence itself. They can also be further categorized as individual evidence (implicating a specific person) or class evidence (implicating a class of people to help narrow down potential suspects).

### **3. Physical Evidence**

This is the tangible or real evidence from the crime scene. It could include anything from a weapon to a tire mark on the road. Damaged property could serve as evidence of neglect in a civil case against a construction company, or a clothing item left behind may implicate a murder suspect.

### **4. Exculpatory Evidence**

This is any type of evidence that reduces a defendant's culpability or clears them of guilt entirely. For example, DNA evidence might prove that someone else was responsible for a crime. While more common in criminal cases, exculpatory evidence can also appear in civil cases, such as medical records proving a plaintiff's injury existed before an accident.

Under the Brady Rule, prosecutors are legally required to disclose exculpatory evidence to the defense.

### **5. Prima Facie Evidence**

Prima facie – or “on the first impression” – describes any evidence sufficient to prove a fact or establish a case unless rebutted by contrary evidence. It's often used to establish an initial burden of

proof, particularly in civil cases. For instance, a signed contract may be enough to verify that an agreement existed in a breach of contract case.

## 6. Testimonial Evidence

Testimonies are statements made under oath – either in court or via out-of-court depositions – by witnesses, experts, or involved parties. This type of evidence is widely used in criminal and civil cases and may involve eyewitness descriptions, expert accounts, or any statement intended to clarify aspects of the case.

Depositions are especially common during the discovery phase in civil cases, when legal teams may compile hours of testimony that must be transcribed and summarized to help in case preparation and investigation. This is where fast and accurate legal transcription tools like Rev can be invaluable for speeding up the process without sacrificing precision.

It can include:

- ***Eyewitness accounts:*** Firsthand observations of the crime by witnesses.
- ***Expert witness testimony:*** Statements from professionals with specialized knowledge relevant to the case (e.g., forensic scientists, medical examiners, ballistics experts).
- ***Character witnesses:*** Individuals who testify about the defendant's reputation or behavior.

Testimonial evidence can be crucial in establishing the elements of a crime. However, witness accounts can be fallible, and the credibility of a witness is often a central point of contention in court.

## 7. Expert Witness Evidence

As a subset of testimonial evidence, expert witness accounts help to verify or corroborate specific aspects of a criminal or civil case. For instance, a forensic expert might address questions about DNA analysis, or a financial expert may explain the causes of certain economic losses in a civil lawsuit.

## 8. Demonstrative Evidence

Demonstrative evidence is designed to explain the facts and details of a case rather than prove them directly. For instance, lawyers may use photos, charts, models, animations, or reenactments to illustrate how an event may have played out or how other types of evidence may be connected to the accused.

## 9. Forensic Evidence

Forensic evidence often plays a vital role in criminal trials. It's also known as scientific evidence, as it relies on scientific methods to analyze physical evidence from a crime scene. Fingerprints, DNA analysis, toxicology reports, and even ballistics are all common types of forensic evidence, which may prove highly convincing in certain types of arguments thanks to their reliance on objective methods and data.

## 10. Hearsay Evidence

Out-of-court statements to parties involved in a trial are considered hearsay evidence and are generally not admissible in court. However, courts do allow some exceptions, such as when a witness makes a statement while believing their death is imminent.

## 11. Corroborating Evidence

Corroborating evidence is any type of evidence used to bolster existing claims or add validity to other evidence. For example, a text message confirming a verbal agreement may corroborate a party's account in a contract dispute, or surveillance footage might confirm an eyewitness's description of a suspect in a robbery case.

## 12. Admissible Evidence

Ultimately, the judge in a particular case decides whether specific evidence can be admitted in court. To ensure a fair trial, admissible evidence must meet the legal standards of relevance, reliability, and authenticity. Here's what those terms mean when it comes to admissible evidence:

Relevant: The evidence clearly relates to the case and helps prove or disprove related claims.

Reliable: Witness testimony must be trustworthy and accurate, from a proven, authoritative source. Any material evidence must be collected, handled, and preserved with proper methods to avoid tampering or corruption.

Authentic: The party presenting the evidence must be able to provide sufficient proof that the evidence is what they claim it to be. For instance, an expert may be required to verify a signature or voice that the prosecution claims belongs to the defendant.

### **13. Inadmissible Evidence**

Any evidence that doesn't meet the standards of relevance, reliability, and authenticity is considered inadmissible. Judges may dismiss evidence for many reasons, including unfair prejudice, illegal means of producing the information, or violating attorney-client privilege.

### **14. Digital Evidence**

Increasingly common nowadays, digital evidence is any electronic data collected and analyzed to support legal proceedings. Emails, text messages, computer files, and even social media posts or GPS data from a defendant's smartphone can be admissible when relevant to the case. However, ensuring data authenticity and integrity is vital before it can be admitted in court.

### **15. Character Evidence**

Character evidence speaks not directly to the specifics of a case but to a defendant's broader tendencies and traits. Examples of past violent behavior might establish a pattern of aggression, for instance. This type of evidence is typically prohibited in court but may be allowed in some cases.

### **16. Habit Evidence**

Unlike character evidence, which speaks more broadly to a person's behavior or tendencies, habit evidence demonstrates a person's regular response to a specific situation. In general, it demonstrates how a person would respond in similar circumstances. An attorney could also use a person's routine habits or schedule to demonstrate that they couldn't have been at the crime scene at a specific time.

### **17. Documentary Evidence**

Documentary evidence includes any written materials, such as emails, invoices, or medical records. Photos, videos, and audio recordings also fall under this category.

Transcripts are an especially common form of documentary evidence in criminal and civil cases, whether of depositions or in-court proceedings. While creating these verbatim records was once highly time-consuming, AI-powered technology like Rev can now produce highly accurate, certifiable transcripts in a fraction of the time.

This category includes:

- **Official records:** Police reports, arrest warrants, booking logs, medical records, phone records.
- **Business documents:** Receipts, invoices, financial statements, contracts.
- **Correspondence:** Letters, emails, text messages.
- **Government documents:** Permits, licenses, registrations.

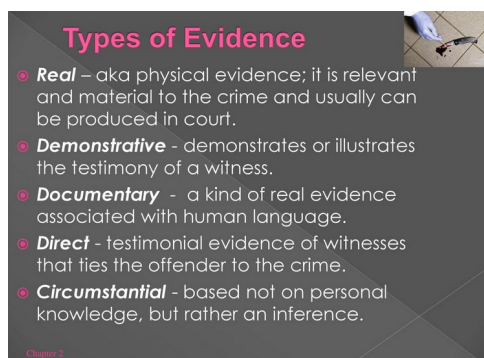
Documentary evidence provides a paper trail that can corroborate witness testimony or establish a timeline of events. For instance, a financial record showing a large cash deposit around the time of a robbery could be incriminating for the defendant.

### **18. Statistical Evidence**

Statistics are widely used to prove or challenge claims in court. Expert witnesses may use data to demonstrate patterns, probabilities, or correlations. For example, statistics may show a pattern of biased hiring practices in a civil case, while recidivism rates may indicate the likelihood that a convicted felon will re-offend.

## 19. Insufficient Evidence

Finally, we have insufficient evidence, which is not so much a type of evidence, but rather a classification used when there isn't enough of it. Our legal system rests on the principle of "innocent until proven guilty," so the prosecution bears the burden of proof in any civil or criminal case. If they provide insufficient evidence to demonstrate guilt beyond a reasonable doubt, the case will be dismissed, or the defendant will be acquitted.



### Real Evidence: Tangible Ties to the Crime

Real evidence, also known as physical evidence, consists of tangible objects directly connected to the crime scene or the defendant. This category encompasses a wide range of items, including but not limited to:

- **Forensic evidence:** DNA samples, fingerprints, blood spatter, trace evidence (hair, fibers), ballistics evidence (bullets, casings).
- **Weapons:** Guns, knives, blunt objects, or anything used in the commission of the crime as a weapon.
- **Stolen property:** Jewelry, electronics, money.
- **Clothing:** Clothes worn by the victim or defendant during the crime.

Real evidence holds significant weight in court due to its tangible nature. A bloody weapon found at the scene with the defendant's fingerprints or DNA recovered from the victim can be powerful incriminating factors.

## 6.1 Levels Of Evidence

In a courtroom, the strength of a criminal or civil case is directly related to the reliability of the evidence on display. Outcomes hinge on whether attorneys can present strong enough proof to persuade a judge or jury to adopt their viewpoint.

While presenting more evidence may bolster your case, far more important is where it fits within the larger hierarchy of evidence. For instance, direct evidence, such as eyewitness testimony, holds more sway than hearsay or inferences drawn from circumstances. Likewise, strong forensic evidence, official records, surveillance footage, or the testimony of an expert will generally hold more value in court.

That said, secondary or lower levels of evidence can still prove valuable when used in conjunction with other forms. For instance, a prosecutor might present evidence to support motives in a criminal case, and then support it with phone records.

## 6.2 Rules On Evidence Admissibility

Evidence admissibility varies by the type and nature of the case. In general, there are stricter admissibility standards for the types of evidence used in criminal law, given the higher stakes involved. Civil cases may offer broader expectations for hearsay or character evidence, for example.

Admissibility also depends on the level of courts involved in the case. Federal courts must adhere to the Federal Rules of Evidence, while state and municipal courts may have their own standards. Likewise, international law applies its own set of admissibility guidelines.

In general, all cases agree on one core standard: Evidence must be relevant to the case at hand to be used in court.

### 6.3 Discover Evidence Faster

Advanced technology is only becoming more integral to the process of gathering and presenting evidence. GPS logs, metadata from phone apps, facial recognition technology – the opportunities are growing by the day. Blockchain technology, for instance, is now being used to create verifiable, immutable records of how digital evidence is stored and transferred from one party to the next. Each party can use a cryptographic key to access evidence without the ability to alter it, providing a rock-solid chain of custody.

Tech can even improve more traditional forms of evidence gathering. Body cams are now widely used to capture real-time video, and cloud technology facilitates fast and secure file sharing. Meanwhile, tools like Rev accelerate legal professionals' ability to transcribe and summarize depositions and other court hearing types to quickly find relevant evidence. These and other AI-powered applications will transform legal work, now and in the years to come.

### 6.4 Separate Legal Fact From Fiction

Sorting through various types of evidence is a vital yet often time-consuming component of legal work. Some forms of evidence gathering and verification just take time, no matter how efficient your processes. But many tasks – like transcribing depositions or quickly summarizing and reviewing them – don't have to eat up endless hours that could be better spent working on strategy.

With Rev, you can streamline some of the most tedious aspects of your evidence-gathering process to save your time and mental energy for the more critical tasks. Try out Rev's smart law firm solutions today, and separate fact from fiction more efficiently in your cases.

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#### *List of Vocabulary*

**prosecution** – обвинувачення  
**defense** – захист  
**evidence** – докази  
**judge** – суддя  
**jury** – присяжні  
**real evidence** – речові докази  
**demonstrative evidence** – демонстративні докази  
**documentary evidence** – документальні докази  
**testimonial evidence** – свідчі докази  
**tangible** – відчутний  
**crime scene** – місце злочину  
**defendant** – обвинувачений  
**forensic evidence** – судово-медичні докази  
**DNA samples** – зразки днк  
**fingerprints** – відбитки пальців  
**flood spatter** – сліди крові  
**trace evidence** – сліди (докази)  
**ballistics evidence** – балістичні докази  
**weapon** – зброя  
**stolen property** – вкрадене майно  
**clothing** – одяг  
**bloody** – закривавлений  
**fingerprints** – відбитки пальців  
**incriminating** – обвинувачувальний

**demonstrative** – наочний  
**crime scene photographs** – фотографії місця злочину  
**diagrams** – діаграми  
**maps** – карти  
**models** – моделі  
**reconstructions** – реконструкції  
**reenactments** – відтворення  
**timelines** – хронології  
**animations** – анімації  
**juror comprehension** – розуміння присяжних  
**visual representation** – візуальне зображення  
**admitted evidence** – визнані докази  
**introduced** – представлені  
**documentary** – документальний  
**official records** – офіційні записи  
**police reports** – поліцейські звіти  
**arrest warrants** – ордери на арешт  
**medical records** – медичні записи  
**phone records** – телефонні записи  
**business documents** – бізнес-документи  
**receipts** – квитанції  
**invoices** – рахунки  
**financial statements** – фінансові звіти  
**correspondence** – кореспонденція  
**letters** – листи  
**emails** – електронні листи  
**government documents** – урядові документи  
**permits** – дозволи  
**licenses** – ліцензії  
**registrations** – реєстрації  
**testimony** – свідчення  
**eyewitness accounts** – показання очевидців  
**expert witness** – експертний свідок  
**character witnesses** – свідки характеру  
**credibility** – достовірність  
**corroborating evidence** – підтверджуючі докази  
**hearsay evidence** – докази з чужих чуток  
**exculpatory evidence** – виправдувальні докази  
**circumstantial evidence** – непрямі докази  
**forensic evidence** – судово-медичні докази  
**corroborating evidence** – підтверджуючі докази  
**admissible evidence** – допустимі докази  
**relevant** – релевантний  
**authentic** – справжній, дійсний  
**inadmissible evidence** – неприпустимі докази  
**digital evidence** – цифрові докази  
**character evidence** – докази характеру

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Кримінальна справа; обвинувачення та захист; різні види доказів; суддя або присяжні; речові докази; демонстративні докази; документальні докази; свідчі докази; матеріальні об'єкти; місце злочину; обвинувачений; судово-медичні докази; зразки ДНК; відбитки пальців; сліди крові; балістичні докази; вогнепальна зброя; викрадене майно; одяг жертви; закривавлена зброя; демонстративне зображення; фотографії місця злочину; діаграми та карти; тривимірні моделі; відео з місця злочину; комп'ютерна анімація; розумілість для присяжних; візуальне зображення справи; поліцейські звіти; ордери на арешт; медичні записи; телефонні записи; бізнес-документи; листи та електронна пошта; державні документи; письмові свідчення; показання очевидців; експертні свідки; характерні свідки; достовірність свідків; демонструвати закономірності, ймовірності або кореляції; схема упередженої практики найму; рівень рецидивізму; недостатність доказів; невинний, поки не буде доведено його провину; виправданий; реальні докази; безпосередньо пов'язаний зі злочином; слідові докази; балістичні докази; зразки ДНК; відбитки пальців; зброя; скоєння злочину; тупі предмети; ніж; викрадене майно; достатньо вагомий доказ; фактори, які інкримінуються; зал судового засідання; надійність; переконати суддю; судово-медичні докази; прокурор; телефонні записи; допустимість доказів; характер справи; релевантний до справи, що розглядається; криптографічний ключ; додатки на базі штучного інтелекту; трудомістка складова юридичної роботи; свідчення очевидців; судове засідання; збір та перевірка доказів; неприпустимі докази; показання очевидців; непрямі докази; судово-медичні докази; докази з чужих чуток.

### **Ex. 3 Answer the questions on the text**

1. What is the decisive factor in both criminal and civil cases?
2. Why is evidence important for both plaintiffs and defendants?
3. What are the two main categories of evidence discussed in the text?
4. How is direct evidence different from circumstantial evidence?
5. What are some common examples of direct evidence?
6. What is physical evidence, and what are some examples of it?
7. What is exculpatory evidence, and why is it significant in criminal cases?
8. What does "prima facie evidence" mean, and where is it commonly used?
9. What are the three main types of testimonial evidence?
10. How does expert witness evidence differ from general testimonial evidence?
11. What is demonstrative evidence, and what purpose does it serve in court?
12. Why is forensic evidence considered highly reliable?
13. What is hearsay evidence, and when can it be admissible?
14. What is corroborating evidence, and how can it strengthen a case?
15. What is the difference between character evidence and habit evidence?
16. What are the three main criteria for evidence to be admissible in court?
17. What are some reasons evidence might be considered inadmissible?
18. What role does digital evidence play in modern legal proceedings?
19. How do the Federal Rules of Evidence affect admissibility in U.S. federal courts?
20. How has technology improved the process of gathering and presenting evidence?

### **Ex. 4 Multiple-choice questions**

1. What is the decisive factor in both criminal and civil cases?
  - a) The judge's opinion
  - b) The lawyer's arguments
  - c) Evidence
  - d) The number of witnesses
2. Why is evidence important in legal cases?
  - a) It guarantees a guilty verdict
  - b) It proves or disproves claims

- c) It replaces witness testimony
  - d) It determines the judge's salary
3. Which two main categories classify most types of evidence?
- a) Physical and digital
  - b) Direct and circumstantial
  - c) Documentary and forensic
  - d) Testimonial and demonstrative
4. What is the main characteristic of direct evidence?
- a) It proves a fact indirectly
  - b) It relies on statistical analysis
  - c) It directly demonstrates a fact
  - d) It always involves digital data
5. Which of the following is an example of circumstantial evidence?
- a) Eyewitness testimony
  - b) Video footage
  - c) Fingerprints at a crime scene
  - d) A signed confession
6. Which of the following is considered physical evidence?
- a) A victim's testimony
  - b) A weapon found at the crime scene
  - c) A financial contract
  - d) An expert's statement
7. What is exculpatory evidence used for?
- a) To prove the defendant's guilt
  - b) To eliminate witnesses
  - c) To reduce or clear a defendant's guilt
  - d) To influence the jury emotionally
8. What does "prima facie evidence" mean?
- a) Evidence collected through digital means
  - b) Evidence strong enough to prove a fact unless contradicted
  - c) Evidence based on expert testimony
  - d) Evidence gathered through hearsay
9. Which of the following is **not** a type of testimonial evidence?
- a) Eyewitness accounts
  - b) Expert witness testimony
  - c) Character witness statements
  - d) Forensic DNA analysis
10. What is the primary role of expert witness evidence?
- a) To replace forensic data
  - b) To explain complex information using specialized knowledge
  - c) To provide hearsay statements
  - d) To summarize court transcripts
11. Which statement best describes demonstrative evidence?
- a) It is a confession from the accused
  - b) It illustrates facts using photos, charts, or models

- c) It is based only on eyewitnesses
  - d) It replaces forensic reports
12. Why is forensic evidence often considered highly reliable?
- a) It is based on scientific analysis
  - b) It involves personal opinions
  - c) It focuses on character traits
  - d) It depends on eyewitness credibility
13. Which of the following statements about hearsay evidence is true?
- a) It is always admissible in court
  - b) It is generally inadmissible but has exceptions
  - c) It refers to physical objects from the crime scene
  - d) It is a type of forensic analysis
14. What is corroborating evidence used for?
- a) To create new claims
  - b) To replace testimonial evidence
  - c) To strengthen existing evidence
  - d) To prove character tendencies
15. What is the difference between character evidence and habit evidence?
- a) Character evidence is always admissible, habit evidence is not
  - b) Habit evidence shows regular behavior, character evidence shows general tendencies
  - c) Habit evidence relies on personality traits, character evidence relies on schedules
  - d) There is no difference
16. Which of the following is **not** a requirement for admissible evidence?
- a) Relevance
  - b) Reliability
  - c) Authenticity
  - d) Popularity
17. Which of these is a reason evidence might be considered inadmissible?
- a) It is digital
  - b) It was collected illegally
  - c) It comes from a reliable source
  - d) It supports a witness's claim
18. What is an example of digital evidence?
- a) A knife used in a crime
  - b) GPS location data from a smartphone
  - c) A witness statement
  - d) A signed contract
19. Who decides whether a specific piece of evidence can be admitted in court?
- a) The prosecutor
  - b) The defense attorney
  - c) The judge
  - d) The jury
20. How has technology improved the process of gathering and presenting evidence?
- a) By eliminating the need for physical evidence
  - b) By enabling secure storage, faster transcription, and better analysis

- c) By replacing legal experts
- d) By removing the need for witnesses

**Ex. 5 Fill in each sentence with the suitable word from the vocabulary list in the necessary form**

1. The prosecution presented strong \_\_\_\_\_ against the \_\_\_\_\_.
2. The defense attorney argued that the \_\_\_\_\_ should dismiss the charges.
3. The jury carefully examined the \_\_\_\_\_ evidence found at the crime scene.
4. \_\_\_\_\_ evidence, such as DNA samples and \_\_\_\_\_, was crucial in solving the case.
5. The police discovered a \_\_\_\_\_ weapon near the crime scene.
6. The \_\_\_\_\_, including jewelry and electronics, was recovered during the investigation.
7. \_\_\_\_\_ evidence helped the juror comprehension of the complex case.
8. The lawyer introduced crime scene \_\_\_\_\_ and diagrams to explain the events.
9. \_\_\_\_\_ evidence, like police reports and medical records, supported the prosecution's case.
10. The \_\_\_\_\_ evidence, such as fibers and hair, connected the \_\_\_\_\_ to the scene.
11. \_\_\_\_\_ evidence revealed that the weapon used in the crime matched the bullets found.
12. The defense argued that the \_\_\_\_\_ evidence given by character witnesses lacked credibility.
13. The prosecution introduced \_\_\_\_\_ records, including arrest warrants and phone records.
14. The expert witness provided an analysis of the blood \_\_\_\_\_ at the scene.
15. The \_\_\_\_\_ evidence included models and reconstructions of the crime.
16. Business documents, such as \_\_\_\_\_ and \_\_\_\_\_, were key to proving the fraud.
17. The emails between the defendant and his accomplice were used as \_\_\_\_\_ in court.
18. The defense questioned the credibility of the eyewitness \_\_\_\_\_ provided during testimony.
19. The jurors watched \_\_\_\_\_ and \_\_\_\_\_ of the events to understand the timeline.
20. The prosecution submitted \_\_\_\_\_ documents, including permits and licenses, as documentary evidence.

**Ex. 6 Complete the following sentences**

1. The prosecution presented strong evidence to support their case against the ....
2. The defense argued that the judge should consider alternative explanations for the ....
3. Documentary evidence, like police reports and medical records, was crucial in ....
4. The blood spatter pattern analysis served as strong ....
5. Investigators discovered trace evidence like fibers and hair that connected the suspect to the ....
6. The bloody knife, found with the suspect's fingerprints, was used as ....
7. The police introduced demonstrative evidence in the form of ....
8. Reenactments and animations helped enhance juror comprehension by providing a clear....
9. Official records such as phone records and receipts were used as....
10. The prosecution introduced business documents like invoices and financial statements to prove ....

**Ex. 7 Think and answer and the questions**

1. Why is evidence considered the decisive factor in both criminal and civil cases?
2. How does the type and quality of evidence affect the outcome of a trial?
3. Do you think some types of evidence should always carry more weight than others? Why or why not?
4. Should courts prioritize the quantity of evidence or the quality of evidence when making judgments?
5. How can legal professionals ensure the credibility and authenticity of the evidence they present?

6. Direct evidence is often seen as more reliable than circumstantial evidence. Do you agree with this assumption? Why or why not?
7. Can circumstantial evidence sometimes be stronger than direct evidence? Give examples.
8. Exculpatory evidence can completely change the course of a trial. Should there be stricter penalties for prosecutors who withhold it?
9. Do you think prima facie evidence creates unfair advantages in civil cases? Why or why not?
10. How reliable is testimonial evidence considering the fallibility of human memory?
11. Should juries place more trust in expert witness testimony than eyewitness accounts?
12. How can courts ensure the neutrality and objectivity of expert witnesses?
13. Do you think character witnesses are useful in modern trials, or do they create bias?
14. Should courts allow habit evidence to prove someone's innocence or guilt? Why or why not?
15. How should the legal system handle conflicting testimonies from multiple expert witnesses?
16. With the rise of digital evidence, how can courts verify the authenticity of emails, texts, and social media posts?
17. Should GPS data or smartphone tracking always be admissible in court, or does it violate privacy rights?
18. How might blockchain technology improve the chain of custody for digital evidence?
19. Do AI-powered transcription and summarization tools risk introducing bias or errors into legal proceedings?
20. As deepfakes become more sophisticated, how can courts distinguish between genuine video evidence and fabricated material?
21. Who should have the final authority on whether evidence is admissible: judges, juries, or independent experts?
22. Should hearsay evidence be allowed in more situations if it significantly impacts the truth of a case?
23. Is it fair that evidence obtained illegally is often ruled inadmissible, even if it proves guilt?
24. How should courts balance the need for relevant evidence with the risk of unfair prejudice?
25. Should federal and state courts adopt a unified set of admissibility rules to ensure consistency?
26. How does withholding evidence impact the fairness of a trial, and what penalties should apply?
27. Should defense attorneys be obligated to disclose potentially incriminating evidence against their own clients?
28. Is it ethical to use character evidence to imply guilt when the crime itself is unrelated to past behavior?
29. How can courts prevent the manipulation of statistical evidence to mislead juries?
30. Should emerging technologies, such as facial recognition, be allowed in court despite concerns about accuracy and bias?

### **Ex. 8 Debate-style discussion prompts**

1. "Direct evidence is always more reliable than circumstantial evidence." **Agree or disagree?**
2. "Eyewitness testimony should be considered the strongest form of evidence in court." **Support or oppose?**
3. "Digital evidence, such as emails and GPS data, is more trustworthy than traditional physical evidence." **True or false?**
4. "Character evidence should be admissible to establish a defendant's likely behavior." **Should it be allowed or banned?**
5. "Expert witness testimony should outweigh eyewitness accounts when the two conflict." **Yes or no?**
6. "Evidence obtained illegally should still be admissible if it proves guilt." **Should justice outweigh procedure? Justify your answer.**
7. "Hearsay evidence should be allowed in more situations to ensure the truth is revealed." **Agree or disagree? Justify your answer.**
8. "Judges should have complete control over deciding whether evidence is admissible." **Fair or risky? Justify your answer.**

9. “The Federal Rules of Evidence should apply uniformly to both state and federal courts.” **Necessary or unnecessary?**
10. “Prima facie evidence gives an unfair advantage to one side in civil cases.” **True or false?**
11. “Facial recognition and AI-based tools should be widely used to gather and verify evidence.” **Useful innovation or dangerous risk? Justify your answer.**
12. “Deepfake technology makes video evidence unreliable and should limit its use in court.” **Agree or disagree?**
13. “AI-powered transcription and summarization tools should replace human transcribers in legal processes.” **Support or oppose? Justify your answer.**
14. “Digital privacy concerns should override the admissibility of personal data as evidence.” **Should privacy come first?**

**Ex. 9 Realistic case-study scenarios. Analyze mock evidence, decide admissibility, and argue your positions.**

**Case Brief** – short description of the situation

**Mock Evidence** – types of evidence presented

**Task for Participants** – analyze, decide admissibility, and defend a position

### **Case Study 1 – The Stolen Smartphone**

**Case Brief:**

A defendant is accused of stealing a smartphone from an electronics store.

**Mock Evidence:**

1. CCTV footage showing a person in a hoodie leaving the store
2. Eyewitness testimony from a store clerk who claims they recognized the defendant
3. A receipt from a nearby store showing the defendant’s purchase at the time

**Task:**

1. Should the CCTV footage be admissible if the video quality is poor?
2. How reliable is the eyewitness testimony compared to circumstantial evidence?
3. Decide whether there is enough evidence to proceed to trial.

### **Case Study 2 – The Contract Dispute**

**Case Brief:**

A company sues a former employee for violating a non-compete clause.

**Mock Evidence:**

1. Signed employment contract
2. Emails between the employee and a competitor
3. Testimony from a coworker who overheard conversations about the job switch

**Task:**

1. Is the signed contract **prima facie evidence** of a violation?
2. Should the coworker’s testimony be admissible if it’s partially hearsay?
3. Argue for either the plaintiff or the defendant.

### **Case Study 3 – The Murder Alibi**

**Case Brief:**

A defendant is accused of murder but claims to have been at home.

**Mock Evidence:**

1. DNA found at the crime scene matching the defendant
2. GPS data showing the defendant's phone near the crime location
3. Testimony from the defendant's friend claiming they were together all night

**Task:**

1. Should GPS data automatically be considered admissible?
2. How much weight should be given to exculpatory testimony from a close friend?
3. Decide whether the defense or prosecution has a stronger case.

### **Case Study 4 – The Defective Product**

**Case Brief:**

A consumer sues a manufacturer after being injured by a faulty blender.

**Mock Evidence:**

1. Photos showing burn injuries
2. A user manual warning about overheating risks
3. Statistical evidence showing that 2% of the blenders are defective

**Task:**

1. Should statistical evidence about defects be admissible to prove negligence?
2. Can the company use the manual as a defense to limit liability?
3. Debate whether the manufacturer is responsible.

### **Case Study 5 – The Insider Trading Allegation**

**Case Brief:**

A corporate executive is accused of insider trading after making unusually large stock purchases.

**Mock Evidence:**

1. Financial statements showing stock trades
2. Emails between the executive and an analyst
3. An anonymous whistleblower's testimony

**Task:**

1. Should anonymous testimony be considered admissible?
2. Are the emails direct evidence or circumstantial?
3. Decide whether there is enough admissible evidence to prosecute.

### **Case Study 6 – The Digital Harassment Case**

**Case Brief:**

A social media influencer accuses a rival of online harassment.

**Mock Evidence:**

1. Screenshots of threatening direct messages
2. Metadata proving the messages came from the defendant's IP address
3. Testimony from a cybersecurity expert verifying the authenticity

**Task:**

1. How should the court verify the authenticity of screenshots?
2. Should metadata be considered sufficient to prove authorship?
3. Decide whether the digital evidence is admissible.

### **Case Study 7 – The Car Accident**

**Case Brief:**

Two drivers are in dispute over who caused a multi-car accident.

**Mock Evidence:**

1. Dashcam footage from one vehicle
2. A toxicology report showing alcohol in one driver's system
3. Testimony from a traffic reconstruction expert

**Task:**

1. Should the dashcam video be admissible if it was edited for clarity?
2. Does the toxicology report qualify as forensic evidence?
3. Argue for which driver should be held liable.

### **Case Study 8 – The Burglary and DNA Mix-Up**

**Case Brief:**

A burglary suspect claims police mishandled the DNA evidence linking them to the crime.

**Mock Evidence:**

1. DNA sample collected from the crime scene
2. Chain-of-custody report showing one missing signature
3. Testimony from a forensic expert stating contamination is possible

**Task:**

1. Should the DNA evidence be admissible despite a possible chain-of-custody issue?
2. How much weight should the jury give to the forensic expert's warning?
3. Decide whether the defense has grounds to challenge admissibility.

## Case Study 9 – The Medical Malpractice Claim

### **Case Brief:**

A patient sues a hospital after a failed surgery.

### **Mock Evidence:**

1. Medical records showing previous conditions
2. Testimony from two conflicting medical experts
3. Photos of the injury taken months after the surgery

### **Task:**

1. Should the older medical records be admissible to limit liability?
2. How should juries evaluate conflicting expert testimonies?
3. Decide whether the plaintiff or the hospital has a stronger case.

## Case Study 10 – The Workplace Discrimination Suit

### **Case Brief:**

An employee claims they were denied promotion due to racial discrimination.

### **Mock Evidence:**

1. Company performance reviews showing consistent high ratings
2. Emails between managers discussing promotion decisions
3. Statistical evidence showing low promotion rates among minority employees

### **Task:**

1. Should statistical evidence be admissible to prove discrimination?
2. Do the emails count as direct or circumstantial evidence?
3. Argue for either the employee or the company.

## **Unit 2**

### **Civil law**



## Ex. 1 Read and translate the following text

### 1. Civil law. Principles and Functions of Civil law

**Civil law** (Latin: *ius civile*) is a branch of law that covers the rules of law governing property and personal non-property legal public relations between equal subjects of law – individuals and legal entities, territorial communities, states and other subjects of public law. The **subject** of civil law is property and personal non-property relations, the so-called "civil relations", based on legal equality, free expression of will, and property independence of their participants.

Civil law, as it regards a type of law, is a branch of law that regulates the non-criminal rights, duties of persons (natural persons and legal persons) and equal legal relations between private individuals, as opposed to criminal law or administrative law. Common areas of civil law include: family law, contracts, torts, and trusts.

Civil law, as a legal system, refers to a popular way of structuring legal systems around broad codes and detailed statutes that determines the rights and obligations of individuals, without any emphasis on the role of precedent, courts, judges, and juries as in common law countries. Civil law countries typically are characterized by their emphasis on the codified law only with judges playing the main role of finding the facts and applying the law in courts. The civil law system has its roots in the rediscovery of Roman Law in the Middle Ages, with influences from many other legal systems. Today, civil law continues to be the most common legal system in the world.

The new Civil Code of Ukraine adopted in 2003 radically changed the entire system of Ukrainian civil legislation.

***Principles of modern civil law*** (Article 3 of the Civil Code):

- Inadmissibility of arbitrary interference in a person's private life
- Inadmissibility of deprivation of property rights, except for cases stipulated by law and the Constitution of Ukraine
- Freedom of contract
- Freedom of entrepreneurship not prohibited by law
- Judicial protection of rights and interests
- Fairness, good faith and reasonableness

***Functions of civil law:***

- Regulatory
- Protective
- Preventive and educational
- Stimulating

### 2. Civil Law System

**The civil law system** is a systematized set of its structural elements, placed in a certain sequence and hierarchy.

The main elements of the civil law system include norms and institutions, optional – sub-institutions and sub-branches.

***A civil law norm*** is a standardized, socially significant, state-established and state-sanctioned logical model of behavior of participants in economic turnover, containing specific rights and obligations, aimed at ensuring its positive development”.

***Civil provisions*** are specific rules of behavior. The peculiarity of such rule of behavior is that the vast majority of civil norms has permissive nature, i.e. gives persons a choice of options of behavior. This significantly affects the structure of a civil norm, as such its element as a sanction is either absent or is more universal than other branches of law;

**Civil institutions**, i.e. a group of legal norms regulating a certain group of interconnected social relations. Thus, property rights institution, institution of delictual liability, etc. should be considered civil institutions;

**A sub-institution** is a component of a civil law institution, which is a group of civil law norms regulating homogeneous relations within a certain institution.

A set of legal institutions regulating homogeneous relations is a sub-branch of civil law.

**Civil sub-branch**, which is a set of institutions governing the homogeneous social relations, such as sub-branch of property law, contract law, etc.

There are two main systems for constructing private civil law – **pandectic** and **institutional**.

**Institutional system** of organization (structure of civil law) includes the following institutions: persons, things, and means of buying things.

**Pandect system** consists of the following parts: general provisions, property law, contractual law, family law, inheritance law.

Its advantages: singling out of general part, which allows avoiding repetitions when characterizing certain institutions, a clear division into sections (sub-branches), etc. And with it, unlike the institutional system, civil status of a person supposedly passes into the background here, which does not meet modern trends of development of civil law.

However, it should be taken into consideration that neither one nor another system exists in its pure form.

The civil law of Ukraine is built on a pandectic system and is divided into the following two parts:

- General
- Special

**The general part of civil law** contains the rules and institutions applied in regulating all civil legal relations, i.e., they are significant for the entire branch of civil law. This part includes the whole range of civil relations rules on civil legislation, the grounds for the emergence of civil rights and obligations, as well as their implementation and execution, on the protection of civil rights and interests, in relation to subjects of civil legal relations, objects of civil rights, transactions, representation, terms and limitation periods.

**The special part of civil law** covers the rules and institutions regulating individual property and personal non-property civil legal relations, namely the rules regarding personal non-property rights of an individual, property rights and other property rights, intellectual property rights, the law of obligations and the law of inheritance.

**Civil law covers:**

1. General provisions.
2. Legal status of a person.
3. Property rights (Rights to things).
4. Intellectual property rights.
5. Agreements (contractual obligations).
6. Non-contractual obligations.
7. Inheritance law.
8. Family Law. (In Ukraine, it is traditionally treated as a separate branch, but in fact it belongs to the sphere of civil law).

Speaking about the structure of civil law, it should be noted that differentiation of it into general and special parts is arguable.

This differentiation is impractical, because there is no universal “general part” in civil law. However, the “general part” consists as if of two levels: there are provisions common to the whole civil law and there is a general part of obligatory law. Moreover, the third level – general part of contractual law, general part of non-contractual obligations, general issues of inheritance law, etc – is possible. Therefore, it is always impossible to separate the “general part” as such.

In this regard, it is advisable to speak not about General and Special part, but about some sections of civil law. And first section of civil law covers its general provisions. The following sections are generally adequate to relevant sub-branches of civil law, moreover, each of them has its own “general” and “special” parts.

### **3. Separation of civil law from other branches of law**

**Civil and administrative law.** Imperative method is used in administrative law.

**Civil and labor law.** Labor force is not recognized as an article of commerce, therefore labor law is separated into an independent branch.

**Civil and ecological law.** Land and other natural resources are in circulation of late years; therefore relations concerning them are a subject of civil law.

**Civil and financial law.** Money is not a measure of cost and performs an accumulation function within the framework of financial relations (Article 1 (2) of the Civil Code of Ukraine).

**Civil and family law.** Property relations between family members have personal nature, therefore it is a separate branch.

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### *List of Vocabulary*

**civil law** (Latin: *ius civile*) – цивільне право

**property** – власність

**equal subjects** (Latin: *aequalis subjecto*) **of law** – рівноправні суб'єкти права

**entity** – установа

**community** – громада

**will** – волевиявлення

**as it regards** – що стосується

**non-criminal rights** – некримінальні права

**natural persons and legal persons** – фізичні та юридичні особи

**as opposed to** – на відміну від

**tort** – делікт

**trust** – траст (у загальному праві – система відносин, при якій майно, що спочатку належить засновнику трасту (довіритель), передається в розпорядження довірчого власника (довірчого керуючого або піклувальника), але дохід з нього отримують бенефіціари (вигодонабувачі)).

**inadmissibility** – неприпустимість, неприйнятність

**arbitrary interference** – довільне втручання

**deprivation** – позбавлення

**stipulated by law** – передбачені законом

**entrepreneurship** – підприємництво

**prohibited** (Latin: *prohibita*) – заборонений

**fairness** – справедливість

**good faith** – добросовісність

**reasonableness** – розумність

**optional** – факультативний  
**economic turnover** – господарський оборот  
**aimed at** – спрямований на, який має за ціль  
**ensure** – забезпечувати  
**interconnected** – взаємопов'язаний  
**homogeneous** (Latin: *homogenea*) – однорідний  
**private civil law** – приватне цивільне право  
**pandectic system** – пандектна система (передбачає виділення загальної частини цивільного права і відокремлення речового права від зобов'язального)  
**implementation** – здійснення  
**execution** – виконання  
**subjects of civil legal relations** – суб'єкти цивільних правовідносин  
**objects of civil rights** – об'єкти цивільних прав  
**representation** – представництво  
**terms and limitation periods** – строки позовної давності  
**namely** – а саме  
**the law of obligations** (Latin: *obligationes* – зобов'язання) – зобов'язальне право  
**the law of inheritance** (Latin: *hereditas* – спадщина) – право спадкування  
**general provisions** – загальні положення  
**contractual obligations** – договірні зобов'язання  
**non-contractual obligations** – позадоговірні зобов'язання  
**inheritance** – спадщина, успадкування  
**(to be) arguable** – спірний  
**provision** – положення  
**in this regard** – щодо цього  
**it is advisable to speak** – доцільно говорити  
**relevant** – відповідний  
**labor force** – робоча сила  
**as an article of commerce** – як предмет торгівлі  
**in circulation** – в обороті  
**accumulation** – накопичення

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Рівноправні суб'єкти права; фізичні та юридичні особи; загальні кодекси; визначати права та обов'язки; країни загального права; позадоговірні зобов'язання; термін давності; однорідні відносини; цивільні положення; дозвільний характер; відходити на другий план; інституційна система; цивільні правовідносини; господарський оборот; впровадження та виконання; встановлений державою; санкціонована державою; відповідати сучасним тенденціям; застосування закону в судах; цивільні права та обов'язки; цивільні права та інтереси; об'єкти цивільних прав; умови та строки позовної давності; а саме; особисті немайнові права фізичної особи; права власності; права інтелектуальної власності; зобов'язальне та спадкове право; договірні зобов'язання; підгалузі цивільного права; стаття торгівлі; трудове право; функція накопичення; Цивільний кодекс України; суб'єкти цивільних правовідносин.

### Ex. 3 Answer the questions on the text:

1. What is the primary focus of civil law as a branch of law, and how does it differ from criminal or administrative law?
2. What are the key areas covered under civil law as a type of law?
3. How does the civil law system differ from the common law system in terms of the role of precedent and judges?

4. What historical influences contributed to the development of the civil law system?
5. What significant change occurred in Ukrainian civil legislation in 2003?
6. List the six principles of modern civil law as outlined in Article 3 of the Civil Code of Ukraine.
7. What are the four main functions of civil law?
8. Define a civil law norm and explain its permissive nature compared to other branches of law.
9. What is the difference between a civil law institution and a sub-institution?
10. How does a civil sub-branch differ from a civil law institution?
11. Compare the pandectic and institutional systems of organizing civil law, including their advantages and disadvantages.
12. How is the civil law of Ukraine structured, and what are its two main parts?
13. What types of rules and institutions are included in the general part of Ukrainian civil law?
14. What specific areas of civil legal relations are covered in the special part of Ukrainian civil law?
15. Why is the differentiation of civil law into general and special parts considered impractical, and what alternative approach is suggested?

**Ex. 4 Fill in each sentence with the suitable word from the vocabulary list in the necessary form**

1. \_\_\_\_\_ regulates the relationships between equal subjects of law, such as individuals and legal entities, ensuring their rights are protected.
2. The concept of \_\_\_\_\_ is central to civil law, as it governs ownership and transactions involving assets.
3. An \_\_\_\_\_, such as a corporation, can participate in civil law agreements as a legally recognized participant.
4. A local \_\_\_\_\_ may have rights under civil law to manage shared resources or property.
5. The principle of \_\_\_\_\_ allows individuals to enter contracts based on their own choices in civil law.
6. As it regards personal rights, civil law protects \_\_\_\_\_ rights like privacy and reputation.
7. \_\_\_\_\_ and \_\_\_\_\_ are treated equally under civil law, as opposed to administrative or criminal law frameworks.
8. A \_\_\_\_\_ is a civil wrong that causes harm, and civil law provides remedies for such actions.
9. A \_\_\_\_\_ in civil law allows a trustee to manage assets for the benefit of designated beneficiaries.
10. The \_\_\_\_\_ in private life is a core principle of modern civil law.
11. \_\_\_\_\_ of property rights is only permissible if stipulated by law and the constitution.
12. \_\_\_\_\_, unless prohibited, is encouraged under civil law to foster economic growth.
13. \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ are guiding principles in resolving disputes within civil law.
14. The \_\_\_\_\_ system organizes private civil law by separating general provisions from specific areas like the \_\_\_\_\_.
15. Inheritance under civil law ensures the orderly transfer of property through the \_\_\_\_\_.

**Ex. 5 Multiple-choice questions**

1. What does civil law primarily regulate?
  - a) Criminal offenses and penalties
  - b) Property and personal non-property relations between equal subjects
  - c) Administrative sanctions
  - d) International treaties
  
2. Which of the following is NOT considered a subject of civil law?

- a) Individuals
  - b) Legal entities
  - c) States
  - d) Military tribunals
3. Civil law differs from criminal law because it:
- a) Focuses on punishing offenders
  - b) Establishes tax regulations
  - c) Regulates non-criminal rights and obligations
  - d) Handles immigration disputes
4. Which area is generally NOT included in civil law?
- a) Contracts
  - b) Torts
  - c) Trusts
  - d) Criminal prosecution
5. In civil law, legal relations are based on:
- a) Hierarchical subordination
  - b) Legal equality and free expression of will
  - c) State dominance over citizens
  - d) Collective responsibility
6. Civil law systems emphasize:
- a) Judicial precedents
  - b) Codified statutes and legal codes
  - c) Jury decision-making
  - d) Oral customary law
7. Judges in civil law countries mainly:
- a) Find facts and apply codified law
  - b) Create binding precedents
  - c) Decide cases based on equity only
  - d) Perform legislative functions
8. The civil law system historically originated from:
- a) Common law principles
  - b) Roman Law rediscovered in the Middle Ages
  - c) Islamic legal traditions
  - d) Anglo-Saxon customary laws
9. Today, civil law is:
- a) Rare and applied only in Europe
  - b) The most widespread legal system in the world
  - c) Limited to family disputes
  - d) Mainly used in criminal courts
10. The new Civil Code of Ukraine was adopted in:
- a) 1991
  - b) 1998
  - c) 2003
  - d) 2010
11. Which principle guarantees freedom in economic agreements?

- a) Judicial protection
  - b) Fairness and good faith
  - c) Freedom of contract
  - d) Inadmissibility of arbitrary interference
12. Which of the following is NOT listed as a principle of modern civil law?
- a) Inadmissibility of property deprivation
  - b) Freedom of entrepreneurship
  - c) Fairness and good faith
  - d) Presumption of guilt
13. Which is NOT one of the functions of civil law?
- a) Regulatory
  - b) Punitive
  - c) Protective
  - d) Preventive and educational
14. The principle of judicial protection of rights ensures:
- a) That courts can make new laws
  - b) That individuals can defend their rights in court
  - c) That judges are independent of the Constitution
  - d) That administrative bodies handle all disputes
15. A civil law norm is defined as:
- a) A recommendation with no legal effect
  - b) A temporary local custom
  - c) A standardized, state-sanctioned model of behavior
  - d) A set of judicial precedents
16. Civil norms are mostly:
- a) Prohibitive
  - b) Permissive, giving participants a choice of behavior
  - c) Punitive in nature
  - d) Coercive by default
17. Civil institutions regulate:
- a) Political parties and elections
  - b) Groups of interconnected social relations
  - c) Criminal investigations
  - d) International trade agreements
18. A sub-institution in civil law is:
- a) A separate branch of law
  - b) A smaller group of norms within an institution
  - c) A judicial office
  - d) A legislative committee
19. A sub-branch of civil law refers to:
- a) Minor constitutional provisions
  - b) A set of institutions regulating homogeneous relations
  - c) Emergency legal measures
  - d) Administrative penalties
20. Which civil law system organizes law into persons, things, and buying things?

- a) Pandectic
- b) Institutional
- c) Common
- d) Anglo-Saxon

21. The pandectic system includes all EXCEPT:

- a) General provisions
- b) Family law
- c) Inheritance law
- d) Criminal law

22. One main advantage of the pandectic system is:

- a) No separation between general and special rules
- b) Avoidance of repetition through a general part
- c) Judges creating laws
- d) Giving civil status priority over property rights

23. Which system does Ukraine's civil law follow?

- a) Institutional only
- b) Pandectic
- c) Mixed Anglo-American
- d) Customary tribal law

24. The civil law of Ukraine is divided into:

- a) Public and private law
- b) General and special parts
- c) Mandatory and voluntary law
- d) Administrative and criminal parts

25. The general part of Ukrainian civil law regulates:

- a) Only inheritance
- b) All types of civil legal relations
- c) Exclusive intellectual property rights
- d) Family relations only

26. The special part of Ukrainian civil law focuses on:

- a) International arbitration
- b) Individual property and personal non-property relations
- c) Military and security regulations
- d) Taxation and finance

27. Which method does administrative law mainly use?

- a) Imperative
- b) Dispositive
- c) Negotiated
- d) Customary

28. Labor law is separated from civil law because:

- a) Labor contracts are forbidden
- b) Labor force is not treated as an article of commerce
- c) Labor disputes are administrative
- d) Civil courts lack jurisdiction

29. Ecological relations fall under civil law when they involve:

- a) Environmental crimes
- b) Ownership and circulation of land and natural resources
- c) Wildlife protection policies
- d) Government sanctions

30. Family law is traditionally treated separately in Ukraine, but it:

- a) Deals only with property division
- b) Actually belongs to the civil law sphere
- c) Is unrelated to civil rights
- d) Is governed exclusively by criminal codes

**Ex. 6 Think and discuss the following questions:**

1. How does civil law differ from criminal and administrative law in terms of **objectives, methods, and subjects** of regulation?

2. Why do you think civil law emphasizes **legal equality** and **free expression of will** among its participants? Can this principle cause challenges in practice?

3. Civil law covers both **property** and **personal non-property relations**. Which of these do you think is harder to regulate, and why?

4. In your opinion, why is civil law considered the **most widespread legal system** in the world? What makes it adaptable to different countries and cultures?

5. Among the principles of civil law (e.g., **freedom of contract, judicial protection, fairness**), which one do you think is the most important for a modern democratic society, and why?

6. The principle of **inadmissibility of arbitrary interference** in private life is central to civil law. How well is this principle protected in practice in different legal systems?

7. Civil law performs **regulatory, protective, preventive, and educational functions**. Which function do you think has the **strongest impact** on society, and why?

8. Civil law norms are described as mostly **permissive**, giving people a choice of behavior. What are the advantages and disadvantages of this permissive approach compared to stricter legal systems?

9. Ukraine's civil law is based on the **pandectic system**, which distinguishes between general and special parts. Do you think this division makes the law **clearer or more complicated** for legal practitioners?

10. The **institutional** and **pandectic** systems organize civil law differently. Which system do you think better reflects **modern legal needs**, and why?

11. The Ukrainian Civil Code of 2003 **radically changed civil legislation**. In your opinion, what might have been the main reasons behind such reforms?

12. The separation of **family law** from civil law in Ukraine is considered traditional, but in substance, it belongs to civil law. Should family law remain independent, or should it be fully integrated into civil law? Discuss your position.

13. Administrative law uses an **imperative method**, while civil law uses a **dispositive** one. Which method do you think ensures **better protection of individual rights**, and why?

14. Labor law treats human labor differently from other economic relations. Do you think this separation from civil law is still justified today, given the modern labor market?

15. Ecological relations involving **land and natural resources** can be regulated by civil law. Do you think environmental protection should remain under civil law, or should it be governed by a separate specialized branch?

**Ex. 7 Render the following text from Ukrainian into English.**

**Цивільне право**

Цивільне право (лат. *-ius civile-*) є однією з ключових галузей права, що регулює майнові та особисті немайнові відносини між рівноправними суб'єктами права – фізичними та юридичними особами, територіальними громадами, державами та іншими суб'єктами публічного права. Воно базується на принципах юридичної рівності, вільного волевиявлення та майнової незалежності учасників цих відносин. Цивільне право відіграє важливу роль у суспільстві, оскільки забезпечує стабільність економічного обороту, захист прав та інтересів осіб, а також сприяє розвитку приватних ініціатив.

### ***Предмет цивільного права***

Предметом цивільного права є майнові та особисті немайнові відносини, які називаються цивільними правовідносинами. Майнові відносини стосуються володіння, користування та розпорядження майном, тоді як особисті немайнові відносини охоплюють права на честь, гідність, ім'я, авторство тощо. Ці відносини характеризуються рівноправністю сторін, що відрізняє цивільне право від інших галузей, таких як кримінальне чи адміністративне право, де відносини будуються на принципах субординації.

Основними сферами цивільного права є сімейне право, договірне право, деліктне право (відповідальність за заподіяння шкоди) та право спадкування. Наприклад, у сімейному праві регулюються відносини між подружжям, батьками та дітьми, а в договірному праві – умови укладення, виконання та припинення договорів.

### ***Цивільне право як правова система***

Цивільне право як правова система є характерною для країн континентальної Європи, де основним джерелом права є кодифіковані нормативні акти – кодекси та статuti. На відміну від країн загального права (*common law*), де значну роль відіграють судові прецеденти, у цивільному праві судді переважно застосовують норми, закріплені в законодавстві. Ця система бере свій початок із римського права, яке було відроджено в Середньовіччі, і зазнало впливу різних правових традицій. Сьогодні цивільне право є найпоширенішою правовою системою у світі, застосовуючись у більшості країн Європи, Латинської Америки, Азії та Африки.

### ***Цивільне законодавство України***

В Україні цивільне право базується на Цивільному кодексі України, прийнятому у 2003 році. Цей кодекс кардинально змінив систему цивільного законодавства, запровадивши сучасні принципи та підходи до регулювання правовідносин. Згідно зі статтею 3 Цивільного кодексу, основними принципами цивільного права є:

- Неприпустимість довільного втручання у приватне життя особи.
- Неприпустимість позбавлення права власності, крім випадків, передбачених законом та Конституцією України.
- Свобода договору.
- Свобода підприємницької діяльності, не забороненої законом.
- Судовий захист прав та інтересів.
- Справедливість, добросовісність та розумність.

Ці принципи забезпечують баланс між інтересами особи та суспільства, сприяючи стабільності правовідносин.

### ***Функції цивільного права***

Цивільне право виконує кілька ключових функцій:

1. Регулятивна – встановлення норм і правил поведінки учасників цивільних правовідносин.
2. Охоронна – захист прав та інтересів осіб у разі їх порушення.

3. Попереджувально-виховна – запобігання правопорушенням шляхом встановлення чітких норм.
4. Стимулююча – сприяння розвитку економічного обороту та ініціативи громадян.

### ***Структура цивільного права***

Цивільне право України побудоване за пандектною системою, яка передбачає поділ на загальну та особливу частини. Загальна частина включає норми, що застосовуються до всіх цивільних правовідносин, зокрема положення про суб'єкти, об'єкти, угоди, представництво, строки та позовну давність. Особлива частина охоплює регулювання окремих видів правовідносин, таких як право власності, зобов'язальне право, спадкове право, інтелектуальна власність тощо.

Пандектна система має переваги, зокрема чіткий поділ на розділи та уникнення дублювання норм завдяки виділенню загальної частини. Проте вона має й недоліки, оскільки акцент на майнових відносинах може применшувати значення особистих немайнових прав.

### ***Елементи системи цивільного права***

Система цивільного права складається з норм, інститутів, субінститутів та підгалузей. Цивільна норма – це стандартизоване правило поведінки, яке має дозвільний характер, надаючи учасникам правовідносин вибір варіантів дій. Наприклад, особа може укласти договір або відмовитися від нього. Цивільні інститути – це сукупність норм, що регулюють певну групу однорідних відносин, наприклад, інститут права власності чи деліктної відповідальності. Підгалузі, такі як договірне право чи спадкове право, об'єднують кілька інститутів.

Цивільне право є основою для регулювання приватних відносин у суспільстві. Воно забезпечує захист прав та свобод особи, сприяє економічному розвитку та стабільності. Завдяки гнучкості та універсальності цивільне право адаптується до сучасних викликів, таких як цифрова економіка чи захист інтелектуальної власності. В Україні цивільне право продовжує розвиватися, враховуючи європейські стандарти та потреби суспільства, залишаючись важливим інструментом забезпечення справедливості та правопорядку.

**Ex. 8 Realistic civil case-study scenarios. Analyze evidence, decide guilty/not guilty, what sentence should be.**

### **Case Study 1. Breach of Contract**

#### **Case Brief:**

Company AlphaTrade LLC signed a supply contract with BetaFood Co. to deliver 10 tons of flour by May 15, 2025.

BetaFood prepaid 70% of the contract price. AlphaTrade failed to deliver the goods on time, claiming “unexpected transportation problems.” BetaFood demands either immediate delivery or compensation for losses.

#### **Evidence:**

1. Signed supply contract with delivery deadlines
2. Proof of payment (bank transfer)
3. Email from AlphaTrade about transportation delays
4. Invoice from a third-party supplier showing higher prices due to the delay

#### **Task:**

1. Decide whether AlphaTrade breached the contract.
2. Analyze whether BetaFood is entitled to **\*\*compensation\*\*** or **\*\*specific performance\*\*** (forced delivery).
3. Suggest a fair remedy: refund, damages, or continued fulfillment.

## **Case Study 2. Property Rights Dispute**

### **Case Brief:**

Two neighbors, Olena and Petro, claim ownership of a 120 m<sup>2</sup> piece of land between their properties in Odesa.

Olena says the land was included in her purchase agreement from 2008. Petro claims he inherited it from his father in 2015 and has been cultivating it since then.

### **Evidence:**

1. Olena's notarized purchase contract (2008)
2. Petro's inheritance certificate (2015)
3. Municipal cadastral map showing unclear borders
4. Witness statement from a local surveyor
5. Photos of Petro's planted garden

### **Task:**

1. Analyze who has a stronger legal claim based on property rights under civil law.
2. Determine whether Petro's cultivation constitutes valid possession or trespass.
3. Propose a court ruling: confirm ownership, divide land, or order a resurvey.

## **Case Study 3. Inheritance Conflict**

### **Case Brief:**

After the death of Mr. Ivanenko, his two children, Maria and Andriy, dispute the inheritance.

Ivanenko's will leave his house to Maria, but Andriy claims the will is invalid because it lacks a date and signature on one page.

The property is currently registered in Ivanenko's name.

### **Evidence:**

1. Copy of the handwritten will (missing a date)
2. Notary's statement confirming registration of the will
3. Testimony from two witnesses present when the will was signed
4. Property registration extract

### **Task:**

1. Decide whether the will is valid or invalid under civil law.
2. If the will is invalid, determine inheritance shares under Ukrainian succession rules.
3. Recommend a court decision on who receives the house.

## **Case Study 4. Violation of Intellectual Property Rights**

### **Case Brief:**

IT developer SoftVision Ltd. accuses DigiPro Solutions of illegally using its patented algorithm in a commercial software product.

SoftVision demands that DigiPro stop sales and pay damages for copyright infringement.

### **Evidence:**

1. Patent certificate for the algorithm (registered in 2021)
2. Code comparison report showing 80% similarity
3. Screenshots of DigiPro's advertising claiming "original software"
4. Expert IT analysis confirming identical code segments

**Task:**

1. Assess whether DigiPro violated intellectual property rights.
2. Determine if SoftVision can claim damages, lost profits, or injunctive relief.
3. Suggest a reasonable amount of compensation or an order to stop distribution.

**Case Study 5. Breach of Privacy and Personal Data****Case Brief:**

A bank, FinTrust UA, accidentally published a client's personal financial data online, including her income, loan history, and ID number.

The client, Kateryna, claims this violates her right to privacy and demands compensation for moral and material damages.

**Evidence:**

1. Screenshot of the bank's website showing exposed data
2. Kateryna's complaint to the bank and their formal apology
3. Expert report on data protection regulations
4. Psychological evaluation showing stress caused by the incident

**Task:**

1. Determine whether FinTrust violated Kateryna's personal non-property rights.
2. Decide if Kateryna is entitled to material or moral damages, or both.
3. Propose a fair court decision based on principles of privacy protection.

#### **4. Key Types of Civil Violations and Relevant Articles**

**Ex. 1 Read and translate the following text**

Ukrainian Civil Law considers the following as civil violations, typically giving rise to liability:

**1. Non-compliance with legal requirements in transactions**

**Article 215** ЦК: Violation of statutory requirements in legal acts or transactions.

**2. Spreading false information about a person**

**Article 277** ЦК: Defamation, or spreading inaccurate statements that damage another's reputation.

**3. Breach of medical confidentiality**

**Article 286** ЦК: Unauthorized disclosure of another person's medical information or health condition.

**4. Torture or inhumane treatment**

**Article 289** ЦК: Acts constituting torture or cruel, inhuman, or degrading treatment of an individual.

**5. Insulting human dignity**

**Article 297** ЦК: Violations infringing on a person's dignity and honor.

**6. Unlawful deprivation or restriction of property rights**

**Article 321** ЦК: Wrongful deprivation or limitation of someone's property rights.

**7. Unjustified appropriation of another's property**

**Article 387** ЦК: Taking or possessing another's property without grounds.

### **8. Interference with property usage**

**Article 391** ЦК: Actions that unduly prevent the property owner from using or disposing of their property.

### **9. Unauthorized use of goods without creator's consent**

**Article 443** ЦК: Improper usage of goods (e.g., intellectual creations) without author's permission.

### **10. Failure to properly fulfill obligations**

**Article 610** ЦК: Non-performance or improper performance of contractual or other civil obligations.

### **11. Unjustified unilateral contract refusal**

**Article 651** ЦК: Wrongful unilateral termination of a contract without legal grounds.

### **12. Sale of goods of inadequate quality**

**Article 678** ЦК: Sale of goods that don't meet contractually or legally required quality.

### **13. Loss or damage to an item**

**Article 951** ЦК: Liability for losing or damaging another's property (item).

### **14. Causing property or non-property (moral) harm**

**Articles 1166–1167** ЦК: Civil liability for damage to property and non-property (including injury to moral rights).

### **Additional General Provisions**

**Article 22** ЦК: Defines “damage” broadly to include actual losses, expenses, and lost profits; the victim is entitled to full compensation.

**Article 16** ЦК: Ensures every individual has the right to defend civil rights and interests, including through compensation for both material and moral harm.

**Article 15** ЦК: Enumerates methods of civil law protection, such as:

1. Recognition of rights
2. Invalidation of transactions
3. Cessation of wrongful actions
4. Restoration of prior state
5. Specific performance
6. Changing or terminating legal relations
7. Compensation for damages (material and moral)
8. Judicial invalidation of unlawful acts by authorities.

### **Summary Table**

<b>Violation</b>	<b>Article(s)</b>
Illegal acts in transactions	Art. 215
Defamation	Art. 277
Breach of medical confidentiality	Art. 286
Torture / inhumane treatment	Art. 289

<b>Violation</b>	<b>Article(s)</b>
Insult to dignity and honor	Art. 297
Unlawful deprivation of property	Art. 321
Unjustified appropriation of property	Art. 387
Interference with property rights	Art. 391
Unauthorized use of goods	Art. 443
Non-performance of obligations	Art. 610
Unilateral contract refusal	Art. 651
Sale of substandard goods	Art. 678
Loss or damage to property	Art. 951
Property or moral harm	Arts. 1166–1167
Definitions, compensation, rights protection	Arts. 15, 16, 22

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### *List of Vocabulary*

**Civil Code (ЦК)** – Цивільний кодекс (ЦК) України

**Article** – Стаття

**civil liability** – цивільна відповідальність

**legal act** – правочин / юридичний акт

**transaction** – трансакція / угода / правочин

**obligation** – зобов'язання

**compensation** – відшкодування

**losses** – збитки

**expenses** – витрати

**damage** – шкода

**lost profits** – упущена вигода / втрачений прибуток

**rights** – права

**interests** – інтереси

**recognition of rights** – визнання прав

**restoration of prior state** – відновлення попереднього стану

**termination of legal relations** – припинення правовідносин

**judicial invalidation** – судово визнання недійсне

**unlawful acts** – протиправні дії

**non-compliance** – недотримання / порушення

**statutory requirements** – вимоги законодавства

**violation** – порушення

**defamation** – дифамація / наклеп

**false information** – неправдива інформація

**reputation** – репутація

**breach** – порушення

**confidentiality** – конфіденційність

**unauthorized disclosure** – несанкціоноване розголошення

**medical information** – медична інформація

**health condition** – стан здоров'я

**torture** – катування

**inhumane treatment** – нелюдське поводження

**degrading treatment** – принизливе поводження

**insult** – образа

**dignity** – гідність

**honor** – честь

**deprivation** – позбавлення

**restriction** – обмеження

**property rights** – права власності  
**appropriation** – привласнення  
**possession** – володіння  
**without grounds** – без законних підстав  
**interference** – перешкоджання  
**property usage** – користування майном  
**unauthorized use** – несанкціоноване використання  
**consent** – згода  
**creator's rights** – права творця  
**improper usage** – неналежне використання  
**performance of obligations** – виконання зобов'язань  
**non-performance** – невиконання  
**unilateral refusal** – одностороння відмова  
**termination** – розірвання  
**legal grounds** – законні підстави  
**goods** – товари  
**inadequate quality** – неналежна якість  
**liability** – відповідальність  
**loss** – втрата  
**harm** – шкода  
**moral harm** – моральна шкода  
**property harm** – майнова шкода  
**invalidation of transactions** – визнання угоди недійсною  
**cessation of wrongful actions** – припинення протиправних дій  
**specific performance** – примусове виконання зобов'язань  
**material damages** – матеріальні збитки  
**moral damages** – моральні збитки  
**legal relations** – правовідносини  
**unlawful acts by authorities** – протиправні дії органів влади  
**full compensation** – повне відшкодування  
**including through compensation** – у тому числі шляхом відшкодування  
**the victim is entitled** – потерпілий має право  
**methods of civil law protection** – способи захисту цивільних прав  
**injury to moral rights** – порушення немайнових прав  
**defend civil rights** – захищати цивільні права  
**legal interests** – законні інтерес

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Порушення вимог законодавства; поширення неправдивої інформації; наклеп або поширення неточних тверджень; зашкодити репутації іншої людини; несанкціоноване розголошення медичної інформації; катування або нелюдське поводження; порушення, що зачіпають гідність та честь особи; незаконне позбавлення або обмеження права власності; незаконне позбавлення; необґрунтоване привласнення чужого майна; заволодіння або володіння чужим майном; неправомірно перешкоджати використанню майна або розпорядженню ним; несанкціоноване використання товарів; неналежне використання товарів; неналежне виконання зобов'язань; невиконання або неналежне виконання; договірні чи інші цивільні зобов'язання; необґрунтована одностороння відмова; необґрунтована одностороння відмова від укладення договору; неправомірне одностороннє розірвання договору; законні підстави; неналежна якість; не відповідати необхідній якості; продаж товарів неналежної якості; втрата або пошкодження

предмета; заподіяння майнової або немайнової (моральної) шкоди; фактичні збитки, витрати та втрачений прибуток; право на повну компенсацію; захист громадянських прав та інтересів; відшкодування як матеріальної, так і моральної шкоди; захист цивільного права; припинення протиправних дій; компенсація за завдану шкоду; визнання прав; питома продуктивність; незаконні дії органів влади; судові визнання недійсними незаконних дій органів влади; зміна або припинення правовідносин.

### Ex. 3 Choose the correct answer

1. Which article of the Ukrainian Civil Code (ЦК) regulates **non-compliance with legal requirements in transactions**?
  - a) Article 215
  - b) Article 277
  - c) Article 321
  - d) Article 610
2. What is the legal term for **spreading inaccurate statements** that damage another person's reputation?
  - a) Defamation
  - b) Fraud
  - c) Infringement
  - d) Harassment
3. Under which article does Ukrainian civil law protect individuals against the **unauthorized disclosure of medical information**?
  - a) Article 286
  - b) Article 289
  - c) Article 297
  - d) Article 678
4. Acts constituting **torture or inhumane treatment** fall under which article of the Civil Code?
  - a) Article 277
  - b) Article 289
  - c) Article 391
  - d) Article 951
5. Which article protects individuals against violations **infringing on dignity and honor**?
  - a) Article 215
  - b) Article 297
  - c) Article 321
  - d) Article 1167
6. **Wrongful deprivation or restriction of property rights** is regulated by:
  - a) Article 321
  - b) Article 387
  - c) Article 610
  - d) Article 951
7. What civil violation occurs when someone **takes or possesses another's property without legal grounds**?
  - a) Interference with usage
  - b) Unjustified appropriation
  - c) Unilateral refusal
  - d) Sale of inadequate goods

8. Which article deals with **interference preventing a property owner from using or disposing of their property**?
  - a) Article 387
  - b) Article 391
  - c) Article 443
  - d) Article 651
  
9. **Unauthorized use of intellectual goods without the creator's consent** falls under:
  - a) Article 443
  - b) Article 215
  - c) Article 1166
  - d) Article 610
  
10. Failure to **properly fulfill contractual or civil obligations** is a violation according to:
  - a) Article 215
  - b) Article 610
  - c) Article 651
  - d) Article 678
  
11. Which article addresses **wrongful unilateral termination of a contract**?
  - a) Article 651
  - b) Article 297
  - c) Article 443
  - d) Article 391
  
12. Selling goods that **do not meet required quality standards** is regulated under:
  - a) Article 678
  - b) Article 951
  - c) Article 1166
  - d) Article 321
  
13. According to Article 951, civil liability arises in cases of:
  - a) Defamation
  - b) Damage or loss of property
  - c) Unauthorized use of goods
  - d) Improper performance of contracts
  
14. Articles 1166–1167 cover liability for causing:
  - a) Only material damages
  - b) Only moral harm
  - c) Both property and non-property harm
  - d) Only contractual violations
  
15. Which of the following is **NOT** a method of civil law protection listed in Article 15?
  - a) Recognition of rights
  - b) Restoration of prior state
  - c) Compensation for damages
  - d) Criminal prosecution

#### **Ex. 4 Hypothetical mini-cases based on the Ukrainian Civil Code violations**

Each case is designed for student analysis and includes:

1. Scenario description
2. Guiding questions for students
3. Facilitator's model answer explaining potential civil liability and relevant article.

### **Case 1. Broken Contract and Losses**

#### **Scenario:**

A company "NovaBuild" signed a contract with "EcoHome" to supply 500 eco-friendly windows by September 1st. NovaBuild failed to deliver on time and provided only 200 windows, causing EcoHome to lose a profitable construction deal.

#### **Questions:**

1. Has NovaBuild violated any civil obligations?
2. Which article applies?
3. What compensation can EcoHome claim?

### **Case 2. Damaged Reputation**

#### **Scenario:**

An online blogger posted a video accusing Lawyer Iryna of fraud without any supporting evidence. The video went viral, and Iryna lost several clients as a result.

#### **Questions:**

1. Which rights have been violated?
2. Which article applies?
3. What remedies can Iryna seek?

### **Case 3. Unauthorized Use of Intellectual Property**

#### **Scenario:**

Photographer Andriy discovered that a furniture company used his copyrighted photos from Instagram in their advertising without his consent.

#### **Questions:**

1. What type of violation occurred?
2. Which article applies?
3. What can Andriy demand in court?

### **Case 4. Medical Privacy Breach**

#### **Scenario:**

A nurse at a private clinic told her friend about a celebrity patient's HIV status, which later appeared in a gossip magazine.

#### **Questions:**

1. Which right was violated?
2. Which article applies?
3. What remedies are possible?

### **Case 5. Property Rights Interference**

#### **Scenario:**

Olena owns an apartment, but her neighbor regularly **\*\*blocks access to her parking spot\*\***, claiming it belongs to him. Despite Olena showing ownership documents, the neighbor continues interfering.

**Questions:**

1. What civil right is being violated?
2. Which article applies?
3. What legal remedies does Olena have?

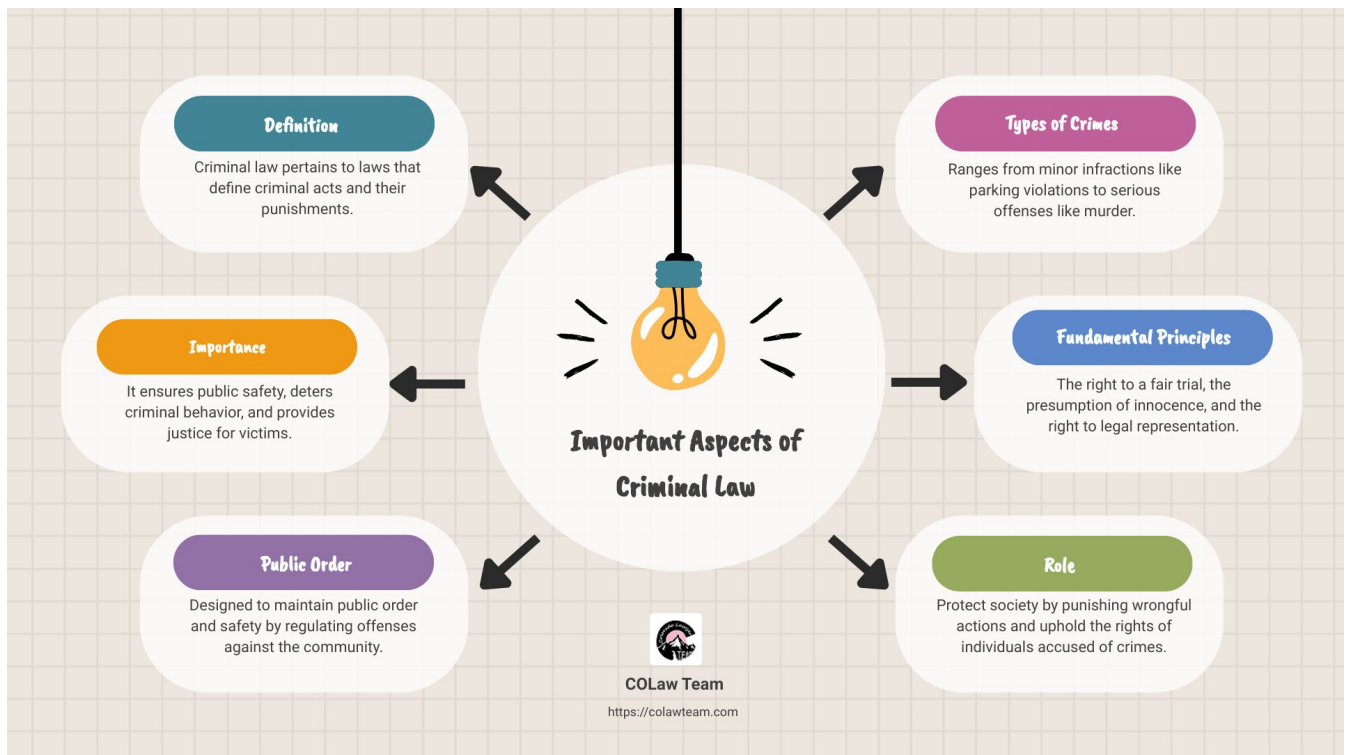
## **Criminal law**



**Ex. 1 Read and translate the following text**

Criminal law is the body of law that relates to crime. It prescribes conduct perceived as threatening, harmful, or otherwise endangering to the property, health, safety, and welfare of people inclusive of one's self. Most criminal law is established by statute, which is to say that the laws are enacted by a legislature. Criminal law includes the punishment and rehabilitation of people who violate such laws.

Criminal law varies according to jurisdiction, and differs from civil law, where emphasis is more on dispute resolution and victim compensation, rather than on punishment or rehabilitation. Criminal procedure is a formalized official activity that authenticates the fact of commission of a crime and authorizes punitive or rehabilitative treatment of the offender.



Criminal law is distinctive for the uniquely serious, potential consequences or sanctions for failure to abide by its rules. Every crime is composed of criminal elements. Capital punishment may be imposed in some jurisdictions for the most serious crimes. Physical or corporal punishment may be imposed such as whipping or caning, although these punishments are prohibited in much of the world. Individuals may be incarcerated in prison or jail in a variety of conditions depending on the jurisdiction. Confinement may be solitary. Length of incarceration may vary from a day to life. Government supervision may be imposed, including house arrest, and convicts may be required to conform to particularized guidelines as part of a parole or probation regimen. Fines also may be imposed, seizing money or property from a person convicted of a crime.

Five objectives are widely accepted for enforcement of the criminal law by punishments: retribution, deterrence, incapacitation, rehabilitation and restoration. Jurisdictions differ on the value to be placed on each.

**Retribution** – Criminals ought to be punished in some way. This is the most widely seen goal. Criminals have taken improper advantage, or inflicted unfair detriment, upon others and consequently, the criminal law will put criminals at some unpleasant disadvantage to "balance the scales." People submit to the law to receive the right not to be murdered and if people contravene these laws, they surrender the rights granted to them by the law. Thus, one who murders may be executed himself. A related theory includes the idea of "righting the balance."

**Deterrence** – Individual deterrence is aimed toward the specific offender. The aim is to impose a sufficient penalty to discourage the offender from criminal behavior. General deterrence aims at society at large. By imposing a penalty on those who commit offenses, other individuals are discouraged from committing those offenses.

**Incapacitation** – Designed simply to keep criminals away from society so that the public is protected from their misconduct. This is often achieved through prison sentences today, and capital punishment or banishment serve the same purpose.

**Rehabilitation** – Aims at transforming an offender into a valuable member of society. Its primary goal is to prevent further offense by convincing the offender that his conduct was wrong.

**Restoration** – This is a victim-oriented theory of punishment. The goal is to repair, through state authority, any injury inflicted upon the victim by the offender. For example, an embezzler will be required to repay the amount improperly acquired. Restoration is commonly combined with other main goals of criminal justice and is closely related to concepts in the civil law, i.e., returning the victim to his or her original position before the injury.

	Civil	Criminal
Parties Involved	Private Plaintiff versus Private Defendant	Government versus Private Defendant
Standard of Proof	Preponderance of the Evidence	Beyond a Reasonable Doubt
Burden of Proof	Rests with the Plaintiff	Rests with the Government
Examples	Breach of Contract Personal Injury	Burglary, DUI, Murder
Penalties	Financial Compensation Restraining Orders/Injunctions	Fine, Incarceration, Restraining Orders/Injunctions

## 1. Selected criminal laws

Many laws are enforced by threat of [criminal punishment](#), and the range of the punishment varies with the jurisdiction. The scope of criminal law is too vast to catalog intelligently. Nevertheless, the following are some of the more typical aspects of criminal law.

### Elements

The criminal law generally prohibits undesirable *acts*. Thus, proof of a crime requires proof of some act. Scholars label this the requirement of an [actus reus](#) or *guilty act*. Some crimes – particularly modern regulatory offenses – require no more, and they are known as [strict liability](#) offenses (E.g. Under the *Road traffic Act 1988* it is a strict liability offence to drive a vehicle with an alcohol concentration above the prescribed limit). Nevertheless, because of the potentially severe consequences of criminal conviction, judges at [common law](#) also sought proof of an *intent* to do some bad thing, the [mens rea](#) or *guilty mind*. As to crimes of which both *actus reus* and *mens rea* are requirements, judges have concluded that the elements must be present at precisely the same moment and it is not enough that they occurred sequentially at different times.

### Actus reus

**Actus reus** is [Latin](#) for "**guilty act**" and is the physical element of committing a crime. It may be accomplished by an action, by threat of action, or exceptionally, by an [omission](#) to act, which is a legal duty to act. For example, the act of *A* striking *B* might suffice, or a parent's failure to give food to a young child also may provide the actus reus for a crime.

Where the actus reus is a *failure* to act, there must be a *duty of care*. A duty can arise through [contract](#), a voluntary undertaking, a blood relation with whom one lives, and occasionally through one's official position. Duty also can arise from one's own creation of a dangerous situation. On the other hand, it was held in the U.K. that switching off the life support of someone in a [persistent vegetative state](#) is an omission to act and not criminal. Since discontinuation of power is not a voluntary act, not grossly negligent, and is in the patient's best interests, no crime takes place. In this case it was held that since a PVS patient could not give or withhold consent to medical treatment, it was for the doctors to decide whether treatment was in the patient's best interest. It was reasonable for them to conclude that treatment was not in the patient's best interest, and should therefore be stopped,

when there was no prospect of improvement. It has always been illegal to take active steps to cause or accelerate death, although in certain circumstances it was lawful to withhold life sustaining treatment, including feeding, without which the patient would die.

An actus reus may be nullified by an absence of [causation](#). For example, a crime involves harm to a person, the person's action must be the *but for* cause and *proximate cause* of the harm. If more than one cause exists (e.g. harm comes at the hands of more than one culprit) the act must have "more than a slight or trifling link" to the harm.

Causation is not broken simply because a victim is particularly vulnerable. This is known as the [thin skull rule](#). However, it may be broken by an intervening act (*novus actus interveniens*) of a third party, the victim's own conduct, or another unpredictable event. A mistake in [medical](#) treatment typically will not sever the chain, unless the mistakes are in themselves "so potent in causing death."

### **Mens rea**

*Mens rea* is another [Latin](#) phrase, meaning "**guilty mind**". This is the mental element of the crime. A guilty mind means an [intention](#) to commit some wrongful act. Intention under criminal law is separate from a person's [motive](#).

A lower threshold of *mens rea* is satisfied when a defendant recognizes an act is dangerous but decides to commit it anyway. This is [recklessness](#). It is the mental state of mind of the person at the time the actus reus was committed. For instance, if C tears a gas meter from a wall to get the money inside, and knows this will let flammable gas escape into a neighbour's house, he could be liable for poisoning. Courts often consider whether the actor did recognize the danger, or alternatively ought to have recognized a risk. Of course, a requirement only that one *ought* to have recognized a danger (though he did not) is tantamount to erasing *intent* as a requirement. In this way, the importance of [mens rea](#) has been reduced in some areas of the criminal law but is obviously still an important part in the criminal system.

Wrongfulness of intent also may vary the seriousness of an offense and possibly reduce the punishment but this is not always the case. A killing committed with specific intent to kill or with conscious recognition that [death](#) or [serious bodily harm](#) will result, would be murder, whereas a killing effected by reckless acts lacking such a consciousness could be manslaughter. On the other hand, it matters not who is actually harmed through a defendant's actions. The doctrine of [transferred malice](#) means, for instance, that if a man intends to strike a person with his belt, but the belt bounces off and hits another, mens rea is transferred from the intended target to the person who actually was struck.

### **Strict liability**

*Strict liability* can be described as criminal or civil liability notwithstanding the lack of mens rea or intent by the defendant. Not all crimes require specific intent, and the threshold of culpability required may be reduced or demoted. For example, it might be sufficient to show that a defendant acted [negligently](#), rather than [intentionally](#) or [recklessly](#). In offenses of [absolute liability](#), other than the prohibited act, it may not be necessary to show the act was intentional. Generally, crimes must include an intentional act, and "intent" is an element that must be proved in order to find a crime occurred. The idea of a "strict liability crime" is an oxymoron. The few exceptions are not truly crimes at all – but are administrative regulations and civil penalties created by statute, such as crimes against the traffic or highway code.

### **Fatal offenses**

A *murder*, defined broadly, is an unlawful killing. Unlawful killing is probably the act most frequently targeted by the criminal law. In many [jurisdictions](#), the crime of murder is divided into various gradations of severity, e.g., murder in the *first degree*, based on *intent*. [Malice](#) is a required element of murder. Manslaughter is a lesser variety of killing committed in the absence of *malice*,

brought about by reasonable [provocation](#), or [diminished capacity](#). [Involuntary manslaughter](#), where it is recognized, is a killing that lacks all but the most attenuated guilty intent, recklessness.

[Settled insanity](#) is a possible defense.

### **Personal offenses**

Many criminal codes protect the physical integrity of the body. The crime of [battery](#) is traditionally understood as an unlawful touching, although this does not include everyday knocks and jolts to which people silently consent as the result of presence in a crowd. Creating a fear of imminent battery is an [assault](#), and also may give rise to criminal liability. Non-consensual [intercourse](#), or [rape](#), is a particularly egregious form of battery.

### **Property offenses**

Property often is protected by the criminal law. [Trespassing](#) is unlawful entry onto the real property of another. Many criminal codes provide penalties for [conversion](#), [embezzlement](#), and [theft](#), all of which involve deprivations of the value of the property. [Robbery](#) is a theft by force. Fraud is the art of deception. It appears in many forms and happens when someone (typically referred to as a fraudster) distorts, falsifies, or perverts the truth to deceive people or institutions to receive a reward. Fraud is the purposeful act of deceit to acquire a benefit, which may be for an individual or institution, through the use of deception to alter or hide the truth. People commit fraud in diverse settings – from corporate offices or financial institutions to religious organizations, non-profit organizations, and sports leagues.

### **Participatory offenses**

Some criminal codes criminalize association with a criminal venture or involvement in criminality that does not actually come to fruition. Some examples are aiding, abetting, [conspiracy](#), and attempt.

### **Mala in se v. mala prohibita**

While crimes are typically broken into degrees or classes to punish appropriately, all offenses can be divided into 'mala in se' and 'mala prohibita' laws. Both are Latin legal terms, **mala in se** meaning crimes that are thought to be inherently evil or morally wrong, and thus will be widely regarded as crimes regardless of jurisdiction. Mala in se offenses are felonies, property crimes, immoral acts and corrupt acts by public officials. **Mala prohibita**, on the other hand, refers to offenses that do not have wrongfulness associated with them. Parking in a restricted area, driving the wrong way down a one-way street, jaywalking or unlicensed fishing are examples of acts that are prohibited by statute, but without which are not considered wrong. Mala prohibita statutes are usually imposed strictly, as there does not need to be mens rea component for punishment under those offenses, just the act itself. For this reason, it can be argued that offenses that are mala prohibita are not really crimes at all.




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### *List of Vocabulary*

**the body of law** – сукупність законів  
**prescribe** (Latin: praescribo) – прописувати  
**conduct** – поведінка  
**threatening** – загрозливий  
**harmful** – шкідливий  
**otherwise** – інакше  
**endangering** – небезпечний  
**(to be) enacted (by)** – той, що приймається  
**punishment** – покарання  
**violate** – порушати  
**dispute resolution** (Latin: resolutio – вирішення) – вирішення суперечок  
**victim** (Latin: victima) – жертва  
**criminal procedure** – кримінальний процес  
**authenticate** – засвідчувати, підтверджувати  
**commission of a crime** – вчинення злочину  
**punitive** – каральний  
**offender** – правопорушник  
**consequences** – наслідки  
**abide** – дотримуватися  
**failure to abide by the rules** – недотримання правил  
**(to be) composed of** – складатися з  
**capital punishment** – смертна кара  
**impose** – накладати  
**physical or corporal punishment** – фізичні або тілесні покарання  
**whipping** – побої, порка  
**caning** – бити палицею  
**(to be) prohibited** – бути забороненим  
**incarcerated** – ув'язнений  
**prison** – в'язниця  
**jail** – слідчий ізолятор  
**confinement** – ув'язнення

**solitary** (Latin: solitarius) **confinement** – одиночна камера  
**incarceration** – позбавлення волі  
**supervision** – нагляд  
**house arrest** – домашній арешт  
**convict** (Latin: convictus) – засуджений  
**to conform to particularized guidelines** – дотримуватись особливих правил  
**parole** – умовно-дострокове звільнення  
**fine** – штраф  
**seizing** – конфіскація  
**objective** – ціль  
**enforcement** – виконання  
**retribution** (Latin: retributio) – відплата  
**deterrence** – стримування  
**incapacitation** – недієздатність  
**restoration** – відновлення  
**improper** – неналежний  
**inflict** – наносити  
**detriment** – збиток  
**"balance the scales"** – «зрівняти терези»  
**submit** – коритися  
**contravene the law** – порушувати закон  
**surrender the right** – відмовитися від права  
**grant** – надавати  
**execute** – страчувати  
**"righting the balance"** – "виправлення балансу"  
**sufficient penalty** – достатнє покарання  
**discourage** – відбивати бажання  
**misconduct** – неправомірна поведінка  
**banishment** – вигнання  
**convince** – переконувати  
**repair** – відшкодовувати  
**embezzler** – розтратник  
**repay** – повертати (гроши)  
**the amount improperly acquired** – сума, отримана неправомірно  
**injury** – шкода  
**by threat** – під загрозою  
**the scope of criminal law** – сфера дії кримінального права  
**to catalog intelligently** – розумно каталогізувати  
**proof** – доказ  
**actus reus (Latin) or guilty act** – винне діяння  
**regulatory offenses** – нормативні правопорушення  
**strict liability offenses** – правопорушення суворої відповідальності  
**e.g. (Latin: exempli gratia)** "for example" – наприклад  
**i.e. (Latin: id est)** "in other words" – тобто  
**severe** – серйозний, суворий  
**criminal conviction** – засудження за скоєння кримінального злочину  
**mens rea (Latin)** "guilty mind" – винний розум  
**voluntary undertaking** – добровільне зобов'язання  
**blood relation** – кровне споріднення  
**voluntary act** – добровільна дія  
**grossly negligent** – груба недбалість  
**withhold consent (to)** – відмовитися від згоди (на)  
**nullified** – анульовано  
**causation** – причинно-наслідковий зв'язок

**proximate cause** – безпосередня причина  
**culprit** – винуватець, злочинець  
**"more than a slight or trifling link"** – "більше, ніж легкий або дріб'язковий зв'язок"  
**vulnerable** – вразливий  
**thin skull rule** – правило тонкого черепа  
**intervening act** (Latin: novus actus interveniens) – акт втручання  
**threshold** – поріг  
**recklessness** – безрозсудність  
**poisoning** – отруєння  
**tantamount (to)** – рівносильно  
**erasing** – стирання  
**wrongfulness of intent** – протиправність наміру  
**manslaughter** – ненавмисне вбивство  
**defendant** – обвинувачений  
**malice** – злоба  
**strict liability crime** – сувора відповідальність за злочин  
**negligently** – недбало  
**manslaughter** – ненавмисне вбивство  
**involuntary manslaughter** – ненавмисне вбивство  
**attenuated guilty intent** – пом'якшений винний намір  
**settled insanity** – усталене безумство  
**physical integrity of the body** – фізична недоторканність тіла  
**battery** – побої  
**consent** (Latin: consensus) – погодження  
**imminent** – неминучий  
**assault** – напад  
**non-consensual intercourse** – статевий акт без згоди  
**rape** – зґвалтування  
**trespassing** – незаконне проникнення  
**embezzlement** – розкрадання  
**theft** – крадіжка  
**deprivation** – позбавлення  
**robbery** – грабіж  
**theft by force** – крадіжка із застосуванням сили  
**fraud** – шахрайство  
**deception** – обман  
**fraudster** – шахрай  
**distort** – спотворювати  
**pervert** – перекручувати  
**acquire a benefit** – отримати вигоду  
**alter** – змінювати  
**commit fraud** – вчинити шахрайство  
**non-profit organization** – некомерційна організація  
**participatory offenses** – правопорушення, пов'язані з участю  
**criminal venture** – злочинне підприємство  
**involvement in criminality** – участь у злочинній діяльності  
**aiding** – пособництво  
**abetting** – підбурювання  
**conspiracy** – змова  
**attempt** – замах  
**mala in se** (Latin) – зло як таке, тяжкі злочини  
**mala prohibita** (Latin) – правопорушення, які не пов'язані з протиправністю  
**restricted area** – заборонена зона  
**jaywalking** – перехід вулиці в недозволеному місці

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Сукупність законів; сприймається як загрозливий; встановлюється законом; законодавчі органи; покарання та реабілітація; вирішенні спорів; кримінально-процесуальна діяльність; компенсації жертвам; засвідчувати факт; серйозні потенційні наслідки; санкції за недотримання норм; смертна кара; фізичні або тілесні покарання; поодинокі ув'язнення; тривалість ув'язнення; державний нагляд; умовно-дострокове звільнення; може бути накладений штраф; конфіскація грошей або майна; «зрівняти терези»; підкорятися закону; «відновлення балансу»; індивідуальне стримування; утримати від злочинної поведінки; загальне стримування; суспільство в цілому; накладати покарання; неправомірною поведінкою; запобігти подальшому правопорушенню; теорія покарання, орієнтована на жертву; сфера дії кримінального права; actus reus або винний акт; нормативні правопорушення; винний розум; причинно-наслідковий зв'язок; правило тонкого черепа; втручання (novus actus interveniens) третьої сторони; mens rea або винний розум; психічний стан; протиправність наміру; безрозсудна дія; ненавмисне вбивство; кримінальна чи громадянська відповідальність; поріг винності; діяти за недбалістю, а не навмисно чи безрозсудно; проступлення со строгой ответственностью; фізична недоторканність тіла; страх неминуєчих побоїв; кримінальна відповідальність.

### Ex. 3 Multiple Choice Questions

- 1. What is the primary difference between criminal law and civil law?**
  - A. Criminal law focuses on compensation for victims
  - B. Criminal law is not established by statute
  - C. Civil law aims at punishment and rehabilitation
  - D. Criminal law emphasizes punishment and rehabilitation, while civil law emphasizes dispute resolution and compensation
- 2. Which of the following is *not* one of the five widely accepted objectives of criminal law?**
  - A. Incapacitation
  - B. Deterrence
  - C. Compensation
  - D. Restoration
- 3. What Latin term refers to the "guilty mind" necessary for many crimes?**
  - A. Actus reus
  - B. Mens rea
  - C. Mala in se
  - D. Lex talionis
- 4. Which concept describes crimes considered morally wrong, such as murder or theft?**
  - A. Mala prohibita
  - B. Corpus delicti
  - C. Mala in se
  - D. Lex specialis

5. **Which term refers to the physical act of committing a crime?**

- A. Mens rea
- B. Corpus juris
- C. Actus reus
- D. Habeas corpus

**Ex. 4 True or False**

1. **True or False:** A strict liability offense requires proof of mens rea.
2. **True or False:** Battery always involves severe physical injury.
3. **True or False:** General deterrence is aimed at discouraging society at large from committing crimes.
4. **True or False:** A parent's failure to feed their child can be considered an actus reus.
5. **True or False:** Under the doctrine of transferred malice, intent to harm one person may be transferred to the actual victim.

**Ex. 5 Short Answer / Open-Ended**

1. Define "retribution" as an objective of criminal law and explain its rationale.
2. What is the 'thin skull rule' and how does it affect criminal liability?
3. Explain the difference between 'mala in se' and 'mala prohibita' offenses.
4. Give two examples of participatory offenses and briefly describe them.
5. What distinguishes murder from manslaughter in criminal law?

**Ex. 6 Answer the following questions:**

1. What is the primary purpose of criminal law?
2. How does criminal law differ from civil law in terms of objectives and outcomes?
3. What is the role of criminal procedure in the justice system?
4. Name three types of punishment or sanctions that can be imposed under criminal law.
6. What are the five widely accepted goals of criminal punishment?
7. Explain the difference between individual deterrence and general deterrence.
8. What is the main idea behind the principle of retribution in criminal law?
9. What do the Latin terms *actus reus* and *mens rea* mean?
10. Under what conditions can an omission (failure to act) be considered *actus reus*?
11. What is meant by the 'thin skull rule' in causation?
12. How does strict liability differ from typical criminal offenses regarding intent?
13. What is a strict liability offense, and can you give an example from the text?
14. How is murder legally distinguished from manslaughter?

15. What makes robbery different from theft or embezzlement?

16. What is the distinction between *mala in se* and *mala prohibita* crimes?

**Ex. 7 Match the words with the corresponding meanings:**

- |                                          |                                                      |
|------------------------------------------|------------------------------------------------------|
| 1. the body of law                       | to take possession by legal authority                |
| 2. prescribe                             | agreement or permission                              |
| 3. conduct                               | someone who misappropriates funds                    |
| 4. threatening                           | actions criminal by statute only                     |
| 5. harmful                               | confinement to one's home by legal order             |
| 6. otherwise                             | crimes without proof of intent required              |
| 7. endangering                           | to break or go against the law                       |
| 8. enacted                               | to confirm something as true or valid                |
| 9. punishment                            | causing harm by toxic substance                      |
| 10. violate                              | harm or damage to a person                           |
| 11. dispute resolution                   | to yield or surrender                                |
| 12. victim                               | serious or harsh                                     |
| 13. criminal procedure                   | the criminal mind or intent                          |
| 14. authenticate                         | the act of carrying out a criminal offense           |
| 15. commission of a crime                | to give up a legal entitlement                       |
| 16. punitive                             | beating with a whip or strap                         |
| 17. offender                             | a threat or attempt to cause harm                    |
| 18. consequences                         | extremely careless                                   |
| 19. abide                                | secret plan by a group to do something unlawful      |
| 20. failure to abide by the rules        | confinement to a space or area                       |
| 21. composed of                          | blood-related individual                             |
| 22. capital punishment                   | the act of misleading                                |
| 23. impose                               | rules governing the prosecution of criminal offenses |
| 24. physical or corporal punishment      | to persuade someone                                  |
| 25. whipping                             | straying from proper behavior                        |
| 26. caning                               | to twist the truth                                   |
| 27. prohibited                           | under the risk of harm                               |
| 28. incarcerated                         | legal execution or the death penalty                 |
| 29. prison                               | stealing money entrusted to one's care               |
| 30. jail                                 | restoring fairness or justice                        |
| 31. confinement                          | to change something                                  |
| 32. solitary confinement                 | a goal or purpose                                    |
| 33. incarceration                        | violations of administrative rules                   |
| 34. supervision                          | a place for temporary detention                      |
| 35. house arrest                         | to follow or obey rules or laws                      |
| 36. convict                              | serious or harsh punishment                          |
| 37. conform to particularized guidelines | physical harm inflicted as a legal penalty           |
| 28. parole                               | a person who commits an illegal act                  |
| 29. fine                                 | the area covered by criminal legislation             |
| 40. seizing                              | a person found guilty of a crime                     |
| 41. objective                            | punishment as revenge                                |
| 42. enforcement                          | agreement or permission                              |
| 43. retribution                          | the state of being imprisoned                        |
| 44. deterrence                           | forced removal from a place or country               |

45. incapacitation	an effort to commit a crime that fails
46. restoration	an adequate punishment
47. improper	to gain an advantage
48. inflict	death penalty or execution
49. detriment	returning something to its original condition
50. "balance the scales"	early release from prison under conditions
51. submit	a conscious and intentional act
52. contravene the law	being held alone in a prison cell
53. surrender the right	infliction of bodily pain as a penalty
54. grant	a facility for confining criminals
55. execute	the outcomes or effects of actions
56. "righting the balance"	inappropriate or unsuitable
57. sufficient penalty	to cause pain or suffering
58. discourage	yielding to or accepting authority
59. misconduct	a person harmed by a crime or event
60. banishment	a monetary penalty
61. convince	discouragement from committing crime
62. repair	a set or system of laws
63. embezzler	a person responsible for a crime
64. repay	restoring justice or fairness
65. the amount improperly acquired	to catalog in an informed way
66. injury	someone easily harmed or attacked
67. by threat	monitoring someone's actions
68. the scope of criminal law	the act of causing something
69. to catalog intelligently	giving something formally or legally
70. proof	being kept within a limited space
71. actus reus	the criminal act
72. regulatory offenses	evidence establishing a fact
73. strict liability offenses	unauthorized entry
74. e.g.	that is; in other words
75. i.e.	for example
76. severe	to force something to be accepted or applied
77. criminal conviction	a formal declaration of guilt
78. mens rea	unlawfully taking someone else's property
79. voluntary undertaking	a self-imposed responsibility
80. blood relation	taking the victim as found
81. voluntary act	to classify in a logical and structured way
82. grossly negligent	illegal act done with minimal or no care
83. withhold consent	refusal to agree
84. nullified	made legally void
85. causation	a direct link between act and result
86. proximate cause	submitting to authority
87. culprit	gaining something from wrongdoing
88. "more than a slight or trifling link"	a significant connection
89. vulnerable	having weak or compromised defenses
90. thin skull rule	legal principle accepting victim's condition
91. intervening act	event breaking causal chain
92. threshold	starting point or minimum limit
93. recklessness	disregard of danger or consequences

94. poisoning	using toxins to cause injury
95. tantamount (to)	equal in effect or seriousness
96. erasing	removing completely
97. wrongfulness of intent	illegality of one's mental state
98. manslaughter	unintentional killing
99. defendant	a person accused in court
100. malice	desire to cause harm
101. strict liability crime	crime without need to prove intent
102. negligently	carelessly
103. involuntary manslaughter	unplanned killing without intent
104. attenuated guilty intent	reduced criminal responsibility
105. settled insanity	long-standing mental illness affecting legal accountability
106. physical integrity of the body	protection of the human body from harm
107. battery	unlawful physical contact
108. consent	agreement or permission
109. imminent	about to happen
110. assault	an act that threatens harm
111. non-consensual intercourse	sexual act without permission
112. rape	forced sexual intercourse
113. trespassing	illegal entry
114. embezzlement	stealing entrusted funds
115. theft	stealing
116. deprivation	the act of denying or removing something
117. robbery	theft involving force
118. theft by force	taking property using violence
119. fraud	deception for personal gain
120. deception	misleading others
121. fraudster	someone who commits fraud
122. distort	to twist or misrepresent facts
123. pervert	to change something from its original course
124. acquire a benefit	to gain an advantage
125. alter	to change
126. commit fraud	to engage in dishonest activity for gain
127. non-profit organization	an organization not seeking profit
128. participatory offenses	crimes involving multiple people
129. criminal venture	illegal joint activity
130. involvement in criminality	participating in crime
131. aiding	helping someone commit a crime
132. abetting	encouraging or inciting crime
133. conspiracy	secret plan to commit unlawful act
134. attempt	effort to commit a crime
135. mala in se	acts evil by nature
136. mala prohibita	prohibited by law but not inherently wrong
137. restricted area	location with entry limitations
138. jaywalking	unlawful pedestrian crossing

**Ex. 8 Think and answer the questions**

1. How does **criminal law** differ from **civil law** in terms of objectives, procedures, and consequences?
2. Why does criminal law emphasize **punishment and rehabilitation** rather than just compensating victims?
3. Which of the five goals of criminal punishment (**retribution, deterrence, incapacitation, rehabilitation, restoration**) do you think is most important? Why?
4. What is the difference between **actus reus** (“guilty act”) and **mens rea** (“guilty mind”)? Why are both usually required for a conviction?
5. Should there be crimes that impose **strict liability** (no need to prove intent)? Why or why not?
6. Imagine a driver unintentionally runs a red light and causes an accident. If they had no intent to harm anyone, should they still face **criminal liability**?
7. In a murder case, if someone intends to hit one person but accidentally kills another, should the **mens rea** be transferred? Why or why not?
8. If a parent forgets to feed a child due to extreme stress, should failure to act count as **actus reus**? Where should the legal system draw the line?
9. Do you think **capital punishment** (death penalty) should still exist for serious crimes like terrorism or serial murder? Support your answer.
10. Should **rehabilitation** be prioritized over **incarceration** for first-time offenders? What are the
11. In some countries, **corporal punishment** (e.g., caning, whipping) is legal, while in others it is banned. Should international human rights standards limit a country’s ability to set its own punishments?
12. Consider a situation where a patient is kept on **life support** but doctors believe further treatment has no benefit. Should turning off life support ever be treated as a **criminal act**? Why or why not?
13. Do you agree with the **thin skull rule**, which holds offenders fully responsible even if the victim was unusually vulnerable? Why or why not?
14. Many argue that **mala prohibita** offenses (e.g., jaywalking, unlicensed fishing) should not be treated as crimes because they are not inherently wrong. Do you agree, or should breaking any law still be punishable?
15. Technology-related crimes, such as **cyber fraud** and **identity theft**, often cross national borders. Should there be a **universal criminal code** for such offenses, or should each country handle them independently?

### Ex. 9 Render the following text into English.

#### **Кримінальне право України як окрема галузь права: поняття, особливості, співвідношення з іншими галузями**

#### **Наведемо кілька визначень кримінального права як галузі права:**

- це система юридичних норм (власне кажучи, законів), прийнятих Верховною Радою України, що встановлюють, які суспільно небезпечні діяння є злочинами і які покарання підлягають застосуванню до осіб, що їх вчинили.
- це сукупність кримінально-правових норм, які визначають злочинність і караність діяння.
- це сукупність суспільних відносин, які дозволяють і забезпечують особі суспільну можливість жити, володіти, користуватися найціннішими благами суспільного життя та забороняють решті членів суспільства шкодити й руйнувати ці можливості.

#### ***Кримінальне право – це самостійна, відокремлена від інших галузей права:***

1) кримінальне право являє собою певну систему (сукупність) правових норм, які встановлюють правила поведінки людей у суспільстві. Але ці правила поведінки мають узагальнений характер, охоплюють безліч різноманітніших (можливих) ситуацій, які трапляються у реальному житті. Тобто вони охоплюють за рівнем свого узагальнення тільки

загальні, характерні для всіх реальних проявів ознаки, а не тільки ті, що можуть не збігатися, а навіть відрізняють один злочин від іншого. Наприклад, у ч. 1 ст. 185 «Крадіжка»

Кримінального кодексу України (далі по тексту – КК України) «крадіжка визначається як таємне викрадення чужого майна». Таким чином, законодавець у законі встановив лише узагальнені ознаки крадіжки як явища, хоча кожен конкретний злочин може відрізнитись, і навіть істотно, один від одного у своєму життєвому прояві.

Норми кримінального права – це узагальнені правила, що охоплюють безліч відповідних конкретних життєвих ситуацій, індивідуальних випадків. Норми кримінального права призначені на загальну дію і є загальнообов'язковими до виконання, тим самим вони мають ознаку загальнообов'язкової нормативності. Ці норми здебільшого виступають як *норми-заборони*. Вони забороняють певні вчинки людей, а саме злочинні дії або злочинну бездіяльність, під загрозою застосування за них особливих примусових заходів — кримінального покарання;

2) *норми кримінального права встановлюються тільки вищими органами законодавчої влади і закріплюються у відповідних законах*. Це так зване *позитивне (чинне) право*. Саме тому кримінальне право має *формальну визначеність*:

- воно точно фіксує в законах у гранично формалізованому вигляді в письмовій формі ознаки злочинів і покарань за них;
- тобто вимоги, які ставляться до поведінки людей, рамки та умови їх вчинків, наслідки протизаконних дій чи бездіяльності;
- це не тільки гарантія законності і однаковості застосування його норм, а й одне з невід'ємних прав людини.

Визначеність правових приписів, фіксуючи межу між злочинною і незлочинною поведінкою, тим самим чітко встановлює можливість людини здійснювати свої права і свободи відповідно до закону, чітко уявляти собі, що дозволено, а що заборонено кримінальним законом. Відповідно до п. 22 ст. 92 Конституції України «кримінальні закони видаються виключно Верховною Радою України». Ніякі інші органи держави або посадові особи (навіть Президент України) неправомочні на видання норм кримінального права. Цією ознакою кримінальне право відрізняється від інших галузей права (наприклад, норми цивільного права можуть встановлюватися урядом, норми адміністративного права – навіть органами влади на місцях). Отже, кримінальне право виражається тільки в законах і його єдиним джерелом є кримінальний закон;

3) *кримінальне право відрізняється від інших галузей права також предметом і методом правового регулювання*. Його норми встановлюють, які суспільно небезпечні діяння є злочинами і які покарання підлягають застосуванню до осіб, що їх вчинили (ч. 2 ст. 1 «Завдання Кримінального кодексу України» КК України). Саме відносини, що виникають у зв'язку із вчиненням злочину і застосуванням за нього певних покарань, і є **предметом кримінального права**.

Оскільки злочини становлять підвищену суспільну небезпечність для суспільних відносин і правопорядку в Україні, держава застосовує за їх вчинення і найбільш гострі примусові заходи – кримінальні покарання. Застосування покарання – це метод правового регулювання відносин, що виникають у зв'язку із вчиненням злочину. У покаранні, що призначається судом від імені держави за вчинений злочин, як санкції за порушення кримінально-правової заборони, передбаченої в законі, виявляється і така властивість кримінального права, як його державна забезпеченість.

З викладеного випливає, що кримінальне право як система норм (законів) має такі **ознаки**:

- загальнообов'язкову нормативність;
- формальну визначеність;
- державну забезпеченість предмет і метод правового регулювання.

Отже, **кримінальне право як сукупність правових норм встановлює:**

- які порушення закону визнаються злочинами;
- які види покарання призначаються за їх вчинення;
- що є підставою кримінальної відповідальності;

- умови, підстави та порядок призначення покарання;
- умови, підстави та порядок звільнення від покарання.

**Ex. 10 Realistic criminal mini-case scenarios. Think and analyze evidence, discuss prompts and define the focus area.**

**Case Brief** – short background of the situation

**Evidence** – key facts, testimonies, or items presented in court

**Discussion Prompts** – open-ended questions linking to earlier concepts (actus reus, mens rea, strict liability, punishment, etc.)

**Focus Areas** – which learning objectives or legal principles the case illustrates

### **Case 1. Murder or Manslaughter?**

**Case Brief:**

After an argument in a café, Oleh pushes Taras, who falls, hits his head, and dies. Oleh claims he “just wanted to scare him” and had no intent to kill.

**Evidence:**

1. CCTV video of the incident
2. Witness statements confirming a heated argument
3. Medical report: death caused by severe head trauma

**Discussion Prompts:**

- Should Oleh be charged with murder or manslaughter?
- How does mens rea affect the classification of the crime?
- What punishment would balance retribution and rehabilitation?

**Focus Areas:** Mens rea, actus reus, proportional punishment.

### **Case 2. Strict Liability Traffic Offense**

**Case Brief:**

Olena drives through a red light while rushing her child to the hospital. A traffic camera records her car, but she insists she acted out of necessity.

**Evidence:**

1. Traffic camera photo showing the violation
2. Hospital admission record for the child
3. Olena’s testimony explaining the emergency

**Discussion Prompts:**

1. Should strict liability apply, or should the court consider intent?
2. Should there be exceptions in life-threatening situations?
3. Is a fine, warning, or dismissal the fairest outcome?

**Focus Areas:** Strict liability, necessity defense, proportional justice.

### **Case 3. Cyber Fraud and Privacy Violation**

**Case Brief:**

IT specialist Bohdan hacks into a bank’s database and sells 500 customers’ personal information on the dark web. Some victims later suffer identity theft.

**Evidence:**

1. Digital trail showing Bohdan's IP address
2. Screenshot of encrypted chats arranging data sales
3. Victim complaints of unauthorized bank withdrawals

**Discussion Prompts:**

1. How should courts balance deterrence and rehabilitation for cybercrimes?
2. Should Bohdan be prosecuted under national or international laws?
3. What damages, if any, should victims receive?

**Focus Areas:** Privacy rights, cross-border crimes, digital evidence.

**Case 4. Assisted Suicide Dilemma****Case Brief:**

Dr. Svitlana administers a lethal dose of medication to her terminally ill patient at their request. Ukraine currently prohibits assisted suicide.

**Evidence:**

1. Signed letter from the patient requesting euthanasia
2. Medical report confirming the patient's incurable illness
3. Doctor's confession

**Discussion Prompts:**

1. Should Dr. Svitlana be charged with murder?
2. Should the law recognize compassionate motives?
3. Should Ukraine legalize assisted suicide under strict regulation?

**Focus Areas:** Morality vs. legality, intent, changing legal standards.

**Case 5. Domestic Violence and Self-Defense****Case Brief:**

Kateryna fatally stabs her abusive husband during a violent confrontation. She claims years of psychological and physical abuse.

**Evidence:**

1. Police reports of previous domestic violence incidents
2. Kateryna's medical records showing old injuries
3. Forensic report: stabbing occurred during an argument

**Discussion Prompts:**

- Was Kateryna acting in self-defense, or was this excessive force?  
Should long-term abuse influence the court's judgment?  
Which punishment, if any, would be fair?

**Focus Areas:** Self-defense, battered spouse syndrome, proportional response.

**Case 6. Corporate Negligence and Workplace Safety****Case Brief:**

A construction company, BuildFast Ltd., ignored safety protocols, causing scaffolding to collapse and killing two workers.

**Evidence:**

1. Workplace safety inspection reports
2. Eyewitness statements from surviving workers
3. Internal emails showing cost-cutting decisions

**Discussion Prompts:**

1. Should company executives face criminal liability?
2. How does this differ from civil compensation claims?
3. Should punishments include fines, imprisonment, or both?

**Focus Areas:** Corporate crime, negligence vs. intent, balancing penalties.

**Case 7. The “Thin Skull” Rule**

**Case Brief:**

Mykola lightly pushes Serhiy during a dispute. Unknown to Mykola, Serhiy has a rare medical condition and dies from internal bleeding.

**Evidence:**

1. Medical report confirming Serhiy’s condition
2. Witness statements describing the push as “mild”
3. Mykola’s testimony denying intent to harm

**Discussion Prompts:**

- Should Mykola be fully liable despite not knowing Serhiy’s vulnerability?
- Is the “thin skull rule” fair, or should intent matter more?
- What punishment would balance fairness and deterrence?

**Focus Areas:** Causation, foreseeability, fairness in sentencing.

**Case 8. Juvenile Crime and Rehabilitation**

**Case Brief:**

Andriy, 16, steals a car for a joyride, crashes it, and causes property damage worth \$15,000. No one is injured.

**Evidence:**

- CCTV footage of the theft
- Police accident report
- Psychological assessment showing immaturity

**Discussion Prompts:**

- Should Andriy face adult or juvenile court?
- Should rehabilitation be prioritized over punishment?
- Should his parents be held partially liable?

**Focus Areas:** Juvenile justice, rehabilitation, parental responsibility.

**Case 9. Public Protest vs. Vandalism**

**Case Brief:**

During a peaceful protest, Yulia sprays anti-government slogans on a government building. She claims it's her freedom of expression.

**Evidence:**

- Video recordings of Yulia painting slogans
- Social media posts calling for peaceful protest
- Damage report estimating \$2,000 in cleaning costs

**Discussion Prompts:**

1. Should Yulia's act be treated as criminal vandalism or protected speech?
2. How should courts balance free expression with property rights?
3. Should penalties differ for political protests vs. personal vandalism?

**Focus Areas:** Freedom of expression, proportional penalties, intent vs. damage.

**Case 10. Corporate Espionage and Trade Secrets**

**Case Brief:**

Denys, an employee at GreenTech Energy, leaks confidential designs of a new solar panel to a competitor for money.

**Evidence:**

1. Email correspondence showing Denys's negotiation
2. Bank records of suspicious payments
3. Company policy documents on data confidentiality

**Discussion Prompts:**

1. Should Denys face criminal prosecution or only civil liability?
2. How should courts handle the international aspect if the competitor is abroad?
3. Should whistleblowing protections apply if Denys claims he exposed "unethical practices"?

**Focus Areas:** Trade secrets, whistleblower ethics, cross-border criminal law.

**2. Key Types of Criminal Violations and Relevant Articles from the General Part of the Criminal Code of Ukraine (КК України):**

**Ex. 1 Read and translate the following text**

**1. Classification by Legal Severity and Type of Offense**

**a) Criminal Offense vs. Criminal Misdemeanor**

- **Criminal offense** includes both **crimes** (злочини) and **misdemeanors** (кримінальні проступки).
- **Misdemeanors** involves an act (action or inaction) punishable by a **fine** not exceeding **3,000 non-taxable minimum incomes** of citizens, or **another punishment not involving imprisonment**.
- **Crimes** represent more serious violations.

**b) Degrees of Criminal Offenses (by severity)**

Crimes are further categorized based on the gravity of punishment:

**Minor crimes** (злочини невеликої тяжкості): **punishment up to 2 years of imprisonment**, or a milder penalty excluding **a fine exceeding 3,000 non-taxable minimum incomes**.

**Medium-grave crimes** (середньої тяжкості): **up to 5 years imprisonment or a fine up to 10,000 non-taxable minimum incomes**.

**Grave crimes** (тяжкі): **up to 10 years imprisonment or a fine up to 25,000 non-taxable minimum incomes**.

**Especially grave crimes** (особливо тяжкі): **over 10 years imprisonment or life sentence**, or **finer beyond 25,000 non-taxable minimum incomes**.

**Note:** When both a fine and imprisonment are prescribed, the classification hinges on the length of the imprisonment.

## 2. Stages and Nature of Criminal Offenses

The Code outlines stages in the commission of crime:

**Article 13:** distinguishes between consummated (completed) and unconsummated (incomplete) crimes.

- Consummated crime: all elements of the crime are fulfilled.
- Unconsummated crime: includes preparation and attempt.

**Article 14** – Preparation (підготовка злочину): actions like planning, gathering tools or collaborators, etc. such that preparation for a minor crime is not punishable.

**Article 15** – Attempt (замах на злочин): an intentional act directly aimed at committing a crime but not completed due to external circumstances.

**Article 17** – Voluntary abandonment (добровільна відмова при незакінченому злочині): if the offender voluntarily abandons crime preparation or attempt, they may be exempt from liability, provided the incomplete act doesn't constitute another crime.

## 3. General Context and Structure

**Article 11** defines a **crime** (злочин) as a socially dangerous and blameworthy act or omission specified by the Code. Non-dangerous or negligible acts – even if technical elements exist – are not criminal offenses.

**The Criminal Code is structured into:**

- General Part (Articles 1–108), covering principles, definitions, types of criminal acts, guilt, punishment, etc.
- Special Part, detailing actual offenses (e.g., crimes against life, property, state, etc.)

### 3. The Special Part (Articles 109–447) of the Criminal Code of Ukraine, covering:

1. Categories of crimes (by chapter/theme)
2. Article ranges (to the extent available in public sources)
3. Classification by severity (non-grave, grave, especially grave)
4. Types of punishment and their general application

#### 3.1. Structure & Thematic Categories of the Special Part

The Special Part consists of 20 chapters (Articles 109–447), each addressing a distinct category of criminal offenses. According to the Encyclopedia of Ukraine:

Chapter I – Crimes against the national security of Ukraine

...

Chapter VI – Criminal offences against property

Chapter XII – (likely) Crimes against public order and morality

...

Chapter XX – Crimes against peace, security of mankind, and international law

### **Other well-known categories include:**

1. Life, health (e.g. murder, injury)
2. Liberty, dignity, and honour
3. Sexual freedom/inviolability
4. Electoral, labour, and personal rights
5. Economic crimes (e.g. smuggling, money laundering)
6. Environmental crimes
7. Public safety (e.g. terrorism, arson)
8. Occupational and traffic safety
9. Narcotics and public health
10. State secrets, borders, and military obligations
11. Authority of government and journalists (e.g. attacks on officials)
12. Cyber-related crimes
13. Crime in official/professional duties (e.g. corruption, abuse of office)
14. Justice system offenses (e.g. interference, threats)
15. Military criminal offenses (e.g. desertion)

## **3.2. Severity Classification & Corresponding Punishments**

### **Classification by Length of Imprisonment**

According to available summaries:

- **Non-grave crimes:** punishable by up to 5 years of incarceration
- **Grave crimes:** up to 10 years
- **Especially grave crimes:** over 10 years, or life imprisonment
- **Life imprisonment, or up to 25 years for multiple offenses, is the maximum**

### **Types of Punishments in Ukrainian Criminal Law**

As outlined in academic analysis (Article 52, Criminal Code):

#### **Primary punishments (only as standalone):**

- Community service
- Correctional labour
- Restrictions on military service
- Probation
- Arrest
- Fine (calculated in “tax-free minimum incomes of citizens,” ranging from 30 to 50,000 minima; courts may substitute alternative sanctions if unable to pay)

**Additional punishments** may accompany primary ones when stipulated.

### 3.3 Example: Property Crimes (Chapter VI, Articles ~185–191)

Though detailed article-to-offense mapping isn't fully available in our sources, Chapter VI typically includes:

**Theft** – Art. 185  
**Robbery** – Art. 186  
**Extortion** – Art. 189  
**Fraud** – Art. 190  
Etc.

### 3.4 Their classification:

**Theft** of low-value property → **non-grave** (up to 5 yrs)  
**Large-scale theft, aggravated circumstances** → **grave or especially grave** (over 10 yrs)  
**Punishments**: can include **fin**es or **imprisonment**, depending on severity and aggravating factors.  
**Secondary sanctions** (e.g., **confiscation, bans**) may also apply.

### 3.5. Additional Notes

**Inchoate offenses (preparation, attempt):**

**Criminal liability exists under Articles 14–17.** Preparation for minor offenses typically isn't punishable; attempts are punished according to the relevant consummated offense article.

**Legal classification:** Crime severity takes into account harm, method, guilt (intent vs negligence), and aggravating factors. Certain elements can increase or reduce the degree of gravity as defined in the General Part (Art. 2.x series).

**Maximum penalty context:** Ukraine has no death penalty; life imprisonment is the harshest sentence. Under specific conditions, it may be commuted to 25 years after 20 years served; amnesty power rests with Parliament.

### Key Takeaways

The **Special Part** organizes offenses by thematic chapters (20 total), each with detailed articles. Crimes are classified by severity through legal markers – harm, intent, scale – into **non-grave, grave,** and **especially grave.**

Punishments include a range from **community-based sanctions** and **fin**es, up to **long-term imprisonment** or **life sentences**, depending on offense seriousness and specifics.

---

### *List of Vocabulary*

**Especially grave crime** – особливо тяжкий злочин  
**grave crimes** – тяжкі злочини  
**medium-grave crime** – злочин середньої тяжкості  
**minor crime** – злочин невеликої тяжкості  
**criminal violation** — кримінальне правопорушення  
**criminal offense** — кримінальне правопорушення  
**criminal misdemeanor** — кримінальний проступок  
**crime** — злочин  
**misdemeanor** — проступок  
**act** — дія  
**inaction** — бездіяльність

**punishable** — караний  
**fine** — штраф  
**non-taxable minimum incomes of citizens** — неоподатковуваний мінімум доходів громадян  
**punishment** — покарання  
**imprisonment** — позбавлення волі  
**severity** — тяжкість  
**life sentence** — довічне ув'язнення  
**length of imprisonment** — строк позбавлення волі  
**stages of criminal offense** — стадії кримінального правопорушення  
**consummated crime** — закінчений злочин  
**unconsummated crime** — незакінчений злочин  
**preparation** — підготовка  
**attempt** — замах  
**voluntary abandonment** — добровільна відмова  
**offender** — правопорушник  
**liability** — відповідальність  
**act or omission** — дія чи бездіяльність  
**socially dangerous act** — суспільно небезпечне діяння  
**negligible act** — малозначне діяння  
**general part** — загальна частина  
**special part** — особлива частина  
**categories of crimes** — категорії злочинів  
**national security** — національна безпека  
**property** — власність  
**public order** — громадський порядок  
**morality** — моральність  
**peace** — мир  
**security of mankind** — безпека людства  
**international law** — міжнародне право  
**life** — життя  
**health** — здоров'я  
**liberty** — свобода  
**dignity** — гідність  
**honour** — честь  
**sexual freedom** — статевая свобода  
**sexual inviolability** — статевая недоторканність  
**electoral rights** — виборчі права  
**labour rights** — трудові права  
**personal rights** — особисті права  
**economic crimes** — економічні злочини  
**smuggling** — контрабанда  
**money laundering** — відмивання грошей  
**environmental crimes** — злочини проти довкілля  
**public safety** — громадська безпека  
**terrorism** — тероризм  
**arson** — підпал  
**occupational safety** — безпека праці  
**traffic safety** — безпека дорожнього руху  
**narcotics** — наркотики  
**public health** — громадське здоров'я  
**state secrets** — державні таємниці  
**borders** — кордони  
**military obligations** — військові обов'язки  
**authority of government** — влада держави

**journalists** — журналісти  
**cyber-related crimes** — кіберзлочини  
**corruption** — корупція  
**abuse of office** — зловживання службовим становищем  
**justice system offenses** — злочини проти правосуддя  
**interference** — втручання  
**threats** — погрози  
**military criminal offenses** — військові злочини  
**desertion** — дезертирство  
**classification** — класифікація  
**incarceration** — ув'язнення  
**community service** — громадські роботи  
**correctional labour** — виправні роботи  
**restrictions on military service** — обмеження військової служби  
**probation** — умовне покарання  
**arrest** — арешт  
**additional punishments** — додаткові покарання  
**confiscation** — конфіскація  
**bans** — заборони  
**harm** — шкода  
**intent** — умисел  
**negligence** — необережність  
**aggravating factors** — обтяжуючі обставини  
**legal markers** — правові ознаки  
**community-based sanctions** — громадські санкції  
**articles** — статті  
**chapter** — розділ

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Неоподатковуваний мінімальний дохід; тяжкість покарання; штраф та позбавлення волі; закінчені та незакінчені злочини; елементи злочину виконані; підготовка до злочину та замах на нього; збір інструментів та партнерів; безпосередньо спрямований на вчинення злочину; зовнішні обставини; добровільна відмова при незакінченому злочині; незакінчена дія не є іншим злочином; суспільно небезпечне та осудне діяння; злочини проти громадського порядку та моралі; злочини проти національної безпеки України; кримінальні злочини проти власності; злочини проти миру, безпеки людства та міжнародного права; повноваження уряду та журналістів; державні таємниці, кордони та військові зобов'язання; зловживання службовим становищем; правопорушення в системі правосуддя; довічне ув'язнення; громадські роботи; виправні роботи; обмеження щодо військової служби; неоподатковуваний мінімум доходів громадян; альтернативні санкції; додаткові покарання; коли це передбачено; крадіжка малоцінного майна; крадіжка у великих розмірах; обтяжуючі обставини; вторинні санкції; відповідна стаття про закінчений злочин; намір проти недбалості; ступінь тяжкості; збільшити або зменшити ступінь тяжкості; смертна кара; найсуворіший вирок; за певних умов; повноваження щодо амністії належать Парламенту; нетяжкі, тяжкі та особливо тяжкі злочини; серйозність та специфіка правопорушення.

## Ex. 3 Answer the following questions

1. According to the Criminal Code of Ukraine, what types of acts are included under the term “кримінальне правопорушення”?
2. What is the main difference between a criminal misdemeanor (кримінальний проступок) and a crime (злочин)?
3. Which criterion primarily determines whether an offense is classified as a misdemeanor or a crime?
  - a) Type of intent
  - b) Type of victim
  - c) Level of punishment
  - d) Type of evidence
4. According to the Code, what is the maximum imprisonment term for minor crimes (злочини невеликої тяжкості)?
5. Which category of crimes can lead to life imprisonment under Ukrainian law?
6. What does Article 13 of the Criminal Code distinguish between?
7. Define the difference between a consummated (закінчений) and an unconsummated (незакінчений) crime.
8. Which of the following activities constitutes preparation (підготовка злочину) under Article 14?
  - a) Committing the crime itself
  - b) Gathering tools and planning
  - c) Being present at the crime scene
  - d) Reporting a crime
9. Under Article 17, in which case may an offender be exempt from criminal liability?
10. Is preparation for a minor crime punishable under the Criminal Code of Ukraine? Explain briefly.
11. Which articles are covered by the General Part of the Criminal Code of Ukraine, and what topics does it include?
12. How many chapters does the Special Part consist of, and what do these chapters primarily regulate?
13. Give three examples of thematic categories of crimes listed in the Special Part.
14. According to Article 52 of the Criminal Code, list at least three types of primary punishments available under Ukrainian criminal law.
15. If a person commits a large-scale theft involving significant property damage, under which category would this offense most likely fall?
  - a) Non-grave crime
  - b) Medium-grave crime
  - c) Grave or especially grave crime
  - d) Misdemeanor

#### **Ex. 4 Match the words with their correct meanings**

- |                            |                              |
|----------------------------|------------------------------|
| 1. Criminal violation      | a) наркотики                 |
| 2. Criminal misdemeanor    | b) тяжкість                  |
| 3. Act or omission         | c) виборчі права             |
| 4. Imprisonment            | d) конфіскація               |
| 5. Severity                | e) дія чи бездіяльність      |
| 6. Minor crime             | f) особлива частина          |
| 7. Especially grave crime  | g) кримінальний проступок    |
| 8. Life sentence           | h) загальна частина          |
| 9. Preparation             | i) злочин невеликої тяжкості |
| 10. Attempt                | j) підготовка                |
| 11. Voluntary abandonment  | k) закінчений злочин         |
| 12. Consummated crime      | l) злочини проти довкілля    |
| 13. Offender               | m) особисті права            |
| 14. Liability              | n) добровільна відмова       |
| 15. Socially dangerous act | o) позбавлення волі          |
| 16. Negligible act         | p) правопорушник             |

17. General part	q) злочини проти правосуддя
18. Special part	г) злочин середньої тяжкості
19. Categories of crimes	s) кримінальне правопорушення
20. Economic crimes	t) стадії кримінального правопорушення
21. Smuggling	u) незначне діяння
22. Money laundering	v) відмивання грошей
23. Environmental crimes	w) контрабанда
24. Public safety	x) особливо тяжкий злочин
25. Terrorism	y) зловживання службовим становищем
26. Occupational safety	z) позбавлення волі
27. Cyber-related crimes	A) тероризм
28. Abuse of office	B) кіберзлочини
29. Justice system offenses	C) економічні злочини
30. Narcotics	D) громадська безпека
31. Electoral rights	E) гідність
32. Personal rights	F) трудові права
33. Dignity	G) громадський порядок
34. Labour rights	H) моральність
35. Public order	I) суспільно небезпечне діяння
36. Morality	J) межі
37. National security	K) міжнародне право
38. Borders	L) злочини проти правосуддя
39. International law	M) військові обов'язки
40. Military obligations	N) національна безпека
41. Stages of criminal offense	O) довічне ув'язнення

**Ex. 5 Render the following text from Ukrainian into English.**

**Кримінальне правопорушення**

Кримінальне правопорушення – це суспільно небезпечне, винне діяння (дія або бездіяльність), вчинене суб'єктом кримінального правопорушення, яке передбачене Кримінальним кодексом України (КК України). Стаття 11 КК України визначає поняття кримінального правопорушення, а статті Особливої частини КК України (наприклад, стаття 185 КК України про крадіжку) описують конкретні види таких правопорушень та встановлюють відповідальність за них.

**Суспільно небезпечне діяння:**

Це дія або бездіяльність, яка загрожує суспільним відносинам, що охороняються законом.

**Винне діяння:**

Діяння, вчинене особою усвідомлено, через необережність чи без наміру, але все ж таки з вини.

**Суб'єкт кримінального правопорушення:**

Особа, яка вчинила це діяння.

**Малозначність:**

Діяння, яке формально містить ознаки злочину, але через незначну суспільну небезпеку не є кримінальним правопорушенням.

**Приклади кримінальних правопорушень та їх статей.**

Кримінальний кодекс України складається із Загальної та Особливої частин.

**Загальна частина:**

Включає загальні положення про кримінальну відповідальність, види покарань, обставини, що виключають злочинність діяння, тощо.

**Особлива частина:**

Містить вичерпний перелік конкретних кримінальних правопорушень та відповідні статті.

**Приклади конкретних правопорушень:**

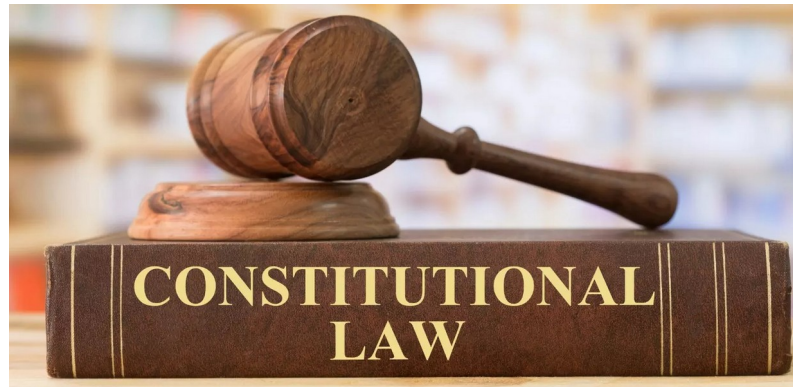
**Крадіжка:**

Таємне викрадення чужого майна, передбачене статтею 185 КК України.

**Готування до кримінального правопорушення:**

Підшукування або пристосування засобів, змова на вчинення злочину, що описано у статті 14 КК України.

## Constitutional Law



**Ex. 1 Read and translate the following text**

**Constitutional law** is a branch of law that represents a system of legal norms establishing the fundamental principles of state formation and social legal relations, the interaction between the state and the individual, the principles of operation of various institutions of power, the procedure for lawmaking, the fundamental rights, freedoms, and duties of citizens, the form of government and state structure, as well as the manner and procedure for the formation of bodies of state authority.



**Constitutional law of Ukraine** is a fundamental and foundational branch of the national legal system, representing an integrative body of legal norms that establish the foundations of the relationship between the individual, the state, and society. It defines the strategic goal of the state as a social, democratic, and rule-of-law state, enshrines the foundations of human rights and freedoms based on the principle of their distribution, regulates the organization of society, the form of the state, the procedure and principles for the formation and competence of bodies of state power, local self-government, and the judiciary.

**The object of constitutional law** is the fundamental principles of public and legal relations within the state.

**The subject of constitutional law** includes doctrinal issues of the interaction between the individual, the state, and society, the implementation of the rule of law in state-building, and the integrative aspects of the development of a democratic, social, rule-of-law state.

Unlike traditional branches of law such as civil or criminal law, constitutional law emerged as an independent branch relatively recently. In the history of the development of constitutional law, constitutional acts of individual states, which established the fundamental legal relations within the state, play an important role. A constitutional act of global significance was the *Declaration of the Rights of Man and of the Citizen* adopted in France in 1789. Proclaimed under the slogans of the struggle for liberty and equality, it affirmed and enshrined the fundamental natural rights and freedoms of the individual, which later became the foundation for many constitutions of European and other countries.

In Ukraine, a constitutional act known as the Constitution of Pylyp Orlyk, signed on April 5, 1710, in the city of Bender (present-day territory of the Republic of Moldova), titled “*The Legal Order and Constitution of the Rights and Freedoms of the Zaporozhian Host*”, holds significant historical importance. It was in the Constitution of Pylyp Orlyk in 1710 that one of the most important ideas of the rule-of-law state – the separation of powers into legislative, executive, and judicial branches – was implemented. By legally affirming the establishment of an independent Ukrainian Cossack state within the ethnographic national territory recognized by the Treaty of Zboriv in 1649, this act became the first Constitution of Ukraine to embody the principle of separation of powers: the legislative power (General Council), the executive headed by the Hetman, and the judiciary, with the General Court designated as the highest judicial body. This notable document also included articles on the protection of freedoms and property rights of the Cossacks. The Constitution proclaimed the idea of restoring “all natural rights and equality.”

The Act of Declaration of Independence of Ukraine, adopted on August 24, 1991, by the parliament of the Ukrainian Republic, declared Ukraine a sovereign, independent, and democratic state.

The *Universal Declaration of Human Rights*, adopted by the United Nations General Assembly on December 10, 1948, is a universal international legal instrument that enshrines fundamental human rights and defines the main mechanisms for their protection. It has become a foundational source of law of global significance for all areas of legal practice. Due to its immense civilizational importance and the political and moral authority of the 1948 Declaration, its provisions have been incorporated into the constitutions of many countries.

The European Convention on Human Rights (1950) established a comprehensive and integrative system of human rights standards and guarantees for their protection. In particular, Article 6 of the Convention, titled “*Right to a Fair Trial*”, contains a number of fundamental provisions that have been fully or partially incorporated into the constitutions and other laws of European countries.

The Convention was ratified by the Law of Ukraine on July 17, 1997. Section I defines the fundamental human rights and freedoms and sets out the obligations of states to protect and ensure them, as well as the conditions for their lawful restriction. These include: the right to life, the prohibition of torture, slavery and forced labor, the right to liberty and personal security, the right to an effective remedy and to a fair trial, the inadmissibility of unlawful punishment, the right to respect for private and family life, freedom of thought, conscience, and religion, freedom of expression, the right to marry, the prohibition of discrimination, derogation of obligations during war or other public emergencies threatening the life of the nation, restriction of political activity of foreigners, prohibition of abuse of rights, and limitations on the application of restrictions to rights.

Section II defines the organization, jurisdiction, and procedure of the European Court of Human Rights, while Section III sets out guarantees of existing human rights, the procedure for signing, ratifying, and denouncing the Convention, as well as other provisions.

To identify the specific nature of constitutional law as a branch of law, it is important to determine the **methods** of legal regulation of social relations – that is, the set of techniques and means of influencing social relations used by state authorities in regulating these relations.

**The characteristic features of the method of constitutional law** include the following:

17. Constitutional regulation establishes not all, but only the most fundamental principles and provisions that define the content and main directions of societal development;

18. The highest possible legal authority;

19. Direct constitutional norm-setting;

20. A predominance of imperative, centralized regulation, in which relations between subjects are based on principles of subordination;

21. A foundational (constitutive) nature, meaning that certain relations in constitutional law receive initial legal regulation, i.e., they are regulated for the first time;

22. A universal nature, as the method applies to all spheres of life;

23. A combination of direct regulation of social relations with indirect regulation, through the presence in the Constitution of Ukraine of principle-based norms that determine the foundations of the functioning of all branches of law;

24. A combination of stability and dynamism, since, on the one hand, the Constitution is a stable political and legal document, but on the other hand, it must also reflect the development of social relations.

**The classification of constitutional and legal relations** is carried out based on various criteria:

1. **By content**, they are divided into the following groups:

25. Relations arising from the establishment of the foundations of the constitutional order of Ukraine. These include, for example, relations that characterize popular sovereignty, the form of the state, separation of powers, the rule of law, and the principles of the relationship between the individual and the state;

26. Relations arising from the establishment and protection of the constitutional and legal status of the individual and citizen (citizenship, constitutional rights and freedoms, their guarantees, etc.);

27. Relations arising in the process of the expression of popular will (elections, referenda);

28. Relations arising in the process of organizing and functioning of the system of state authorities;

29. Relations arising in the process of determining the territorial structure of Ukraine and relations between Ukraine as a whole and its constituent parts;

30. Relations arising in the organization and functioning of local self-government.

2. **Depending on the nature of the interaction between the subjects**, they are classified as general constitutional and legal relations, specific constitutional and legal relations, and constitutional and legal statuses.

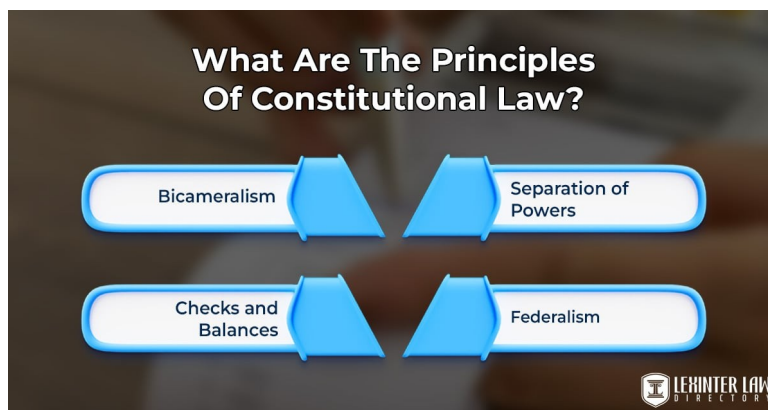
The general or specific nature of constitutional and legal relations is determined by the nature of the corresponding norms of constitutional law. The implementation of constitutional norms of a general regulatory nature (principle norms, declarative norms, definition norms, etc.) gives rise to general constitutional and legal relations, in which specific subjects, mutual rights, and obligations are not determined (these are specified in current legislation). This particularly applies to the principles of popular sovereignty (Art. 5) and separation of powers (Art. 6) as declared in the Constitution of Ukraine. Such relations are regulated by the norms of constitutional law in general terms.

Sometimes a special type of general constitutional and legal relations is distinguished – *constitutional statuses*, that is, relations in which specific subjects are defined, but their rights and duties are not clearly established. For example, citizenship status or the status of the Autonomous Republic of Crimea as part of Ukraine.

**Specific constitutional and legal relations are characterized by** clearly defined parties and specific legal interactions between them. Unlike general constitutional and legal relations, they are fully regulated by the norms of constitutional law.

**The norms** of the Constitution are the core of the entire legal system. They are norms of the highest legal force and have direct effect. Regulatory acts that contradict the Constitution of Ukraine are not subject to application. The norms of constitutional law are directly applicable and are specifically used in cases where certain relations are not regulated by sectoral legislation.

**The main principles of constitutional law** include: the rule of law; popular sovereignty; separation of powers into legislative, executive, and judicial branches; legality; individual freedom and the guarantee of the right to liberty and personal inviolability; equality of individuals and citizens before the law and the court; respect for human honor and dignity; confidentiality of communication; non-interference in private life; inviolability of property rights; inviolability of one's home or other personal possessions; the presumption of innocence; prohibition of state arbitrariness; guarantee of the right to legal assistance and defense; administration of justice exclusively by the court; judicial independence; guaranteed access to justice; humanism and fairness; mutual responsibility of the individual and the state; and the inadmissibility of restricting existing human rights and freedoms.



Constitutional law includes specific **legal institutions**, which represent a set of legal norms interconnected by their object of legal regulation. These include the institutions of the President of Ukraine, parliamentarism, executive power, local self-government, territorial structure, human rights and freedoms, citizenship, justice, legal assistance and defense, impeachment, as well as the referendum.

Constitutional law of Ukraine consists of the relevant **provisions of positive law**: the Constitution of Ukraine (adopted on June 28, 1996), international treaties ratified by the Verkhovna Rada of Ukraine, legislation on the lawmaking process and constitutional proceedings, decisions of the Constitutional Court of Ukraine, and other legislative acts regulating matters within the scope of constitutional law – for example, the “*Declaration of State Sovereignty of Ukraine*” of July 16, 1990, the Law of Ukraine “*On Local Self-Government*”, the Law of Ukraine “*On the Ukrainian Parliament Commissioner for Human Rights*”, and others, as well as concepts and provisions of natural law.

The modern Constitution of Ukraine includes the following **sections**:

Preamble

Section I. General Provisions (Articles 1–20)

Section II. Human and Citizen's Rights, Freedoms, and Duties (Articles 21–68)

Section III. Elections. Referendum (Articles 69–74)

Section IV. The Verkhovna Rada of Ukraine (Articles 75–101)

Section V. The President of Ukraine (Articles 102–112)

Section VI. The Cabinet of Ministers of Ukraine. Other Executive Authorities (Articles 113–120)

Section VIII. Judiciary (Articles 124–131-2)

Section IX. Territorial Structure of Ukraine (Articles 132–133)

Section X. The Autonomous Republic of Crimea (Articles 134–139)

Section XI. Local Self-Government (Articles 140–146)

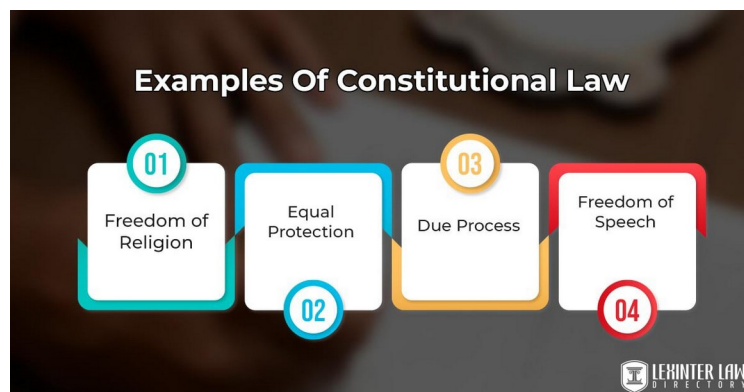
Section XII. The Constitutional Court of Ukraine (Articles 147–153)

Section XIII. Amendments to the Constitution of Ukraine (Articles 154–159)

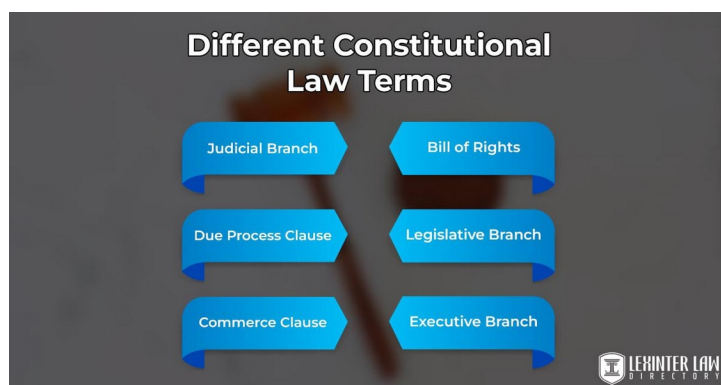
Section XIV. Final Provisions (Articles 160–161)

Section XV. Transitional Provisions.

**The Constitution** is the Fundamental Law of the state, possessing the highest legal and binding force. It defines the state structure and the basic principles of the legal system and legal relations within the state. It performs foundational functions (serving as a means of implementing the social contract), as well as legislative, ideological, political, administrative, stabilizing, and limiting functions. It serves as an important guide for society, reflecting moral values and strategic goals.



### The Different Constitutional Law Terms To Know



**Judicial Branch:** The judicial branch is one of the three departments of government in a constitutional system, and it is responsible for interpreting and applying the law. The Judicial Branch includes the courts and judges who assess legal cases to verify that they are constitutionally sound. It checks the other branches by verifying that laws and actions are constitutional.

**Bill of Rights:** The Bill of Rights is a set of rights and liberties granted to citizens by a constitution. The Bill of Rights contains safeguards such as free expression, religious freedom, and the right to a fair trial. The Bill of Rights protects individual liberty while limiting the government's influence over citizens.

**Due Process Clause:** The Due Process Clause is a legal principle that promotes just treatment and preserves individual rights when the government deprives a person of life, liberty, or property. The Due Process Clause is found in many constitutional documents and mandates that legal procedures be followed before such deprivation.

**Checks and Balances:** The division of powers among the many branches of government to prevent any single branch from becoming too powerful is called checks and balances. The approach allows each branch to monitor and limit the actions of the others, encouraging accountability and minimizing power abuse.

**Legislative Branch:** The legislative branch is in charge of making and passing laws. The legislative branch is normally composed of a parliament or congress and plays a role in expressing the interests of the people, deliberating on policy issues, and assuring the proper operation of government.

**Commerce Clause:** The Commerce Clause is a constitutional provision that empowers the federal government to regulate interstate commerce and trade. The Commerce Clause gives the

government the authority to monitor economic activity that spans state lines and provides a consistent approach to commercial issues.

**Executive Branch:** The executive branch is in charge of enforcing and executing legislation. The executive branch is led by the president or similar executive authority and controls the government's day-to-day activities. The executive branch is in charge of foreign affairs, law enforcement, and the implementation of legislatively approved programs.

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### *List of Vocabulary*

**Bodies of state authority** – органи державної влади

**rule-of-law state** – правова держава

**proclaimed** – проголошений

**(to be) ratified** – ратифікований

**right to life** – право на життя

**right to liberty and personal security** – право на свободу та особисту недоторканність

**right to an effective remedy and to a fair trial** – право на ефективний засіб правового захисту та на справедливий судовий розгляд

**inadmissibility of unlawful punishment** – неприпустимість незаконного покарання

**torture** – катування

**conscience** – совість

**freedom of expression** – свобода вираження думок

**slavery and forced labor** – рабство та примусова праця

**prohibition of discrimination** – заборона дискримінації

**derogation of obligations** – відступ від зобов'язань

**restriction, limitation** – обмеження

**provisions** – положення

**constitutional norm-setting** – конституційна нормотворчість

**predominance** – переважність

**subordination** – підпорядкування

**political and legal document** – політико-правовий документ

**regulatory acts** – нормативні акти

**rule of law** – верховенство права

**legality** – законність

**individual freedom** – свобода особистості

**right to liberty and personal inviolability** – право на свободу та особисту недоторканність

**equality of individuals and citizens before the law and court** – рівність особи та громадянина перед законом та судом

**respect for human honor and dignity** – повага честі та гідності людини

**confidentiality of communication** – таємниця листування

**presumption of innocence** – презумпція невинності

**prohibition of state arbitrariness** – заборона державного свавілля

**judicial independence** – незалежність суду

**guarantee of the right to legal assistance and defense** – гарантія права на юридичну допомогу та захист

**guaranteed access to justice** – гарантований доступ до правосуддя

**mutual responsibility of the individual and the state** – взаємна відповідальність особистості та держави

**humanism and fairness** – гуманізм та справедливість

**inadmissibility of restricting existing human rights and freedoms** – неприпустимість обмеження існуючих прав та свобод людини

**a set of legal norms** – сукупність правових норм

**object of legal regulation** – предмет правового регулювання

**executive power** – виконавча влада

**local self-government** – місьцеве самоврядування

**legislation on the lawmaking process and constitutional proceedings** – законодавство про законотворчий процес та конституційне судочинство

**scope of constitutional law** – сфера конституційного права

**Declaration of State Sovereignty of Ukraine** – Декларація про державний суверенітет України  
amendments – поправки

**Fundamental Law of the state** – Основний Закон держави

**means of implementing the social contract** – засіб реалізації соціального контракту

**interpreting and applying the law** – тлумачення та застосування закону

**Due Process Clause** – Клауза про належну правову процедуру

**encouraging accountability** – заохочення до відповідальності

**deprive** – позбавляти

**checks and balances** – система стримувань та противаг

**making and passing laws** – створення та прийняття законів

**enforcing and executing legislation** – забезпечення дотримання та виконання законодавства

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Система правових норм; принципи формування держави; суспільно-правові відносини; інститути влади; порядок законотворчості; права, свободи та обов'язки громадян; форма правління та державний устрій; органи державної влади; фундаментальна та основна галузь; інтегративна сукупність правових норм; основи взаємовідносин; принцип верховенства права; Декларація прав людини та громадянина; боротьба за свободу та рівність; затверджувати та закріплювати; основні природні права та свободи особистості; законодавча, виконавча та судова влада; шляхом юридичного закріплення; Генеральний суд як найвищий судовий орган; захист свобод та майнових прав; прийнятий парламентом; проголошувати; суверенна, незалежна та демократична держава; Загальна декларація прав людини; Генеральна Асамблея Організації Об'єднаних Націй; універсальний міжнародно-правовий документ; ряд основних положень; захист та забезпечення основних прав та свобод людини; право на життя; заборона тортур; рабство та примусова праця; право на свободу та особисту недоторканність; неприпустимість незаконного покарання; свобода вираження думок; право на одруження; заборона дискримінації; відступ від зобов'язань; заборона зловживань; організація, юрисдикція та процедура; Європейський суд з прав людини; процедура підписання, ратифікації та денонсації; правове регулювання суспільних відносин; сукупність прийомів та засобів впливу; юридична сила; конституційна нормотворчість; принципи підпорядкованості; стійкий політико-правовий документ; конституційно-правові відносини; верховенство права; народний суверенітет; свобода особистості; право на свободу та особисту недоторканність; рівність особи та громадянина перед законом та судом; повага честі та гідності людини; таємниця листування; презумпція невинності; заборона державного свавілля; гарантія права на юридичну допомогу та захист; незалежність суду; гарантований доступ до правосуддя; взаємна відповідальність особистості та держави; предмет правового регулювання; неприпустимість обмеження існуючих прав та свобод людини; сукупність правових норм; виконавча влада; законодавство про законотворчий процес та конституційне судочинство; сфера конституційного права; Декларація про державний суверенітет України; Закон України "Про місцеве самоврядування"; Закон України "Про уповноваженого Верховної Ради України з прав людини"; Внесення змін до Конституції України; основний Закон держави; основні засади правової системи та правових відносин у державі; засіб реалізації соціального контракту; законодавчі, ідеологічні, політичні, адміністративні, стабілізуючі та обмежуючі функції; Клауза про належну правову процедуру; заохочення до відповідальності; створення та прийняття законів; забезпечення дотримання та виконання законодавства.

### Ex. 3 Answer the questions on the text

#### General understanding

1. What is the primary focus of constitutional law as a branch of law?
2. How does constitutional law in Ukraine define the strategic goal of the state?
3. What is the object of constitutional law?
4. What key document adopted in 1789 significantly influenced constitutional law globally?
5. Which early Ukrainian constitutional act implemented the principle of separation of powers?

#### Ukrainian constitutional foundations

1. What significance does the Constitution of Pylyp Orlyk (1710) hold in Ukrainian legal history?
2. What event marked the declaration of Ukraine's independence?
3. When was the European Convention on Human Rights ratified by Ukraine?
4. What rights are protected under Section I of the European Convention on Human Rights?
5. Which section of the Constitution of Ukraine contains articles related to the judiciary?
6. What are the main provisions of the Constitution of Ukraine?
7. How do the sections of the Constitution of Ukraine regulate the rights of citizens?

#### Theoretical aspects and legal regulations

1. How does the method of constitutional law differ from that of other branches of law?
2. Name three characteristic features of the method of constitutional law.
3. What is the difference between general and specific constitutional and legal relations?
4. What are constitutional statuses, and how are they different from other legal relations?

#### Constitutional principles and structure

1. List at least four main principles of constitutional law.
2. What are some legal institutions included in constitutional law?
3. What are some legal sources that form the basis of Ukraine's constitutional law?

#### Functions and branches of government

1. What is the main function of the judicial branch in a constitutional system?
2. What is the role of the Bill of Rights in a constitutional democracy?
3. How do checks and balances operate within the framework of constitutional law?

### Ex. 4 Match the words with the corresponding meanings

English Vocabulary	Meaning (Ukrainian, Mixed Order)
1. bodies of state authority	a) тлумачення та застосування закону
2. rule-of-law state	b) проголошений
3. proclaimed	c) законодавство про законотворчий процес та конституційне судочинство
4. (to be) ratified	d) таємниця листування
5. right to life	e) неприпустимість незаконного покарання
6. right to liberty and personal security	f) виконавча влада
7. right to an effective remedy and to a fair trial	g) свобода вираження думок
8. inadmissibility of unlawful punishment	h) сукупність правових норм
9. torture	i) неприпустимість обмеження існуючих прав та свобод людини
10. conscience	j) система стримувань та противаг
11. freedom of expression	k) свобода особистості

12. slavery and forced labor	l) Основний Закон держави
13. prohibition of discrimination	m) право на ефективний засіб правового захисту та на справедливий судовий розгляд
14. derogation of obligations	n) гарантія права на юридичну допомогу та захист
15. restriction, limitation	o) забезпечення дотримання та виконання законодавства
16. provisions	p) позбавляти
17. constitutional norm-setting	q) заохочення до відповідальності
18. predominance	r) сфера конституційного права
19. subordination	s) правова держава
20. political and legal document	t) місцеве самоврядування
21. regulatory acts	u) ратифікований
22. rule of law	v) засіб реалізації соціального контракту
23. legality	w) положення
24. individual freedom	x) рабство та примусова праця
25. right to liberty and personal inviolability	y) незалежність суду
26. equality of individuals and citizens before the law and court	z) рівність особи та громадянина перед законом та судом
27. respect for human honor and dignity	A) відступ від зобов'язань
28. confidentiality of communication	B) проголошений
29. presumption of innocence	C) право на життя
30. prohibition of state arbitrariness	D) заборона дискримінації
31. judicial independence	E) презумпція невинності
32. guarantee of the right to legal assistance and defense	F) предмет правового регулювання
33. guaranteed access to justice	G) гуманізм та справедливість
34. mutual responsibility of the individual and the state	H) обмеження
35. humanism and fairness	I) політико-правовий документ
36. inadmissibility of restricting existing human rights and freedoms	J) Декларація про державний суверенітет України
37. a set of legal norms	K) право на свободу та особисту недоторканність
38. object of legal regulation	L) конституційна нормотворчість
39. executive power	M) тлумачення та застосування закону
40. local self-government	N) право на свободу та особисту недоторканність
41. legislation on the lawmaking process and constitutional proceedings	O) положення
42. scope of constitutional law	P) гарантований доступ до правосуддя
43. Declaration of State Sovereignty of Ukraine	Q) право на життя
44. amendments	R) поправки
45. Fundamental Law of the state	S) верховенство права
46. means of implementing the social contract	T) підпорядкування
47. interpreting and applying the law	U) проголошений
48. Due Process Clause	V) Клауза про належну правову процедуру
49. encouraging accountability	W) заохочення до відповідальності
50. deprive	X) право на ефективний засіб правового захисту та на справедливий судовий розгляд

51. checks and balances	Y) рівність особи та громадянина перед законом та судом
52. making and passing laws	Z) створення та прийняття законів
53. enforcing and executing legislation	AA) органи державної влади

### Ex. 5 Answer the questions on the text

1. What is the primary purpose of constitutional law within a legal system?
2. How does constitutional law in Ukraine define the relationship between the individual, the state, and society?
3. Which key historical documents have influenced the development of constitutional law globally and in Ukraine specifically?
4. What was significant about the Constitution of Pylyp Orlyk adopted in 1710?
5. What is the significance of the Act of Declaration of Independence of Ukraine of 1991 in the context of constitutional law?
6. Which international documents related to human rights are mentioned in the text, and what is their importance to Ukrainian constitutional law?
7. What types of human rights and freedoms are guaranteed under the European Convention on Human Rights and reflected in Ukraine's constitutional law?
8. How is the subject of constitutional law defined, and how does it differ from its object?
9. What are some characteristic features of the method of constitutional legal regulation?
10. What are the criteria for classifying constitutional and legal relations in Ukraine?
11. What is the difference between general and specific constitutional and legal relations?
12. What are the core principles of constitutional law outlined in the Ukrainian Constitution?
13. Which bodies or institutions are regulated by constitutional legal norms in Ukraine?
14. What sources form the basis of Ukraine's constitutional law besides the Constitution itself?
15. What sections are included in the modern Constitution of Ukraine, and what do they generally cover?

### Ex. 6 True/False questions

1. Constitutional law regulates all areas of private law, including contracts and family disputes.
2. The Constitution of Pylyp Orlyk, signed in 1710, was the first Ukrainian constitutional act to implement the principle of separation of powers.
3. The European Convention on Human Rights was ratified by Ukraine in 1948.
4. The constitutional norms in Ukraine have the highest legal force and are directly applicable.
5. The Act of Declaration of Independence of Ukraine was adopted by the Verkhovna Rada on August 24, 1991.
6. Constitutional law emerged as an independent legal branch during the Roman Empire.
7. The main principles of constitutional law include the rule of law, separation of powers, and guaranteed access to justice.
8. The Universal Declaration of Human Rights is binding only on European countries.
9. The legislative branch is responsible for interpreting and applying the law.
10. The Due Process Clause ensures that legal procedures are followed when the government deprives a person of life, liberty, or property.

### Ex. 7 Render the following text into English

#### Конституційне право

**Конституційне право** – це галузь права, яка охоплює сукупність юридичних норм, що визначають основи функціонування держави, регулюють публічно-правові відносини між

державою та громадянами, встановлюють принципи організації і діяльності органів влади, порядок створення нормативно-правових актів, основні права, свободи й обов'язки людини і громадянина, форму державного правління й адміністративно-територіального устрою, а також механізми формування органів державної влади та місцевого самоврядування, засади виборчої системи та судочинства.

**Наука конституційного права** аналізує світовий досвід народів у їхньому прагненні до свободи, рівноправ'я, гідності, демократії та справедливості, узагальнюючи історичні досягнення у сфері гуманістичного державного розвитку.

**Конституційне право України** є ключовою та базовою галуззю в структурі національного права. Воно являє собою цілісну систему правових норм, що регулюють основи взаємовідносин між людиною, державою та суспільством, визначають стратегічний напрям розвитку України як соціальної, демократичної та правової держави. Ця галузь закріплює фундаментальні права і свободи людини, спирається на принцип поділу влади та інші засади правової державності, визначає політичну й економічну структуру суспільства, форму державного устрою, порядок створення, принципи функціонування й повноваження органів державної влади, місцевого самоврядування та судової влади.

**Об'єктом конституційного права** є базові суспільні та правові відносини, що визначають устрій держави.

**Предмет конституційного права** охоплює теоретичні основи взаємодії особи, держави і суспільства, реалізацію принципу верховенства права в процесі державотворення, а також інтеграційні напрями побудови демократичної, соціально орієнтованої правової держави.

Закріплюючи правові норми найвищої юридичної сили, **конституційне право** відіграє роль ядра правової системи держави. Воно формує цілісну систему правових принципів і правотворчих механізмів, виступає основою для розвитку, впорядкування та узгодження галузевого законодавства і всієї нормативної бази.

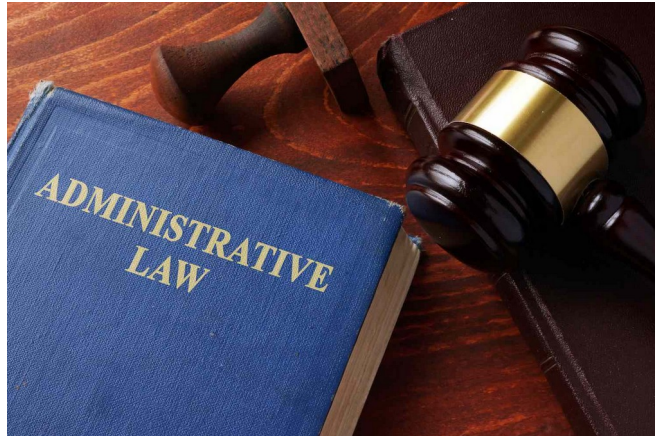
Більшість сучасних Конституцій Європи та інших розвинутих країн враховують положення міжнародних правових актів, які прийнято називати стандартами прав людини: Загальна декларація прав людини (1948), Міжнародний пакт про громадянські та політичні права (1966), Міжнародний пакт про економічні, соціальні та культурні права (1966), Факультативний протокол до Міжнародного пакту про громадянські і політичні права (1966) та Другий факультативний протокол, що стосується скасування смертної кари (1989), а країни Європи, здебільшого, в своїх Конституціях втілюють основні положення фундаментального міжнародного правового акту Європейської системи – Конвенції про захист прав і основоположних свобод людини (1950 р.).

Законодавча влада сама має забезпечувати верховенство (панування) права (природних прав і свобод людини). Доцільніше наш парламент так і іменувати «Парламент», в структурі якого передбачити дві палати: верхня палата – «Сенат»; нижня палата, яку з урахуванням історичних традицій можна було б назвати «Віче» (народні збори). Для постійного оновлення законодавчої влади як запоруки прогресу слід запровадити таке правило: «Депутатами Верховної Ради України та органів місцевого самоврядування не можна обирати громадян України більше двох каденцій підряд». Якщо цього не воліє зробити чинний парламент, відповідне положення чи вся Конституція повинні прийматися на референдумі.

Сучасна Україна за Конституцією 1996 року, є суверенна і незалежна, демократична, соціальна, правова, унітарна держава Європи з республіканською формою правління. Важливо забезпечити формування належних та дієвих механізмів реалізації цих конституційних приписів в усіх сферах суспільних відносин, забезпечити непорушність конституційних засад державотворення, забезпечити чітку юридичну визначеність правових норм, гармонізувати інститути влади та систему права, усунути умови прояву політичної корупції, удосконалити систему правосуддя.

Державний суверенітет визначається у Декларації про державний суверенітет України, як верховенство, самостійність, повнота і неподільність влади республіки в межах її території та незалежність і рівноправність у зовнішніх зносинах.

# Administrative Law



**Ex. 1 Read and translate the following text**

## **1. Administrative law. General notions**

**Administrative law** is a division of law governing the activities of executive branch agencies of government. Administrative law includes executive branch rulemaking (executive branch rules are generally referred to as "regulations"), adjudication, and the enforcement of laws. Administrative law is considered a branch of public law.

Administrative law deals with the decision-making of administrative units of government that are part of the executive branch in such areas as international trade, manufacturing, the environment, taxation, broadcasting, immigration, and transport.

Administrative law expanded greatly during the 20th century, as legislative bodies worldwide created more government agencies to regulate the social, economic and political spheres of human interaction.

### **Key Aspects of Administrative Law**

#### **Agency Rulemaking:**

Administrative agencies develop regulations, which are rules with the force of law, to implement statutes passed by legislatures. This process often involves public notice and comment periods to ensure transparency and public participation.

#### **Adjudication:**

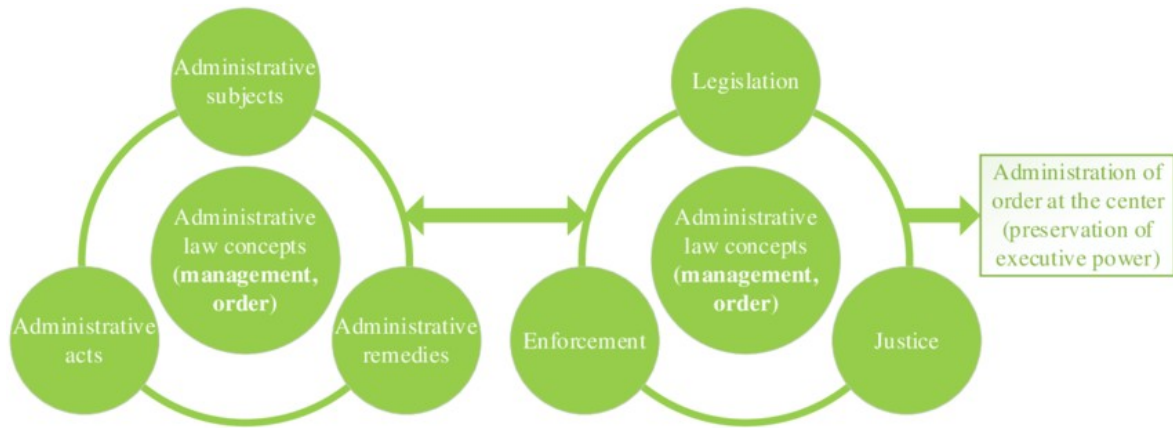
Agencies also conduct adjudication, a process similar to a trial, to resolve disputes, such as applications for licenses or benefits, or to determine if actions comply with relevant laws.

#### **Enforcement:**

Administrative law includes the enforcement of regulations and policies created by agencies.

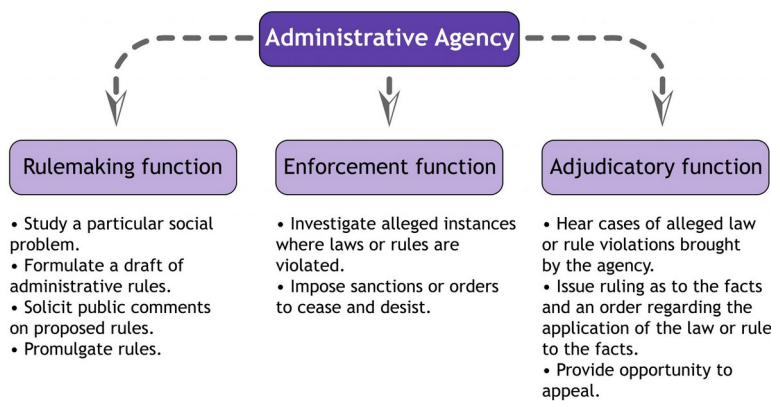
#### **Judicial Review:**

Citizens who disagree with an agency's decision may have the right to appeal to the courts to ensure the agency acted within its legal authority and followed proper procedures.



One of the principal objects of administrative law is to ensure efficient, economical, and just administration. With each addition to the functions of the state, additional powers have been acquired by the administrative organs concerned, which may be central ministries, local, provincial, or regional governments, or special agencies created for a particular purpose.

### Roles and Responsibilities of Administrative Agencies



Understanding the sources of administrative law is essential for legal professionals and individuals seeking to navigate the complexities of administrative processes

### Distinctions between public administration and private action

Activities such as traffic control, fire-protection services, policing, smoke abatement, the construction or repair of highways, the provision of currency, town and country planning, and the collection of customs and excise duties are usually carried out by governments, whose executive organs are assumed to represent the collective will of the community and to be acting for the common good. It is for this reason that they are given powers not normally conferred on private persons. They may be authorized to infringe citizens' property rights and restrict their freedom of action in many different ways, ranging from the quarantining of infectious persons to the instituting of criminal proceedings for nonpayment of taxes.

The result of the distinction between public administration and private action is that administrative law is quite different from private law regulating the actions, interests, and obligations of private persons. Civil servants do not generally serve under a contract of employment but have a special status. Taxes are not debts, nor are they governed by the law relating to the recovery of debts by private persons. In addition, relations between one executive organ and another, and between an

executive organ and the public, are usually regulated by compulsory or permissive powers conferred upon the executive organs by the legislature.

The law regulating the internal aspects of administration (e.g., relations between the government and its officials, a local authority and its committees, or a central department and a local authority) differs from that covering external relations (those between the administration and private persons or interests). In practice, internal and external aspects are often linked, and legal provisions of both kinds exist side by side in the same statute. Thus, a law dealing with education may modify the administrative organization of the education service and also regulate the relations between parents and the school authorities.

Another distinction exists between a command addressed by legislation to the citizen, requiring him to act or to refrain from acting in a certain way, and a direction addressed to the administrative authorities. When an administrative act takes the form of an unconditional command addressed to the citizen, a fine or penalty is usually attached for failure to comply. In some countries the enforcement is entrusted to the criminal courts, which can review the administrative act; in others the administrative act itself must be challenged in an administrative court.

### **The need for legal safeguards over public administration**

Statutory directions addressed to the executive authorities may impose absolute duties, or they may confer discretionary powers authorizing a specified action in certain circumstances. Such legislation may give general directions for such activities as factory inspection, slum clearance, or town planning. The statute lays down the conditions under which it is lawful for the administration to act and confers on the authorities the appropriate powers, many of which involve a large element of discretion. Here the executive is not confined merely to carrying out the directions of the legislature; often it also shares in the lawmaking process by being empowered to issue regulations or ordinances dealing with matters not regulated by the statute. This may be regarded either as part of the ordinary process by which the legislature delegates its powers or as an inevitable feature of modern government, given that many matters are too technical, detailed, or subject to frequent change to be included in the main body of legislation – legislation being less easy to change than regulations.

Whatever the source of the executive's rule-making power, safeguards against misuse are necessary. For instance, the regulation must not exceed the delegated powers; its provisions must conform with the aims of the parent statute; prior consultation with interests likely to be affected should take place whenever practicable; and the regulations must not contravene relevant constitutional rules and legal standards. In some countries regulations are scrutinized by a type of watchdog known as the council of state before they come into force; in others, by the parliamentary assembly; and in yet others, by the ordinary courts.

### **Bureaucracy and the role of administrative law**

An inevitable consequence of the expansion of governmental functions has been the rise of bureaucracy. The number of officials of all kinds has greatly increased, and so too have the material resources allocated to their activities, while their powers have been enlarged in scope and depth. The rise of bureaucracy has occurred in countries ruled by all types of government, including communist countries, dictatorships and fascist regimes, and political democracies.

Bureaucratic maladies are of different kinds. They include an overdevotion of officials to precedent, remoteness from the rest of the community, inaccessibility, arrogance in dealing with the general public, ineffective organization, waste of labour, procrastination, an excessive sense of self-importance, indifference to the feelings or convenience of citizens, an obsession with the binding authority of departmental decisions, inflexibility, abuse of power, and reluctance to admit error. Many of these defects can be prevented or cured by the application of good management techniques and by the careful training of personnel. A whole range of techniques is available for this purpose, including effective public relations, work-study programs, organization and management, operational research, and social surveys.

Administrative law is valuable in controlling the bureaucracy. Under liberal-democratic systems of government, political and judicial control of administration are regarded as complementary, but distinct. The former is concerned with questions of policy and the responsibility of the executive for

administration and expenditure. The latter is concerned with inquiring into particular cases of complaint. Administrative law does not include the control of policy by ministers or the head of state.

### **Judicial review of administration**

Judicial review of administration is, in a sense, the heart of administrative law. It is certainly the most appropriate method of inquiring into the legal competence of a public authority. The aspects of an official decision or an administrative act that may be scrutinized by the judicial process are the competence of the public authority, the extent of a public authority's legal powers, the adequacy and fairness of the procedure, the evidence considered in arriving at the administrative decision and the motives underlying it, and the nature and scope of the discretionary power. An administrative act or decision can be invalidated on any of these grounds if the reviewing court or tribunal has a sufficiently wide jurisdiction. There is also the question of responsibility for damage caused by the public authority in the performance of its functions. Judicial review is less effective as a method of inquiring into the wisdom, expediency, or reasonableness of administrative acts, and courts and tribunals are unwilling to substitute their own decisions for that of the responsible authority.

It is of course impractical to subject every administrative act or decision to investigation, for this would entail unacceptable delay. The complainant must, therefore, always make out a prima facie case that maladministration has occurred.

Judicial review cannot compel the state to act in a particular way because the courts concerned cannot impose sanctions on the government, which itself controls the use of force. Such remedies as an injunction, an order for specific performance, or an order for mandamus will not lie against the central government. These inhibitions, however, are of less practical importance than might be supposed. Nevertheless, nearly all governments (even revolutionary ones) are eager to proclaim the lawfulness of the regime and seldom disregard the decisions of an authorized court or tribunal.

In judicial review of administration at a national level, a country's history, politics, and constitutional theory all play their part.

**Administrative law of Ukraine** is the body of law that governs the activities of administrative agencies of non-state entities, while also subjecting state actions to the rule of law, offering regulated entities a legal means to contest administrative decisions.

A regulation is an officially defined, legally compulsory and effected by state compulsion behavior norm applying to participants that guarantees public rights and liberties of residents and normal functioning of civil society and the state. Regulated entities both have defined rights and bear legal responsibilities.

The administrative law guarantees the rights and liberties of regulated entities and enables civil society and the state to operate in a well-defined manner.

The subjects of the administrative law are natural and legal persons, which have rights and legal liabilities and are empowered with specific legal properties.

The main methods of the administrative law are persuasion and compulsion.

Administrative law is enforced by the district (municipal) court and the appeals system that reviews disputed cases. The court is responsible for protecting the rights, liberties and legal interests of natural and legal persons, including regulated entities and the general public. The system works by attempting to prevent breaches and remedying the breaches that do occur, via reimbursement of losses to victims and bringing guilty persons to administrative and/or other legal responsibility.

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### *List of Vocabulary*

**Executive branch** – виконавча влада

**regulation** – нормативно-правовий акт / регламент

**rulemaking** – нормотворчість

**adjudication** – адміністративне судочинство / розгляд справ

**enforcement** – примусове виконання / забезпечення дотримання

**public law** – публічне право

**decision-making** – прийняття рішень  
**international trade** – міжнародна торгівля  
**taxation** – оподаткування  
**broadcasting** – трансляція  
**transparency** – прозорість  
**judicial review** – судовий перегляд  
**administration** – управління  
**executive organ** – орган виконавчої влади  
**public administration** – державне управління  
**currency provision** – забезпечення валютою  
**customs duties** – митні збори  
**excise duties** – акцизні збори  
**property rights** – права власності  
**civil servant** – державний службовець  
**discretionary powers** – дискреційні повноваження  
**ordinance** – розпорядження / постанова  
**bureaucracy** – бюрократія  
**abuse of power** – зловживання владою  
**maladministration** – неналежне управління  
**injunction** – судова заборона  
**specific performance** – примусове виконання зобов'язання  
**mandamus** – судовий наказ (мандат)  
**tribunal** – трибунал / спеціалізований суд  
**constitutional theory** – конституційна доктрина  
**regulated entity** – суб'єкт регулювання  
**natural person** – фізична особа  
**legal person** – юридична особа  
**persuasion** – переконання  
**compulsion** – примус  
**reimbursement** – відшкодування  
**legal liability** – юридична відповідальність  
**legislative bodies** – законодавчі органи  
**government agencies** – державні установи  
**implement** – впроваджувати  
**transparency** – прозорість  
**trial** – судовий процес  
**determine** – визначати  
**comply (with)** – дотримуватися  
**ensure** – забезпечувати  
**concerned** – що має відношення, відповідний; занепокоєний  
**traffic control** – управління дорожнім рухом  
**fire-protection services** – послуги пожежної охорони  
**policing** – поліцейська діяльність  
**smoke abatement** – боротьба із задимленням  
**construction** – будівництво  
**repair** – ремонт  
**highway** – автомагістраль  
**provision** – забезпечення  
**currency** – валюта  
**collection of customs and excise duties** – стягнення митних та акцизних зборів  
**(to be) assumed (to)** – передбачається/вважається, що  
**common good** – спільне благо  
**(to be) conferred (on)** – надається, покладається на  
**instituting of criminal proceedings** – порушення кримінальної справи

**civil servant** – державний службовець  
**contract of employment** – трудовий договір  
**recovery of debts** – стягнення боргів  
**compulsory or permissive powers** – обов'язкові або дозвільні повноваження  
**legal provisions** – правові положення  
**side by side** – поруч  
**failure to comply** – невиконання  
**entrusted (to)** – довірено, доручено  
**can be challenged** – може бути оскаржено  
**impose** – зобов'язувати, накладати обов'язки  
**regulations** – нормативні акти  
**watchdog** – наглядач  
**allocate** – розподіляти, закріпляти  
**remedying the breaches** – усунення порушень

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Правила, що мають силу закону; виконувати закони, прийняті законодавчими органами; публічне повідомлення та коментування; прозорість та участь громадськості; вирішувати суперечки; заявки на отримання ліцензій або пільг; дотримуватися відповідних законів; звернутися до суду; діяти в межах своїх законних повноважень; дотримуватися належних процедур; ефективне, економічне та справедливе управління; міністерства, місцеві, обласні чи регіональні органи влади; певна мета; управління дорожнім рухом; послуги пожежної охорони; боротьба із задимленням; будівництво або ремонт автомобільних доріг; забезпечення валютою; планування міст і сільської місцевості; стягнення митних та акцизних зборів; виконавчі органи; обмежувати свободу дій; інфекційна особа; несплата податків; порушення кримінальної справи; дії, інтереси та обов'язки приватних осіб; працювати за трудовим договором; регулюється обов'язковими або дозвільними повноваженнями; внутрішні аспекти адміністрування; місцева влада та її комітети; внутрішні та зовнішні аспекти; змінити адміністративну організацію; стосунки між батьками та шкільною адміністрацією; переглядати адміністративний акт; може бути оскаржено в адміністративному суді; накладати абсолютні обов'язки; попередні консультації із зацікавленими сторонами; розширення урядових функцій; байдужість до почуттів чи зручності громадян; одержимість обов'язковою силою відомчих рішень; зловживання владою; небажання визнавати помилку.

## Ex. 3 Answer the questions on the text

1. What is administrative law and which branch of government does it primarily regulate?
2. What activities are generally included under administrative law?
3. Why is administrative law considered part of public law?
4. In which areas of governance does administrative law play a role (e.g., trade, taxation, immigration)?
5. How did administrative law expand during the 20th century?
6. What is the purpose of agency rulemaking in administrative law?
7. What is adjudication in the context of administrative law?
8. How does enforcement function in administrative law?
9. What role does judicial review play in administrative law?
10. What is one of the main objectives of administrative law in governance?
11. How does administrative law distinguish between public administration and private action?

12. Why are governments given powers not normally conferred on private persons?
13. How do internal relations in administration differ from external relations?
14. What is the difference between a legislative command to citizens and a direction to administrative authorities?
15. Why are legal safeguards necessary over public administration?
16. What mechanisms exist to prevent misuse of executive rule-making powers?
17. What are some common bureaucratic defects mentioned in the text?
18. How can administrative law help in controlling bureaucracy?
19. What aspects of administrative decisions can judicial review examine?
20. How is administrative law applied in Ukraine, particularly regarding the protection of rights and liberties?

#### **Ex. 4 Multiple Choice Questions**

1. What does administrative law primarily regulate?
  - a) The legislative process
  - b) Activities of executive branch agencies
  - c) Court procedures
  - d) Private business contracts
  
2. Which of the following is **not** typically included in administrative law?
  - a) Rulemaking
  - b) Adjudication
  - c) Enforcement
  - d) Drafting of private employment contracts
  
3. Administrative law is considered a branch of:
  - a) Private law
  - b) International law
  - c) Public law
  - d) Criminal law
  
4. Which areas are commonly regulated by administrative law?
  - a) Sports and entertainment only
  - b) International trade, immigration, taxation
  - c) Private contracts and family law
  - d) Military operations
  
5. When did administrative law expand significantly?
  - a) During the 18th century
  - b) During the 19th century
  - c) During the 20th century
  - d) During the 21st century
  
6. What is the purpose of agency rulemaking?
  - a) To enforce international treaties
  - b) To create regulations that implement statutes
  - c) To punish criminal offenders
  - d) To elect government officials
  
7. What does adjudication by agencies resemble?
  - a) A parliamentary debate
  - b) A criminal investigation
  - c) A trial

d) A legislative vote

8. What does enforcement in administrative law involve?

- a) Conducting public surveys
- b) Ensuring compliance with regulations
- c) Drafting new statutes
- d) Creating international treaties

9. Judicial review allows citizens to:

- a) Vote out executive officials
- b) Appeal agency decisions in court
- c) Amend the constitution
- d) Draft new laws

10. What is one principal objective of administrative law?

- a) Protecting private property
- b) Ensuring efficient and just administration
- c) Guaranteeing military security
- d) Limiting legislative authority

11. Why are governments given powers not granted to private persons?

- a) To protect corporate profits
- b) To act for the collective good
- c) To avoid international law
- d) To favor private interests

12. Which example best illustrates external relations in administration?

- a) Relations between a ministry and a local authority
- b) Relations between a government and its officials
- c) Relations between parents and school authorities
- d) Relations between committees within a local authority

13. What happens when legislation commands citizens unconditionally?

- a) Citizens may ignore it
- b) Penalties or fines are usually attached
- c) It has no legal force
- d) It must first be approved by international courts

14. Why are safeguards over public administration necessary?

- a) To prevent misuse of executive powers
- b) To increase tax collection
- c) To limit citizen participation
- d) To expand bureaucratic authority

15. Which of the following may review regulations before they come into force?

- a) Trade unions
- b) Councils of state or courts
- c) Political parties
- d) Private companies

16. Which of the following is NOT a bureaucratic defect listed in the text?

- a) Arrogance
- b) Inflexibility
- c) Abuse of power

d) Transparency

17. How does administrative law control bureaucracy?

- a) By eliminating government agencies
- b) Through political and judicial oversight
- c) By reducing all public spending
- d) By banning discretionary powers

18. Judicial review can examine all of the following EXCEPT:

- a) Competence of the authority
- b) Adequacy of procedure
- c) Motives behind decisions
- d) Wisdom or expediency of decisions

19. Why can't courts compel the central government to act through judicial review?

- a) Because governments control the use of force
- b) Because courts lack independence
- c) Because regulations cannot be appealed
- d) Because administrative law forbids it

20. In Ukraine, administrative law is enforced by:

- a) International courts
- b) Private arbitration panels
- c) District (municipal) courts and appeals system
- d) The legislature directly

**Ex. 5 Fill in each sentence with the suitable word or word combination from the vocabulary list in the necessary form**

1. The \_\_\_\_\_ is responsible for implementing laws passed by legislative bodies.
2. A new \_\_\_\_\_ on environmental protection was adopted to reduce industrial pollution.
3. Effective \_\_\_\_\_ requires transparency and public participation.
4. The tribunal handles cases of administrative \_\_\_\_\_.
5. Strict \_\_\_\_\_ of traffic laws helps reduce road accidents.
6. \_\_\_\_\_ governs the relationship between the state and individuals.
7. Collective \_\_\_\_\_ in government agencies ensures fairness.
8. \_\_\_\_\_ agreements must comply with both domestic and foreign regulations.
9. The government increased \_\_\_\_\_ on luxury goods to raise revenue.
10. State authorities regulate \_\_\_\_\_ to protect national interests.
11. \_\_\_\_\_ in public administration builds trust among citizens.
12. Citizens can request a \_\_\_\_\_ of administrative decisions.
13. Modern \_\_\_\_\_ relies on digital technologies to improve efficiency.
14. Each \_\_\_\_\_ has specific powers entrusted by law.
15. \_\_\_\_\_ provides essential services like education and healthcare.
16. The central bank manages \_\_\_\_\_ to stabilize the economy.
17. Importers must pay \_\_\_\_\_ at the border.
18. \_\_\_\_\_ are often imposed on alcohol and tobacco products.
19. Respect for \_\_\_\_\_ is a cornerstone of constitutional theory.
20. A \_\_\_\_\_ must perform duties with impartiality and integrity.

## **2. Types of offences under the Administrative Law of Ukraine**

## Ex. 1 Read and translate the following text

Administrative offenses in Ukraine are unlawful, intentional, or negligent actions or inactions that harm the state, public order, property, rights, and freedoms of others, and for which administrative liability is provided. They are defined in the Code of Ukraine on Administrative Offenses and are distinguished from criminal offenses by their lower degree of public danger. The specific types of administrative offenses are extensive and cover various areas, including drug offenses, public order violations, property crimes, environmental offenses, and violations related to management and commercial activities.

### Signs of an Administrative Offense

Administrative offenses are identified by the presence of such signs:

- fact of action or inaction;
- harm or damage;
- unlawfulness of actions, which is confirmed by the norms of the legislation (in Ukraine it is the Code of Administrative Offenses);
- guilt – unlawful actions fall under administrative responsibility only if the subject of the offense is guilty – the fact that the action was committed through negligence or intentionally;
- punishability – the onset of administrative responsibility for the deed by the law.

### General Characteristics

#### Unlawful and Guilty:

An administrative offense is an unlawful act or failure to act that is committed with either intent or negligence.

#### Social Danger:

Such offenses are considered socially dangerous, though to a lesser degree than criminal offenses, with the potential to cause harm to public interests.

#### Administrative Liability:

The law provides for administrative liability, which involves administrative penalties, for these offenses.

#### Scope:

Administrative offenses can affect private and state property, human and animal health, public order, ecology, and the established procedures for management and commercial activities.

### Examples of Administrative Offenses

The Code of Ukraine on Administrative Offenses lists numerous types of administrative offenses, including but not limited to:

#### Drug-related Offenses:

Illegal production, purchasing, storage, or transportation of small amounts of narcotic drugs or psychotropic substances for non-selling purposes. **Article 44 КУпАП**

#### Public Order and Safety:

Actions that disturb the public order or violate safety regulations.

**Article 173 КУпАП** – “Petty hooliganism” (дрібне хуліганство)

**Article 174–185 КУпАП** (depending on the specific violation): cover related offenses against public safety (e.g., violations of fire safety, use of weapons, failure to obey lawful police orders, etc.). So the **general article for disturbing public order** is:

**Article 173 КУпАП** – Actions disturbing public order and safety.

### **Property Violations:**

Infringements on private and state property rights.

**Article 51 КУпАП** – “Petty theft of another’s property” (Дрібне викрадення чужого майна)

### **Environmental Offenses:**

Actions that harm the environment or natural resources.

**Chapter 7** “Administrative offenses in the field of environmental protection, use of natural resources, protection of cultural heritage” **Articles 85–103<sup>2</sup> КУпАП**.

**Article 91 КУпАП** – “Violation of environmental protection requirements in land use”.

**Article 96 КУпАП** – “Violation of water use rules”.

**Article 103<sup>1</sup> КУпАП** – “Pollution and littering of forests”.

### **Commercial and Procurement Violations:**

Illegal actions occurring during commercial or public procurement processes.

**Article 164-14 КУпАП** – “Violation of legislation on procurement of goods, works and services for public funds”.

**Article 164 КУпАП** – “Violation of business activity rules” (conducting business without registration or license, concealment of income, etc.).

**Article 166-10 КУпАП** – “Violation of the legislation on prevention and counteraction to corruption in the field of procurement” (for specific cases of corruption-related breaches).

### **Land Use Violations:**

Unauthorized occupation of land plots.

**Article 53-1 КУпАП** — “Unauthorized occupation of a land plot” (Самовільне зайняття земельної ділянки).

### **Distinction from Criminal Offenses**

The key difference between administrative and criminal offenses lies in their degree of public danger. Administrative offenses are less socially dangerous, and they do not entail criminal liability. Administrative liability applies when the nature of the offense does not warrant criminal punishment.

Unlike crimes, the responsibility for which is regulated by the Criminal Code of Ukraine, administrative offenses do not cause significant harm to society and do not carry the danger of the level stipulated by the criminal legislation. Certain types of unlawful actions can relate to both administrative violations and crimes, depending on the degree of damage caused and other conditions. For example, property theft, copyright infringement, use of weapons, etc.

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### *List of Vocabulary*

**Administrative offense** – адміністративне правопорушення

**unlawful** – незаконний

**intentional** – навмисний

**negligent actions** – недбалі дії

**inaction** – бездіяльність

**harm** – шкода, шкодити, зашкоджувати

**drug offenses** – правопорушення, пов'язані з наркотиками

**public order violations** – правопорушення, пов'язані з наркотиками

**property crimes** – майнові злочини

**environmental offenses** – екологічні правопорушення

**violations related to management and commercial activities** – порушення, пов'язані з управлінням та комерційною діяльністю

**damage** – пошкодження

**guilt** – вина

**negligence** – недбалість

**punishability** – караність

**deed** – вчинок

**danger** – небезпека, небезпечність

**cause** – спричиняти, бути причиною, причина

**administrative liability** – адміністративна відповідальність  
**administrative penalties** – адміністративні стягнення  
**scope** – сфера застосування  
**affect** – впливати  
**purchasing** – закупівлі  
**illegal production** – незаконне виробництво  
**storage** – зберігання  
**narcotic drugs** – наркотичні препарати  
**psychotropic substances** – психотропні речовини  
**disturb** – турбувати  
**petty hooliganism** – дрібне хуліганство  
**failure to obey lawful police orders** – невиконання законних наказів поліції  
**infringements on private and state property rights** – порушення прав приватної та державної власності  
**petty theft of another’s property** – дрібне викрадення чужого майна  
**environmental offenses** – екологічні правопорушення  
**cultural heritage** – культурна спадщина  
**land use** – землекористування  
**water use rules** – правила користування водою  
**pollution and littering of forests** – забруднення та засмічення лісів  
**commercial and procurement violations** – комерційні порушення та порушення у сфері закупівель  
**unauthorized occupation of land plots** – самовільне зайняття земельних ділянок

### Ex. 2 True/False questions

1. Administrative offenses in Ukraine can be intentional or negligent.
2. Administrative offenses are regulated by the Criminal Code of Ukraine.
3. Administrative liability applies only if the offender is guilty.
4. Administrative offenses are less socially dangerous than criminal offenses.
5. The Code of Ukraine on Administrative Offenses defines the types of administrative violations.
6. An administrative offense can be an action or an inaction.
7. Harm or damage is not a necessary sign of an administrative offense.
8. Punishability means that liability for administrative offenses is established by law.
9. Administrative offenses can harm only private property.
10. Drug-related offenses are not included among administrative violations.
11. Article 44 КУпАП regulates petty hooliganism.
12. Article 173 КУпАП covers actions disturbing public order and safety.
13. Petty theft of another’s property falls under Article 51 КУпАП.
14. Environmental offenses are described in Chapter 7 of the Code of Administrative Offenses.
15. “Pollution and littering of forests” is regulated by Article 103<sup>1</sup> КУпАП.
16. Unauthorized occupation of a land plot is regulated by Article 53-1 КУпАП.
17. Violations of procurement rules are addressed in Article 164-14 КУпАП.
18. Administrative liability includes administrative penalties.
19. The distinction between administrative and criminal offenses lies mainly in the degree of public danger.
20. Certain unlawful actions, like theft, may be both administrative and criminal offenses depending on circumstances.

**Ex. 3 Realistic administrative mini-case scenarios. Think, analyze facts, identify offense, find the correct article and apply appropriate punishment**

#### Case 1: Unauthorized Street Vendor

Olena sets up a small kiosk on the sidewalk near the subway and starts selling coffee and sandwiches. She does not have any registration or license for business activity.

**Question for students:** Which article of КУпАП applies, and what could be the punishment?

#### Case 2: Illegal Logging in the Forest

Andriy and his friends cut several trees in a local forest without obtaining a special permit. They also left behind waste and plastic bottles after their activity.

**Question for students:** Which article(s) apply, and what is the punishment?

#### Case 3: Disturbance of Public Order

During a city festival, Petro, being intoxicated, shouts obscenities, fights with bystanders, and refuses to obey the lawful demands of police officers.

**Question for students:** Which article(s) are relevant, and what could be the administrative punishment?

#### Case 4: Unauthorized Occupation of Land Plot

A company expands its parking lot by fencing off part of municipal land without permission from local authorities.

**Question for students:** Which article of КУпАП applies, and what is the administrative liability?

### Ex.4 Render the following text into English

#### Адміністративне право України

**Адміністративне право України** – це складова публічного права, яка врегульовує відносини, що виникають під час організації та здійснення державного управління. Воно визначає порядок функціонування органів публічної адміністрації, а також гарантує реалізацію прав і свобод громадян. До його змісту входять норми й принципи, система законодавства, коло повноважень суб'єктів та способи їх реалізації, що забезпечують вираження публічного інтересу в управлінні та створюють правову основу для виконання управлінських завдань.

**Норми адміністративного права** охоплюють широке коло суспільних відносин, характерною рисою яких є те, що вони виникають у процесі владної діяльності органів публічної адміністрації. Такі органи виступають від імені держави, і однією зі сторін цих правовідносин завжди є орган виконавчої влади, виконавчий орган місцевого самоврядування чи інший суб'єкт, наділений державою відповідними владними повноваженнями у визначеній сфері.

**Мета адміністративно-правового регулювання** полягає у встановленні та впорядкуванні таких відносин, які забезпечують кожному громадянину реальну можливість захищати свої права та свободи у разі їх порушення.

**Об'єктом адміністративного права** є адміністративно-правові відносини, що виникають у таких випадках:

1. Під час державного регулювання економічної, соціально-культурної та адміністративно-політичної сфер, здійснення повноважень органів виконавчої влади, виконавчих органів місцевого самоврядування, а також діяльності громадських організацій та інших недержавних інституцій.
2. У процесі внутрішньої організації та діяльності органів публічної адміністрації, пов'язаної з проходженням державної служби або служби в органах місцевого самоврядування; а також у зв'язку з виконанням органами публічної адміністрації та їх посадовими особами функцій щодо забезпечення та захисту прав і свобод громадян у сфері адміністративного права.

3. При застосуванні заходів адміністративного примусу, зокрема притягнення до адміністративної відповідальності фізичних і юридичних осіб.
4. У зв'язку з реалізацією юрисдикції адміністративних судів щодо відновлення порушених прав громадян та інших суб'єктів адміністративного права.

## Labor Law



### Ex. 1 Read and translate the following text

**Labour laws** (also spelled as labor laws), labour code or employment laws are those that mediate the relationship between workers, employing entities, trade unions, and the government. Collective labour law relates to the tripartite relationship between employee, employer, and union.

**Individual labour law** concerns employees' rights at work also through the contract for work. Employment standards are social norms (in some cases also technical standards) for the minimum socially acceptable conditions under which employees or contractors are allowed to work. Government agencies (such as the former US Employment Standards Administration) enforce labour law (legislature, regulatory, or judicial).

### Individual labour law

#### Employment terms

The basic feature of labour law in almost every country is that the rights and obligations of the worker and the employer are mediated through a contract of employment between the two. This has been the case since the collapse of feudalism. Many contract terms and conditions are covered by legislation or common law. In the US for example, the majority of state laws allow for employment to be "at-will", meaning the employer can terminate an employee from a position for any reason so long as the reason is not explicitly prohibited, and, conversely, an employee may quit at any time, for any reason (or for no reason), and is not required to give notice.

A major issue for any business is to understand the relationship between the worker and the master. There are two types of workers, independent contractors and employees. They are differentiated based on the level of control the master has on them. Workers provided tools and resources, closely supervised, paid regularly, etc., are considered employees of the company. Employees must act in the best interest of the employer.

The contract is subject to various legal provisions. An employer may not legally offer a contract that pays the worker less than a minimum wage. An employee may not agree to a contract that allows an employer to dismiss them for illegal reasons.

**Intellectual property** is the vital asset of the business, employees add value to the company by creating Intellectual Property. As per Trade Related Aspects of Intellectual Property Rights (TRIPS), Intellectual Property is personal property. Intellectual property is used as competitive advantage by big

companies to protect themselves from rivalry. Given the conditions, if the worker is in the agent-principal relationship, he is the employee of the company, and if the employee's invention is in the scope of employment i.e. if the employee creates a new product or process to increase the productivity and create organizations' wealth by utilizing the resources of the company, then the Intellectual property solely belongs to the company. New business products or processes are protected under Patents.

### **Minimum wage**

Many jurisdictions define the minimum amount that a worker can be paid per hour. The minimum wage is set usually higher than the lowest wage as determined by the forces of supply and demand in a free market and therefore acts as a price floor. Each country sets its own minimum wage laws and regulations, and while a majority of industrialized countries has a minimum wage, many developing countries do not.

At workplaces without collective agreements there exist no minimum wages. Non-organized employers can sign substitute agreements directly with trade unions but far from all do.

### **Living wage**

The living wage is higher than the minimum wage and is designed so that a full-time worker should be able to support themselves and a small family at that wage.

### **Hours**

The maximum number of hours worked per day or other time intervals are set by law in many countries. Such laws also control whether workers who work longer hours must be paid additional compensation.

### **Health and safety**

Other labour laws involve safety concerning workers. The earliest English factory law was passed in 1802 and dealt with the safety and health of child labourers in textile mills.

### **Discrimination**

Such laws prohibit discrimination against employees, in particular racial discrimination or gender discrimination.

### **Dismissal**

Convention no. 158 of the International Labour Organization states that an employee "can't be fired without any legitimate motive" and "before offering him the possibility to defend himself".

### **Child labour**

Child labour was not seen as a problem throughout most of history, only disputed with the beginning of universal schooling and the concepts of labourers' and children's rights. Use of child labour was commonplace, often in factories. Child labour can be factory work, mining or quarrying, agriculture, helping in the parents' business, operating a small business (such as selling food), or doing odd jobs.

Children work as guides for tourists, sometimes combined with bringing in business for shops and restaurants (where they may also work). Other children do jobs such as assembling boxes or polishing shoes. However, rather than in factories and sweatshops, most child labour in the twenty-first century occurs in the informal sector, "selling on the street, at work in agriculture or hidden away in houses – far from the reach of official inspectors and from media scrutiny.

### **Collective labour law**

Collective labour law concerns the relationship between employer, employee and trade unions. Trade unions are organizations which generally aim to promote the interests of their members. This law

regulates the wages, benefits, and duties of the employees, and the dispute management between the company and the trade union. Such matters are often described in a collective labour agreement (CLA).

### **Trade unions**

Trade unions are organized groups of workers who engage in collective bargaining with employers. Some countries require unions or employers to follow particular procedures in pursuit of their goals. For example, some countries require that unions poll the membership to approve a strike or to approve using members' dues for political projects. Laws may govern the circumstances and procedures under which unions are formed. They may guarantee the right to join a union (banning employer discrimination) or remain silent in this respect. Some legal codes allow unions to obligate their members, such as the requirement to comply with a majority decision in a strike vote. Some restrict this.

In the different organization in the different countries trade union discusses with the employee on behalf of employer. At that time trade union discussed or talk with the manpower of the organization. At that time trade union perform his roles like a bridge between the employee and employer.

### **Workplace participation**

A legally binding right for workers as a group to participate in workplace management is acknowledged in some form in most developed countries. In a majority of EU member states the workforce has a right to elect directors on the board of large corporations. This is usually called "codetermination" and currently most countries allow for the election of one-third of the board, though the workforce can have the right to elect anywhere from a single director.

### **Information and consultation**

Workplace statutes in many countries require that employers consult their workers on various issues.

### **Collective bargaining**

Collective bargaining is a process of negotiation between employers and a group of employees aimed at agreements to regulate working salaries, working conditions, benefits, and other aspects of workers' compensation and rights for workers. The interests of the employees are commonly presented by representatives of a trade union to which the employees belong. A collective agreement reached by these negotiations functions as a labour contract between an employer and one or more unions, and typically establishes terms regarding wage scales, working hours, training, health and safety, overtime, grievance mechanisms, and rights to participate in workplace or company affairs. Such agreements can also include 'productivity bargaining' in which workers agree to changes to working practices in return for higher pay or greater job security.

### **Collective action**

**Strike action** is the worker tactic most associated with industrial disputes. In most countries, strikes are legal under a circumscribed set of conditions. Among them may be that:

- The strike is decided on by a prescribed democratic process (wildcat strikes are illegal).
- Sympathy strikes, against a company by which workers are not directly employed, may be prohibited.
- General strikes may be forbidden for example, among public safety workers, to maintain public order.

A **boycott** is a refusal to buy, sell, or otherwise trade with an individual or business. Other tactics include go-slow, sabotage, work-to-rule, sit-in or en-masse not reporting to work. Some labour law explicitly bans such activity, none explicitly allows it.

**Picketing** is often used by workers during strikes. They may congregate near the business they are striking against to make their presence felt, increase worker participation and dissuade (or prevent) strike breakers from entering the workplace. In many countries, this activity is restricted by law, by more general law restricting demonstrations, or by injunctions on particular pickets.

For example, labour law may restrict secondary picketing (picketing a business connected with the company not directly with the dispute, such as a supplier), or flying pickets (mobile strikers who travel to join a picket). Laws may prohibit obstructing others from conducting lawful business; outlaw obstructive pickets allow court orders to restrict picketing locations or behaving in particular ways (shouting abuse, for example).

### **International labour law**

The International Labour Organization and the World Trade Organization have been a primary focus among international bodies for regulating labour markets. Conflicts arise when people work in more than one country. EU law has a growing body of workplace rules.

### **Work in multiple countries**

Conflicts of laws (or private international law) issues arise where workers work in multiple jurisdictions. If a US worker performs part of her job in Brazil, China and Denmark (a "peripatetic" worker) an employer may seek to characterize the employment contract as governed by the law of the country where labour rights are least favourable to the worker, or seek to argue that the most favourable system of labour rights does not apply.

Under EU Rome I Regulation article 8, workers have employment rights of the country where they habitually work. They may have a claim in another country if they can establish a close connection to it. The Regulation emphasises that the rules should be applied with the purpose of protecting the worker.

### **EU law**

The European Union has extensive labour laws that officially exclude, according to the Treaty on the Functioning of the European Union, matters around direct wage regulation (e.g. setting a minimum wage), the fairness of dismissals and collective bargaining. A series of Directives regulate almost all other issues, for instance the Working Time Directive guarantees 28 days of paid holiday, the Equality Framework Directive prohibits all forms of discrimination and the Collective Redundancies Directive requires that proper notice is given and consultation takes place on decisions about economic dismissals.

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### *List of Vocabulary*

**Labour law** – трудове право

**employment** – зайнятість

**mediate** – бути посередником

**employing entities** – суб'єкти господарювання, що працюють

**trade unions** – профспілки

**collective labour law** – колективне трудове право

**tripartite relationship** – тристоронні відносини

**employee** – працівник

**employer** – роботодавець

**union** – профспілка

**contractor** – підрядник

**Employment Standards Administration** – Адміністрація стандартів зайнятості

**legislature** – законодавчий

**regulatory** – регуляторний/ нормативний

**judicial** – судовий

**employment terms** – умови працевлаштування

**to be "at-will"** – бути «за бажанням»

**terminate** – звільнити, припинити

**position** – посада  
**so long as** – якщо тільки, доки, поки  
**prohibited** – заборонений  
**conversely** – навпаки  
**quit** – звільнитися, залишати, кинути  
**give notice** – повідомляти  
**closely supervised** – ретельно під наглядом  
**legal provisions** – правові положення  
**minimum wage** – мінімальна заробітна плата  
**dismiss** – звільняти  
**intellectual property** – інтелектуальна власність  
**competitive advantage** – конкурентна перевага  
**rivalry** – суперництво  
**invention** – винахід  
**scope of employment** – сфера зайнятості  
**organization wealth** – багатство організації  
**utilize** – використовувати  
**solely** – виключно  
**amount** – сума, кількість  
**per hour** – за годину  
**trade union** – профспілка  
**directly** – безпосередньо  
**sign** – підписувати  
**living wage** – прожитковий мінімум  
**full-time worker** – працівник на повний робочий день  
**universal schooling** – загальне шкільне навчання  
**child labour** – дитяча праця  
**odd jobs** – випадкові роботи  
**scrutiny** – ретельна перевірка  
**promote** – просувати  
**collective bargaining** – колективні переговори  
**unions poll** – опитування профспілок  
**members' dues** – членські внески  
**banning employer discrimination** – заборона дискримінації роботодавцями  
**obligate their members** – зобов'язувати своїх членів  
**strike vote** – голосування за страйк  
**on behalf of** – від імені  
**acknowledge** – визнавати  
**the board of large corporations** – рада директорів великих корпорацій  
**codetermination** – співвизначення  
**one-third of the board** – одна третина правління  
**workforce** – робоча сила  
**elect** – обирати  
**go-slow** – уповільнення роботи  
**work-to-rule** – робота за правилами  
**sit-in** – сидячі страйки  
**en-masse not reporting to work** – масова неявка на роботу  
**dissuade** – відмовляти, запобігати  
**injunction** – судова заборона  
**prohibit** – забороняти  
**International Labour Organization** – Міжнародна організація праці  
**Working Time Directive** – Директива про робочий час  
**Collective Redundancies Directive** – Директива про колективні звільнення

## Ex. 2 Translate the words and phrases from Ukrainian into English

### Essential Word Phrases

(to be sought in the text)

Колективне трудове право; стандарти зайнятості; соціально прийнятні умови; забезпечення виконання трудового законодавства; умови договору; звільнити працівника з посади; з будь-якої причини; звільнитися будь-коли, з будь-якої причини; надавати інструменти та ресурси; співробітники компанії; діяти в найкращих інтересах роботодавця; юридично запропонувати контракт; звільнити з незаконних причин; захищати від суперництва; сфера зайнятості; належати виключно компанії; захищено патентами; мінімальна сума; підписувати угоди безпосередньо з профспілками; далеко не всі так роблять; максимальна кількість годин на день; встановлений законом; додаткова компенсація; безпека працівників; забороняти дискримінацію щодо працівників; расова або гендерна дискримінація; можливість захистити себе; загальне шкільне навчання; концепції прав робітників і дітей; ведення малого бізнесу; виконання випадкових робіт; продаж на вулиці; робота в сільському господарстві; далеко від досяжності офіційних інспекторів; ретельна перевірка; взаємовідносини між роботодавцем, працівником та профспілками; просувати інтереси членів компанії; колективні переговори з роботодавцями; затверджувати використання членських внесків; регулювати обставини та процедури; мовчати з цього приводу; брати участь в управлінні робочим місцем; відмова від купівлі, продажу чи іншої торгівлі; регулювання ринків праці; найменш сприятливий; звільнення та колективні переговори.

### Ex. 3 Answer the questions on the text

1. What is the main purpose of labour (employment) laws?
2. What does collective labour law regulate?
3. What is the difference between individual labour law and collective labour law?
4. How are the rights and obligations of workers and employers usually established?
5. What does “at-will” employment mean in the United States?
6. What is the main difference between an independent contractor and an employee?
7. Why is intellectual property created by employees usually considered the property of the employer?
8. What is the role of minimum wage laws?
9. How does a living wage differ from a minimum wage?
10. Which aspects of working conditions are often regulated by laws on working hours?
11. What was the focus of the earliest English factory law of 1802?
12. According to ILO Convention No. 158, under what conditions can an employee be dismissed?
13. Why did child labour begin to be considered a social problem?
14. What is the function of collective bargaining between employers and trade unions?
15. How does EU law protect workers who perform their job in multiple countries?

### Ex. 4 Fill in each sentence with the suitable word or word combination from the vocabulary list in the necessary form

1. \_\_\_\_\_ protects workers' rights and sets standards for fair \_\_\_\_\_.
2. Government agencies often \_\_\_\_\_ disputes between workers and employing entities.
3. \_\_\_\_\_ play an important role in collective labour law, ensuring fair treatment in the tripartite relationship of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.
4. A \_\_\_\_\_ is not considered an employee because they are not closely supervised by the company.

5. The \_\_\_\_\_ used to enforce workplace rules through legislature, regulatory, and \_\_\_\_\_ mechanisms.
6. \_\_\_\_\_ are often written in contracts, but in the U.S. many workers are considered to be "at-will", meaning the employer can terminate their position so long as the reason is not \_\_\_\_\_.
7. Conversely, employees may also \_\_\_\_\_ their jobs without having to give notice.
8. Under legal provisions, companies must pay at least the \_\_\_\_\_ and cannot dismiss workers unfairly.
9. \_\_\_\_\_ created by workers within the scope of employment is considered the organization's wealth and gives the company a competitive advantage in \_\_\_\_\_ with others.
10. An \_\_\_\_\_ produced using company resources belongs solely to the employer.
11. Many countries set a legal \_\_\_\_\_ as a minimum wage to protect workers.
12. A \_\_\_\_\_ can directly sign agreements with employers if no national law applies.
13. A \_\_\_\_\_ should allow a full-time worker to support a family, unlike child labour that often replaced universal schooling in history.
14. In developing countries, \_\_\_\_\_ is still common, with children doing odd jobs beyond the reach of scrutiny.
15. Trade unions promote workers' rights through \_\_\_\_\_, sometimes holding a unions poll to decide on strikes or the use of members' dues.
16. Many countries support banning employer discrimination, and some unions can even \_\_\_\_\_ their members to follow a strike vote decision.
17. In negotiations, unions act \_\_\_\_\_ employees to acknowledge their rights before the board of large corporations.
18. Some European countries practice codetermination, allowing \_\_\_\_\_ to be elected by the workforce.
19. Industrial actions may include a \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, or en-masse not reporting to work, often to dissuade employers from unfair practices.
20. The \_\_\_\_\_ influences EU policies such as the Working Time Directive and the Collective Redundancies Directive, but national laws can still \_\_\_\_\_ excessive strikes through injunctions.

**Ex. 5 Think and decide if they are true or false, or complete them with reasoning**

1. Individual labour law is mostly about collective agreements between unions and employers.
2. In the United States, many workers are considered to be employed "at-will", which means either side can end the employment relationship at any time.

3. A worker who is closely supervised, regularly paid, and provided with tools is considered an employee, not an independent contractor.
4. According to labour law, an employer may offer a contract that pays less than the minimum wage if the employee agrees to it.
5. If an employee creates an invention during the scope of employment, the intellectual property usually belongs to the company.
6. The living wage is designed to be higher than the minimum wage, so that a full-time worker can support themselves and a small family.
7. The earliest English factory law of 1802 focused on the safety and health of child labourers.
8. A collective labour agreement (CLA) usually regulates wages, benefits, duties, and dispute resolution between the company and the trade union.
9. Under EU law, the Working Time Directive guarantees workers at least 28 days of paid holiday each year.
10. Labour laws exist to mediate the relationship between workers, employers, trade unions, and the government.

#### **Ex. 6 Render the following text into English**

### **Трудове право України**

**Трудові правовідносини** – це свідомо встановлені добровільні відносини між працівником і роботодавцем у процесі використання та реалізації праці, що проявляються у взаємних правах і обов'язках сторін, закріплених законом або договором.

#### **Трудові відносини мають такі характерні риси:**

- а)** колективу підприємства й особистою працею бере участь у виконанні завдань, поставлених роботодавцем. Це супроводжується офіційним зарахуванням до штату підприємства та безпосередньою участю у спільній діяльності;
- б)** зміст трудових відносин полягає у виконанні працівником певної роботи відповідно до його трудової функції (посади, професії, спеціальності, кваліфікації). Трудова функція зазвичай відповідає конкретному виду діяльності у структурі підприємства й не зводиться лише до окремих виробничих операцій. Такі відносини мають тривалий характер;
- в)** робота здійснюється в умовах встановленого трудового режиму. Трудові відносини функціонують відповідно до правил внутрішнього трудового розпорядку, що передбачає підпорядкування працівника визначеним умовам колективної праці. На відміну від виробничих, вони виникають у сфері виробництва як результат вольового вибору, а праця виступає цілеспрямованою діяльністю;
- г)** набуття статусу працівника від фізичної особи відбувається завдяки певному юридичному факту – простому (укладення трудового договору) або складному (трудова угода у поєднанні з актом обрання, призначення чи направлення).

#### **Зміст трудових правовідносин охоплює права та обов'язки їхніх учасників.**

Кожне суб'єктивне трудове право та відповідний йому обов'язок формують юридичний зв'язок між уповноваженою та зобов'язаною стороною. Трудове правовідношення включає кілька таких зв'язків. Наприклад, правовідношення, що виникає на основі трудового договору, містить у собі низку правових зв'язків: працівник зобов'язаний виконувати визначену договором роботу з дотриманням внутрішнього трудового розпорядку, тоді як роботодавець повинен виплачувати заробітну плату та забезпечувати належні умови праці відповідно до трудового законодавства, колективного договору й домовленостей сторін. Права й обов'язки

працівника та роботодавця є взаємопов'язаними: кожному праву працівника відповідає певний обов'язок роботодавця, і навпаки.

**Уся система прав і обов'язків працівників та роботодавців зосереджується у трьох ключових напрямках:**

1. Право працівника на працевлаштування та забезпечення належних умов для виконання роботи;
2. Право працівника на отримання винагороди за працю;
3. Право роботодавця на результати виконаної роботи.

Таким чином, усі трудові права та відповідні їм обов'язки сторін у трудових правовідносинах фактично є деталізацією та конкретизацією зазначених основних груп прав.

У постанові від 14 травня 2020 року у справі №640/1099/19 Верховний Суд визначив **основні ознаки трудових відносин**. До них належать:

- регулярна виплата заробітної плати саме за процес виконання роботи, а не за її кінцевий результат;
- підпорядкування працівника правилам внутрішнього трудового розпорядку;
- виконання роботи за професією чи посадою, що зазначена в Національному класифікаторі України ДК 003:2010 «Класифікатор професій», затвердженому наказом Держспоживстандарту від 28.07.2010 №327;
- обов'язок роботодавця забезпечити працівникові робоче місце;
- дотримання на підприємстві, в установі чи організації правил з охорони праці.

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