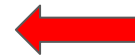


Business/Marketing Virtual Learning

10-12 grade Business Law

April 13, 2020



**Date must
correlate with
when it would
be on ISD
website**

Lesson: [April 13, 2020]



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Objective/Learning Target:

Compare and contrast criminal and civil law, and substantive and procedural law

Let's Get Started

Watch these Videos:

[Differences Between Criminal & Civil Law](#)

[Difference between Substantive & Procedural Law](#)



What are the Main Types of Laws

Laws may be classified in various ways. Common classifications include civil law, criminal law, procedural law, substantive law, and business law.

Civil and Criminal Laws

CIVIL LAW - When the private legal rights of an individual are violated, the matter is governed by civil law. The use of the term **civil law** within the common law system refers to the group of laws that allows individuals to seek legal remedies for wrongs done to them. For example when a tenant fails to pay the rent as promised, the landlord has the right to sue the tenant. (The police do not take action in civil matters.) If a defendant loses a civil case, that defendant is liable. This means that she or he must pay compensation to the plaintiff for his or her loss. This is typically done by the payment of money in civil matters. In addition to enforcing legal promises, civil law also applies whenever one person is injured by another. Such private wrongs (civil offenses) against people or organizations are referred to as torts.

CRIMINAL LAW - A crime is an offense against society rather than individuals. It disrupts the stable environment that we all depend upon to make civilization work. So, when the citizens' right to live in peace is violated by such activity, the offense is governed by criminal law. Acting in the name of all the people, the government investigates an alleged wrongdoing. If a crime has been committed and the person responsible can be found, the government will prosecute. Conviction of a crime can result in a fine, imprisonment, and in some states, execution.

Usually when a crime occurs, private injuries may be inflicted as well. A result may be both a crime and a civil offense. Thus, the civil law may also apply, and the victim of the crime may sue the wrongdoer. Example of a criminal and civil offense would be denying ventilation support to a patient is a criminal act for which someone could be arrested, convicted in a criminal trial, and fined and/or imprisoned. In addition, the person also committed a civil offense if they were proven to intentionally harm the patient. As a consequence, that person would likely be held liable in a civil lawsuit and required to pay damages to the patient.

Procedural and Substantive Laws

Procedural law - sets forth how rights and responsibilities can be legally exercised and enforced through the legal system. Procedural laws, for example, determine what remedies are available in a lawsuit and how those remedies are to be secured. They determine whether equitable remedies, such as an injunction, are available. The doctrine of stare decisis is a procedural law. Rules for determining the supremacy of conflicting laws are procedural laws. There are two types of procedural law: civil procedure and criminal procedure. Criminal procedure defines the process for enforcing the law when someone is charged with a crime. Civil procedure is used to achieve the same end when a civil law has been violated. Civil law is concerned only with private offenses.

Substantive law - defines rights and duties. It is concerned with all rules of conduct except those involved in enforcement. Substantive laws define offenses, such as murder, theft, breach of contract, and negligence.

BUSINESS LAW

Business law covers rules that apply to business situations and transactions.

Business law mainly is concerned with civil laws governing contracts, property, and many other business-related areas. Business activities are at times also governed by criminal law. For example, criminal law would punish a firm that conspires with competitors to fix prices or an employee who steals company tools.

Uniform Business Laws

Laws of various states don't have to be alike as long as they are constitutionally valid. However, with the growth of interstate commerce and large business firms, more uniformity among state laws governing business and commercial transactions is important.

ACTIVITY #6

In your Journals, please respond to the following:

- 1) Compare and contrast criminal law and civil law.
- 2) Compare and contrast procedural and substantive law.
- 3) Look at the following laws and each description, then give examples of each type of law:

Constitutional law - Based on constitutions

Statutory law - Enacted by legislative bodies

Administrative law - Rules and regulations made by administrative agencies

Civil law - Addresses wrongs done to individuals

Criminal law - Addresses wrongs done to society

Procedural law - Deals with methods of enforcing legal rights and duties

Substantive law - Defines legal rights and duties

Business law - Rules that apply to business situations and transactions