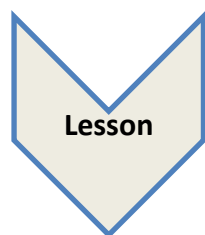
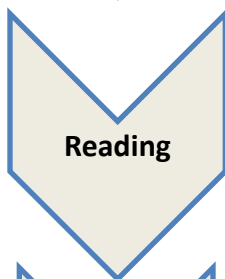


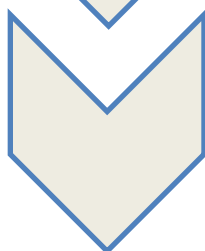
LESSON N°6



Lesson



Reading



- **2. The application of law**
- **2.1. The application of law in terms of persons**
- **2.2. Glossary**

- **2.3 Reading comprehension**

2. The application of law

2.1 The application of law in terms of persons تطبيق القانون من حيث الاشخاص

Does a law apply to all persons, even those who are unaware of its existence?

To answer this question, we will address one of the principles of law which is linked to the application of the law in terms of persons.

❖ The principle of Ignorance of the law excuses no one:

The application of the law in terms of persons is linked both to the general aspect of the rule of law and to the entry into force of the law.

After its publication in the official journal and after its entry into force, the law applies to any person concerned, even if a person is unaware of the existence of such a law.

The adage “no one is supposed to be ignorant of the law¹”, means that a person generally cannot defend themselves from an action that they are accused of by saying that they were ignorant of the law.

This adage “Ignorance of the law excuses no one”, from latin “ignorantia juris non excusat” actually represents “a legal trickery” in the positive sense, that is to say a legal solution, not a deception, we know well that the knowledge of the existence of a law by all persons is an unlikely fact, but the existence of this principle “legal trickery” is necessary for the functioning of the legal order.

“If this principle did not exist, it would be enough for any person prosecuted on the basis of a law to invoke (and even prove) their ignorance of the law in question, to escape any sanction.”.

Furthermore, if this principle did not exist, the rules would lose all effectiveness, given the ease with which one could evade their application.

هل القانون ينطبق على كل الأشخاص حتى الذين لا يعلمون بوجوده؟
للإجابة على هذا السؤال يجب التطرق الى مبدأ من مبادئ القانون وهو يتعلق بتطبيق القانون على الاشخاص.
يتعلق تطبيق القانون من حيث الاشخاص بخاصية عمومية القاعدة القانونية وببدء نفاذ مفعول القانون.

¹ Principle and Article of the Constitution, “Article 78”

بعد نشره في الجريدة الرسمية وبعد دخوله حيز التنفيذ، يسري القانون على أي شخص معني بالقانون، حتى لو كان الشخص جاهلاً بوجود هذا القانون.

القول المأثور " لا يعذر أحد بجهله للقانون " يعني أنه لا يمكن للشخص عمومًا أن يدافع عن نفسه من فعل متهم به بالقول إنه يجهل القانون.

يمثل هذا القول المأثور في الواقع " حيلة قانونية" بالمعنى الايجابي ، بحيث أنها تعتبر حلاً قانونياً وليست خدعة، نعلم أن احتمال معرفة كل الاشخاص بوجود قانون ما، هو احتمال ضعيف، ولكن وجود هذا المبدأ " الحيلة القانونية" ضروري لسير النظام القانوني.

لو لم يكن هذا المبدأ موجوداً، فسيكون كافياً لأي شخص يحاكم على أساس قانون ما، أن يحتج (وحتى يثبت) جهله بالقانون لتهرب من أي عقوبة.

علاوة على ذلك، لو لم يوجد هذا المبدأ لفقدت القواعد القانونية كل فاعليتها لسهولة التملص منها.

2.2 Glossary

Terms used	
المصطلح بالإنجليزية	المصطلح بالعربية
Application of law	تطبيق القانون
legal order	النظام القانوني
Sanction	جزاء
Legal trickery	حيلة قانونية
Entry into force of the law	دخول القانون حيز النفاذ، ساري المفعول

2.3 Reading comprehension

Text

“Under our legal system, Canadians are expected to know what the law says. But this doesn’t mean we all have to be legal experts. It’s not realistic for everyone to memorize all the laws! Not even lawyers know all this information.

The rule “ignorance of the law is no excuse” really means that people can’t defend their actions by claiming they didn’t know the law.

It would be too easy for people to break a contract, ignore a neighbour’s right to privacy or sell drugs if they could get away with it by arguing they didn’t know it was against the law.

However, even when people have good intentions, they sometimes break the law because they don’t realize they are doing something illegal. This can happen because our legal system is complicated. When people have good intentions, judges can sometimes be understanding. Judges are less understanding when the actions involve certain kinds of crimes.²”

QUESTIONS

1. Give a title to this text.
2. What can we understand from the expression break the law?
3. What is the opposite of “legal” in the text?
4. What does mean “ignorance of the law is no excuse”?
5. What do you understand from the verb get away?

Answers

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² "Ignorance of the Law is No Excuse", *EDUCALOI*, available [online]: <https://educaloi.qc.ca/en/capsules/ignorance-of-the-law-is-no-excuse/>, Accessed Nov 10, 2023.

