

# Day 1☐ | Session 1: Law and Jurisprudence 101: Introduction and Basic Concepts

*Date: Monday, 20 September 2021 [3:30 am - 5:30 am UTC]*

## ***Resource Person: Emerlynne Gil***

Laws, and jurisprudence interpreting them, are critical to the study of any field. Understanding fundamental concepts of law and jurisprudence are essential for engaging in digital rights research and advocacy for all. This unit is an introductory session designed for participants, especially non-lawyers, to get a foundational understanding of how legal instruments, institutions and systems work. It aims to equip participants with fundamental skills and information needed to access the other sessions and navigate digital rights advocacy and policy work in their countries.

In this session, participants should aim to uncover debates around the nature of law, be able to distinguish between legal systems and institutions, appreciate core constitutional doctrines and synthesize various sources of law. This session will also help participants understand the analysis of legal provisions and jurisprudence with the help of tools, databases and methods to access them.

### **Key points of discussion:**

- What is the significance of law?
- What is rule of law and rule by law?
- What are the legal systems broadly in the ASEAN countries?
- What is the process for enactment of laws and their enforcement - who is responsible for what?
- How do you break down a legal section or clause and analyse it?
- How do the same provisions of law compare across jurisdictions?
- What is the value of a judgment?
- How do we understand the different components of a judgment?
- Where can you find ICT laws and judgments?

### **Session exercise:**

This session will have four breakout groups of 6 participants each, with two groups working on the same exercise. Groups will be pre-assigned by the organising team.

#### *Exercise 1A: Groups 1 & 2: Understanding the legal systems in Southeast Asia*

Groups 1 & 2 will be made up of persons from different countries. They will have preset questions about the legal systems and will share with each other answers. These will include questions on how a law gets made, courts' power to declare a law illegal, whether a citizen can challenge a law and if international law is enforceable.

Group 1 [Exercise Sheet](#)

Group 2 [Exercise Sheet](#)

#### *Exercise 1B: Groups 3 & 4: Understanding legal provisions*

Groups 3 & 4 will be made up of persons from different countries. The groups will each get two legal provisions. They will read the provision and discuss what that each provision means. They will also analyse what they like about the provision and what concerns they have about it.

Group 3 [Exercise Sheet](#)

Group 4 [Exercise Sheet](#)

### **Reference materials:**

1. [Table 1 - Legal systems in Southeast Asian countries](#)
2. [Table 2 - Constitutional guarantees for different rights in Southeast Asian countries](#)
3. [CYRILLA database \(digital rights legal resources\)](#)

### **Suggested readings:**

1. Oxford Library Guides
2. Types of Legal Systems, University of Ottawa
3. Piotr Mikuli, *Seperation of Power* (March 2016)
4. The Economist, *What is the difference between common and civil law?* (July 2013)
5. What is public international law? How are monist and dualist systems different?
6. Cornell Law School, *Stare decisis*
7. Rod Hollier, *The ultimate guide to the ratio decidendi and obiter dictum*
8. What is a constitution?
9. Fundamental rights
10. What are human rights and their instruments?

#### **Additional readings:**

1. Zachary Holladay, *Public interest litigation in India as a paradigm for developing nations*
2. International law in municipal frameworks
3. Guide to statutory interpretation

## **Session Presentation**

## **Read Day 1 Summary Here**

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