

# LEGAL SYSTEMS OF THE WORLD

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# HISTORY OF COMMON LAW IN ENGLAND

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- The English common law originated in the early Middle Ages in the King's Court (Curia Regis), a single royal court set up for most of the country at Westminster, near London. ...The common law of England was largely created in the period after the Norman Conquest of 1066.

# STRUCTURE OF COMMON LAW IN ENGLAND

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- The system of law that emerged in England beginning in the Middle Ages and is based on case law and precedent rather than codified law. Corpus iuris civilis – meaning “body of civil laws,” the name given to the compilation of Roman law ordered by the Byzantine emperor Justinian I in 529 CE.

# SOURCES OF ENGLISH LAW

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- Legislation (primary and secondary)
- The case **law** rules of common **law** and equity, derived from precedent decisions.
- Parliamentary conventions.
- General customs.
- Books of authority.

# HISTORY OF CIVIL LAW IN US

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- Much of the common **law was formed** in the years between the Norman Conquest of England in the early 11th century and the settlement of the **American** colonies in the early 17th century
- In most of the English-speaking world, the **legal** systems are based upon English common **law**. Common **law** works on precedents, established by judges that date from early in English history. By the 17th century, statutes enacted by Parliament took precedent over common **law**.



# STRUCTURE OF US LAW

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- The federal **court system** has three main levels: district courts (the trial **court**), circuit courts which are the first level of appeal, and the Supreme **Court** of the **United States**, the final level of appeal in the federal **system**
- The Constitution **sets** out the boundaries of federal **law**, which consists of Acts of Congress, treaties ratified by the Senate, regulations promulgated by the executive branch, and case **law** originating from the federal judiciary.

# SOURCES OF LAW IN US

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**The following are the most common sources:**

- Constitution/ Code.
- Legislative Enactment - Statute.
- Judicial Decisions.
- Treaties.
- Other **Sources**.

# CIVIL LAW OF FRANCE

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- **France** is a **civil law** system which means it places a greater emphasis on statutes as found within various codes, instead of case **law**. ... **France** is a republic and is currently governed by the Constitution of the Fifth Republic, which was passed October 4, 1958.
- **French civil law**. **French civil law** is written down, or statute **law**, as opposed to common **law**. is written, codified **law**. This differs from English common **law** which is based on custom, usage and previous court decisions



# STRUCTURE OF CIVIL SOURCES IN FRANCE

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- Primary **sources**," which include constitutions, statutes, and court cases, and. "Secondary **sources**," which include **legal** encyclopedias, books, and articles
- **French** legislation follows a hierarchy of norms (hiérarchie des normes). Constitutional **laws** are superior to all other **sources**, then treaties, then parliamentary statutes (loi), then government **regulations**. Legislation enacted by orders (ordonnances) and **regulations** issued by the executive under Art.