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□ **Topic 3. Legal systems of the world**

□ **Common law**

□ **Civil law**



The pain of the project

Legal systems of the world

Civil law □

Common law in England

Law of the United States

Common law □


Law of Germany

Law of the United States





1) Common Law

- 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.



Specifically, the **law developed** in **England's** Court of Common Pleas and other common **law** courts, which became also the **law** of the colonies settled initially under the crown of **England** or, later, of the **United Kingdom**, in North America and elsewhere; and this **law** as further **developed** after those courts in **England** were





English law is created in four important ways, namely legislation, case (common) law, human rights law and EU law. A fifth residual way is through custom, but this is not discussed since case law and legislation have largely incorporated custom.



Sources of English law



The case **law** rules of common **law** and equity, derived from precedent decisions.
Parliamentary conventions. General customs.
Books of authority.



United states

- The **law of the United States** comprises many levels of codified and uncodified forms of **law**, of which the most important is the **United States** Constitution, which prescribes the foundation of the federal government of the **United States**, as well as various civil liberties.



□ TOP 10 MOST IMPORTANT LAWS

□ #8 - THE US PATRIOT ACT (2001)

□ #1- Civil Rights Act (1964)

□ TOP 8 MOST IMPORTANT LAWS.

□ #6 - THE RECONSTRUCTION ACT (1867)

□ #2 - NO CHILD LEFT BEHIND (2001)

□ #4- THE GI BILL OF RIGHTS (1944)

□ #5 - Morrill Land-Grant Act (1862)

□ #7 - THE PENDLETON ACT (1883)

□ This article provides you with some essential federal laws you should know as an American citizen.

□ The Social Security Act (1835) ...

□ Freedom of Information Act. ...

□ The Pendleton Act (1883) ...

□ The G.I. ...

□ The Patriot Act (2001) ...

□ The Civil Rights Act of 1964. ...

□ No Child Left Behind (2001) ...

□ The Privacy Act.

□ **U.S Constitution** • **Laws** (statutes) enacted by Congress • Rules promulgated by federal agencies • State constitution • **Laws** enacted by the state legislature • Rules promulgated by state agencies • City/county charters (the “constitution” for the city or county) • Local **laws** and ordinances • Rules promulgated by local ...

□ In the **United States**, the **law** is derived from **five sources**: constitutional **law**, statutory **law**, treaties, administrative regulations, and the common **law** (which includes case **law**).



2) Civil law

The legal **history** of **France** is commonly divided into three periods: that of the old French **law** (Ancien Droit), that of the Revolutionary or intermediary **law** (Droit révolutionnaire ou intermédiaire), and that of the Napoleonic **law** or Droit nouveau ('New **law**').

□ The making of **law**

Laws in France, as in other democratic countries, are generally proposed by the Government of the day, and must be passed by the two houses of the **French** Parliament, the National Assembly and the Senate.



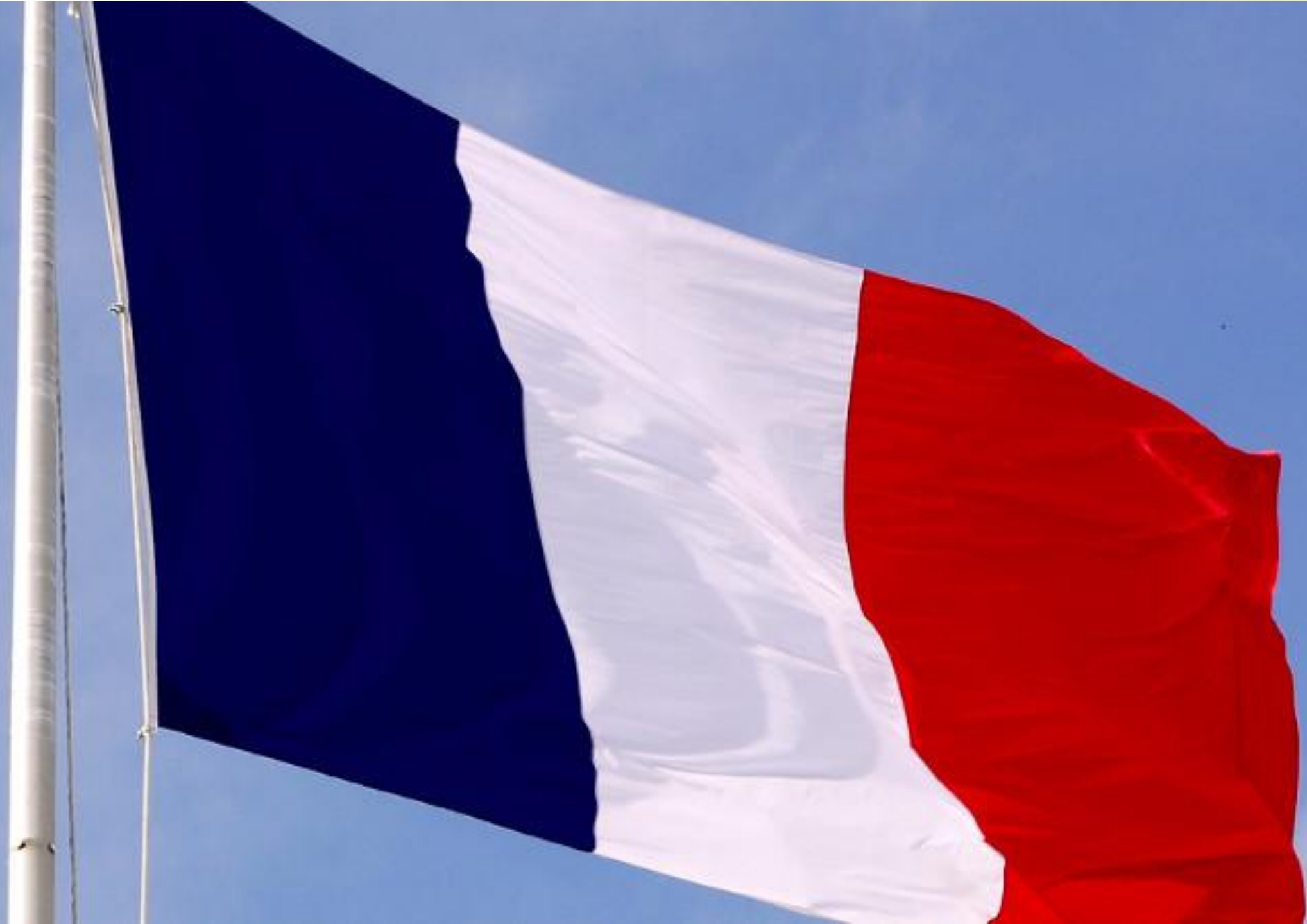
structure

- **France** has a dual system in place regarding its **laws**. One branch of the system is known as droit public, or Public **law**. This branch defines the principles of operation of the state and public bodies. The other branch, known as droit privé, or private **law**, applies to private individuals and private entities.



source


- ▣ **Sources of law** include the Constitution, international treaties, EU **law**, and the national **law of France**. **France's** head of state is the directly elected President. The President is chief of the executive branch of government and presides over the cabinet (Conseil des Ministres). The Prime Minister leads the government







Germany

- The **law of Germany** (**German**: das Recht Deutschlands), that being the modern **German** legal system (**German**: Deutsches Rechtssystem), is a system of civil **law** which is founded on the principles laid out by the Basic **Law** for the Federal Republic of **Germany**, though many of the most important **laws**, for example most regulations ...


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- France and **Germany** are two examples of countries with a **civil law** system. **Common law** systems, while they often have statutes, rely more on precedent, judicial decisions that have already been made



Structure. The Basic **Law** provides for a bicameral legislative **structure**. The Federal Parliament is the general legislature, and the Federal Council (Bundesrat) is a second chamber representing the states on the federal level. The Basic **Law** specifies which **laws** may only be passed with the assent of the Federal Council.





Germany is a democratic, federal parliamentary republic, where federal legislative power is vested in the Bundestag (the parliament of Germany) and the Bundesrat (the representative body of the Länder, Germany's regional states). ... Germany is part of the Schengen Area, and has been a member of the eurozone since 1999.





sources

- There are two **sources** of **law** in **Germany**: statute and customary. Statute (Gesetz) - includes the constitution, the codes and any additional statutes. This also includes regulations of the Federation, the Ministries of the Federation and the states. Local **by-laws** and rules are not considered Gesetz

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- The primary **sources of law** in the United States are the United States Constitution, state constitutions, federal and state statutes, common **law**, case **law**, and administrative **law**.