

**COMPARISON:**  
**COMMON LAW** versus **CIVIL LAW** SYSTEMS

<b>System Features:</b>	<b>Common Law Systems</b>	<b>Civil Law Systems</b>
<b>Continuity of Legal system</b>	Evolutionary	Arbitrary
<b>Major Source of Law</b>	Custom & Practice	Legislative Statutes
<b>Reliance on precedent</b>	Yes (Strong)	No (Weak)
<b>Judicial role in law-making</b>	Active & Creative	Passive and Technical
<b>Role of Legal Scholarship</b>	Secondary and Peripheral	Extensive and Influential
<b>Judicial Review of Statutes &amp; Executive Actions</b>	Yes	No
<b>Major Decision Stage</b>	Trial	Investigation & Examination
<b>Trial Format</b>	Accusatorial/confrontational	Inquisitorial/collaborative
<b>Use of Argument &amp; Debate</b>	Extensive & fundamental	modest & restricted
<b>Style of Legal Reasoning</b>	Inductive	Deductive
<b>Trial Emphasis on:</b>	Procedural Correctness	Factual Certainty
<b>Evidentiary Rules</b>	Formal and restrictive (exclusionary rule)	None (all evidence considered)
<b>Role of lawyers during trial</b>	Primary	Secondary
<b>Functions of lawyers</b>	Debate and oppose	advise and inform
<b>Judge's role during trial</b>	Referee/umpire	Director/examiner
<b>Selection of judges</b>	Political appointment from practicing lawyers	Merit advancement from judicial specialists
<b>Status of Judges</b>	Political VIPs	Mid-level civil servants
<b>Citizen trial participation</b>	Juries (Grand & Petit)	Members of Judicial Panels
<b>Appellate review focus</b>	Procedural	Procedural & substantive
<b>Unity of Court Structure</b>	Unified Court Structure	Diffused Court Structures (multiple specialized courts)

# Comparison Common Law Versus Civil Law Systems

**AW Chickering**



## **Comparison Common Law Versus Civil Law Systems System:**

**Comparative Civil Law and Common Law Systems Legal Traditions and Reforms** Dr. Gunawan Widjaja, Hotmaria Hertawaty Sijabat, Dr. Manjula Rani Mallepalli ,2025-05-31 This book explores the foundational principles structures and evolving dynamics of civil law and common law systems It examines their historical roots key differences and modern reforms offering comparative insights into global legal traditions and their convergence in contemporary legal practice and international legal harmonization *The Plurality and Synergies of Legal Traditions in International Arbitration* Nayla Comair Obeid,Stavros Brekoulakis,2024-02-20 The cultural diversity characterizing international arbitration today is as much a source of enrichment as it is sometimes a source of practical difficulties affecting both the arbitration procedure and the application of substantive law Consequently it is becoming clearer that the critical project for international arbitration in the immediate future will be how to best answer the fundamental question of cultural pluralism This book presents an informative and well argued discussion on many aspects of international arbitration clarifying the main procedural and substantive similarities and differences between different legal systems around the world focusing not only on common and civil law traditions but also the role played by regional legal traditions including Islamic law and African perspectives With contributions from fifty arbitrators counsel and academics representing every region of the world where international arbitration has secured a foothold the volume consolidates and synthesizes a series of discussions sponsored by the Chartered Institute of Arbitrators that took place in Dubai Johannesburg and Paris in 2017 The essays identify and address the cultural distinctions that affect the key ever present factors which have forged the character of modern international arbitration such as the following the seat of the arbitration and the legal regime to which the arbitration is attached due process which has different and specific meanings in different national legal systems international standards such as international public policy illegality arbitrability and sanctions the immunity of international arbitrators form of presentation of evidence production of documents oral and written submissions and expert evidence the specific context of international investment arbitration disputes in specific industries or legal areas telecommunications construction mining intellectual property the role of national judges and the legal traditions they embrace throughout and after arbitration proceedings how to incorporate more conciliatory cultural traditions which are notably shared in many African and Asian countries and training and opportunities for the next generation in international arbitration The book is replete with tools and recommendations to ensure synergy and harmony between the different legal traditions that coexist in today s arbitral proceedings All users of arbitration whether the arbitrators themselves lawyers involved as counsel for parties or judges applying arbitration law will greatly appreciate this matchless elucidation of the different systems and alternative ways of presenting the divergent procedures and ways of conducting international arbitrations The book s immeasurable value to arbitration academics goes without saying *Comparative and International Criminal Justice Systems* Obi N. I.

Ebbe,2013-05-13 *Comparative and International Criminal Justice Systems Policing Judiciary and Corrections Third Edition* examines the history dynamics structure organization and processes in the criminal justice systems in a number of selected countries Designed for courses in comparative criminal justice systems comparative criminology and international criminal law it explores systems in the United States Ireland Israel Argentina Sierra Leone China Russia and Poland A descriptive and quantitative analysis of criminal justice processes this text goes beyond a mere analysis of individual systems Instead the book compares these criminal justice models with each other and contrasts them with United Nations conventions World Courts of Justice International Court of Justice International Military Tribunal International Criminal Tribunal International Criminal Court Understanding these comparisons is crucial for a proper grasp of transnational crimes The book shows how the national criminal justice systems and the United Nations judicial systems complement each other when adjudicating transnational crimes in the international community It analyzes the nature of crime and criminal law explores basic theories of crime and discusses the various sources of international law It also examines the inherent pitfalls in comparing international crime rates and discusses terrorism and its control Unique to this edition is a thorough unbiased study of the Islamic justice system Each chapter focuses on a select region and includes crime data and arrest prosecution and conviction rates where appropriate This allows readers looking for information on the criminal justice systems of any part of the world to easily find the relevant section A sound approach to understanding the laws of various nations and international criminal and humanitarian laws this volume provides sage insight into the sociological explanations of criminal law and crime

**Comparative, International, and Global Justice** Cyndi Banks,James Baker,2015-09-23 *Comparative International and Global Justice Perspectives from Criminology and Criminal Justice* presents and critically assesses a wide range of topics relevant to criminology criminal justice and global justice The text is divided into three parts comparative criminal justice international criminology and transnational and global criminology Within each field are located specific topics which the authors regard as contemporary and highly relevant and that will assist students in gaining a fuller appreciation of global justice issues Authors Cyndi Banks and James Baker address these complex global issues using a scholarly but accessible approach often using detailed case studies The discussion of each topic is a comprehensive contextualized account that explains the social context in which law and crime exist and engages with questions of explanation or interpretation The authors challenge students to gain knowledge of international and comparative criminal justice issues and think about them in a critical manner It has become difficult to ignore the global and international dimensions of criminal justice and criminology and this text aims to enhance criminal justice education by focusing on some of the issues engaging criminology worldwide and to prepare students for a future where fields of study like transnational crime are unexceptional **The Oxford Handbook of Comparative Law** Mathias Reimann,Reinhard Zimmermann,2019-03-26 This fully revised and updated second edition of *The Oxford Handbook of Comparative Law* provides a wide ranging and diverse critical survey of

comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

The Termination of Stay of Aliens Arnold Ackerer,2008-02 Doctoral Thesis Dissertation from the year 2006 in the subject Law Public Law Administrative Law grade Ausgezeichnet Hiroshima University Department for Public Law course Ph D Studium language English abstract In this thesis a comprehensive discussion of the current immigration and deportation systems of both Japan and Austria provides the basis for qualitative and quantitative comparisons The first section explains the basic methodology the idea of comparative public law and respective international regimes that influence the alien law in either or both countries In the second part the immigration system of both Austria and Japan are explained in considerable detail introducing only high profile case law though including new legislation introduced in most recent years The system of residence titles in both countries is discussed with reference to particular group of immigrants such as family members of already residing foreign nationals work related immigration short term and long term visitors An overview of the respective organization of the immigration control administration is provided before the last chapter of part two compares the immigration laws of both countries The quantitative comparison employs extends and adjusts the Quantitative Index for the Integration of Immigrants by H Waldrauch associated also with the work of Prof U Davey Part three is extensively discusses the system of termination of stay in both countries This also includes the newly introduced 2004 revocation of residence titles zairy shikaku no torikeshi and the departure order shukkoku meirei on the Japanese side and the new system of residence bans Aufenthaltverbote etc on the Austrian side 2005 This part also features 1 detailed case law on both systems for Japan particularly in regard to the special residence permit 2 a short explanation of detention facilities and detention related problems 3 a discussion of problems inhe

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