

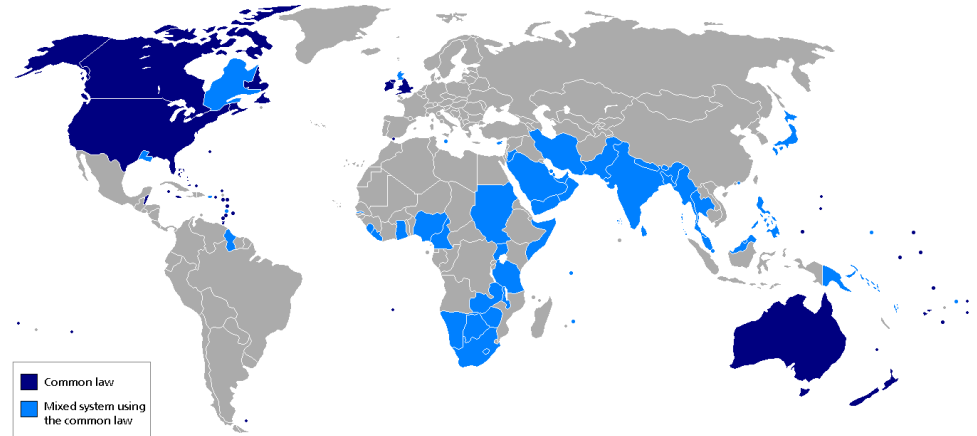
Common law



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structure



1. Law systems generally
2. Common law system
3. Great Britain law system
4. United States law system

Law systems

Common law

- Anglo – American law

(developed gradually throughout history, judges do not merely apply the law, in some cases they make law – their decisions may become precedents in other case)

Continental law

- Continental Europe
- Latin America

(Law was influenced and based upon Roman law. It has been codified or systematically collected to form a consistent body of legal rules - codes. Decisions of individual judges carry little weight.)

CIVIL LAW

COMMON LAW

CUSTOMARY LAW

MUSLIM LAW

MIXED SYSTEMS



Anglo- American law are usually divided into two groups :

- **Primary** – *principal* sources : statutes – legislation and case, common law
- **Secondary** - *subsidiary* sources : customs, books of authority (law reform documents, government publications, legal periodicals)

Common law

- ❖ Constitutions and statutes – written in general terms (flexibility at unforeseen circumstances, adapt to changing conditions over time)
- ❖ rules which have been developed entirely by judicial decisions
- ❖ still made today

Common law in Great Britain

- Main source of law
- Evolved over centuries
- Common to the whole country (except Scotland)

Judicial precedent (unwritten law)

v.

Legislative enactment (written law)



Common law in USA

- Former UK colony
- Procedure known as „common-law system“
- „judge - made law“
- The doctrine ***stare decisis*** – the court with the similar case should follow the previously decided case



„Stare decisis et non quieta movere“

- > to stand by decisions and not disturb the undisturbed
- In a legal context, this is understood to mean that courts should generally abide by precedents and not disturb settled matters

Sources

- CHROMÁ, Marta; COAST, T. *Introduction to legal English vol I*. Praha : Katedra jazyků Právnické fakulty Univerzity Karlovy, 1998. 565 s.
- POWELL, Richard. *Law today*. Harlow : Longman, 1993. 128 s.