

Introduction to Global Legal Systems

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Before deep diving into the world of affairs, policy, and law, it is important to establish a structure to base knowledge on. Examining the legal systems of different countries in a digestible and simple way can also help provide context for major decisions, arguments, and general changes. As one example, the recent Israel-Gaza conflict is one, in no ways, simple. However, we can use the application of international law to take away what both sides of the conflict can and cannot do (although that has not been well-respected in terms of international humanitarian law). Another example of an application of legal structures and basics is the recent political debate in the United States: should Donald Trump, former President of the United States, be removed from the ballot in the 2024 Election as a result of him “inciting an insurrection”? This question arises from the 14th Amendment, part of a founding document in America’s history. Taken from these examples and others, we can see that there is no basis to form an opinion about a multitude of current events without **context**. Let us take a look at three major countries that have legal structures worth noting (of course there are plenty more to explore!).

Starting off at the basis of American law is common law (also recognized as case law). This was initially adapted from English law by the United States. To put it simply, common law dictates that prior court decisions should be recognized when preceding cases are decided. If the case is deemed as a precedent one, the deciding courts must rule in the same manner to the previous case. If we now expand into the international realm, many countries use the common law/case law system, a few examples include: Bangladesh, Pakistan, the United Kingdom (with the exception of Scotland), and Ireland. By contrast, a system that the United States does not use is civil law. Think of it as the opposite of common/case law, where precedent cases do not exist, and therefore are quite different from common/case law. Why might this be used? Why not common/case law? Some countries believe that it allows more “freedom” for the judiciaries to make decisions on a “case-by-case” basis. Examples of countries that implement the civil law system are: Congo, Vietnam, Switzerland, and Thailand. To further establish a basis for American law, let us look at the concept of “legal sources”. There are two legal sources: primary and secondary. The United States Constitution, common/case law, statutes, executive orders/proclamations, and rules, regulations, and orders are all primary. Legal encyclopedias, hornbooks, law review journals, treatises, and restatements are all secondary. Think of it as what establishes the law (primary sources) versus what explains the law (secondary sources). Remember that these are just introductory aspects of American law, but both State Law and the American Judicial System can be explored in a later (and longer!) section.

Let's now transition to a different country: France. This European country is being used as an example because of its use of the civil law system (quick refresher being that cases following civil law are decided independently) as opposed to the earlier mentioned common/case law used by the (majority) of the United States. Parallel to the United States Constitution, France is under the Constitution of the Fifth Republic (passed in 1958). Recent reforms have been made to this Constitution in 2008, as opposed to the United States which last reformed the Constitution in 1992. One important thing to note in the French Legal System is its "dual system". The two branches in this system are *droit public* (meaning public law) and *droit privé* (private law). We will not go too far into those two, but they (as one could assume) correlate to the operation of state and public bodies as opposed to private individuals/entities. Similar to the U.S., the French legal system has its own "hierarchy", ranked by importance. At the top are *lois organiques* (or institutional acts related to the Constitution), then *lois ordinaires* (acts voted on by Parliament), then below that *ordonnances* (acts taken by the French government seen as normal/relevant to keeping France operating). We could go on about the French legal system, including differentiations in proceedings, the court system, and other aspects, but that will be explored later!

South American legal systems are unique in their unification. All but one country follow civil law (the outlier being Guyana), and stem from similar traditions. If we hone in on Mexico, as an example, we can find that their legal system is **the** oldest in the world (as of today), in addition to being the most used. To dive more into the history of Mexico's legal system, it is interesting to note that their system was developed during the Renaissance in Italian universities (during the rediscovery of Roman law). To parallel both the U.S. and France in their Constitution as a foundational document, Mexico has its own in addition to a history of the progression of it. To note something distinctive, Mexico had multiple constitutions, its first being in 1824 (which was not applied strictly), second being in 1857 (which remained through both a civil war and French intervention), and third being in 1917 (which is still the current Mexican Constitution). The basis for these constitutions are similar, but fundamental differences relating to political, economics, social, and cultural rights. In relation to both the U.S. and France, Mexico has its own legal "hierarchy". From the top down is: constitution, legislation, regulation, custom. Think of the one above overriding the one below.

These are just three examples from the 195 countries in the world that all have their own backgrounds and foundations. It is important to consider these structures in a simplified manner, as legal systems are complicated. Boiling down information about them and comparing/contrasting them can provide context and knowledge in a world full of rich history and current situations/events.

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