

The Importance of Legal systems and its Development in Different Countries

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DESCRIPTION

In general, legal systems are classified as civil law or common law. According to modern scholars, the significance of this distinction has dwindled over time. The numerous legal transplants characteristic of modern law result in the sharing of many characteristics traditionally considered characteristic of either common law or civil law. Religious law, which is based on scripture, is the third type of legal system. The specific system under which a country is governed is frequently determined by its history, relationships with other countries, or adherence to international standards. Any legal system is defined by the sources that jurisdictions accept as authoritatively binding.

Civil law

Civil law is the legal system used in the majority of countries today. In civil law, the authoritative sources are primarily legislation—particularly codifications in constitutions or statutes passed by government—and custom. Codifications date back millennia, with the Babylonian Codex Hammurabi being an early example. Modern civil law systems are largely based on legal codes issued by Byzantine Emperor Justinian I in the sixth century and rediscovered in 11th century Italy [1]. During the Roman Republic and Empire, Roman law was heavily procedural and lacked a professional legal class. Instead, a lay magistrate, iudex, was appointed to hear the case.

Anarchist law

Anarchism has been practiced in many societies around the world. There are mass anarchist communities ranging in size from hundreds to millions from Syria to the United States. Anarchism encompasses a wide range of social and political ideologies with varying tendencies and implementation [2].

Anarchist law is primarily concerned with how anarchism is implemented in society, with a framework based on decentralized organizations and mutual aid, and representation through a form of direct democracy. Laws are made in response to a need. A large portion of anarchist ideologies, such as anarcho-syndicalism and anarcho-communism, emphasize decentralized worker unions, cooperatives, and syndicates as the primary social instrument [3].

Socialist law

Socialist law is the legal systems in communist states such as the former Soviet Union and the People's Republic of China. Academic opinion is divided on whether it is a separate system from civil law, given major deviations based on Marxist–Leninist ideology, such as subordinating the judiciary to the executive ruling party.

Common law and equity

Court decisions are explicitly recognized as "law" in common law legal systems, on par with legislative statutes and executive regulations [4]. The "doctrine of precedent," also known as stare decisis (Latin for "to stand by decisions"), states that decisions by higher courts bind lower courts to ensure that similar cases result in similar outcomes. In contrast, legislative statutes are typically more detailed in civil law systems, and judicial decisions are shorter and less detailed, because the adjudicator is only writing to decide the single case, rather than to set out reasoning that will guide future courts.

Religious law

Religious law is clearly founded on religious precepts. Jewish Halakha and Islamic Sharia are two examples of "path to follow" laws. Christian canon law is still practiced in some church communities [5]. Because the word of God cannot be amended or legislated against by judges or governments, the implication of religion for law is often unalterability. Nonetheless, most religious jurisdictions rely on additional human elaboration to provide comprehensive and detailed legal systems.

Canon law

Canon law (from the Greek kanon, a'straight measuring rod, ruler') is a set of ordinances and regulations enacted by ecclesiastical authority (Church leadership) for the administration of a Christian organization or church and its members. It is the internal ecclesiastical law that governs the Catholic Church (both the Latin and Eastern Catholic Churches), the Eastern Orthodox and Oriental Orthodox churches, and the Anglican Communion's individual national churches [6,7].

Sharia law

Until the 18th century, Sharia law was practiced in an unmodified form throughout the Muslim world, with the Ottoman Empire's Mecelle code in the 19th century being the first attempt at codifying elements of Sharia law. Efforts have been made in country after country since the mid-1940s to bring Sharia law more in line with modern conditions and conceptions. Many Muslim countries' legal systems today draw on both civil and common law traditions, as well as Islamic law and custom. Certain Muslim states' constitutions, such as Egypt and Afghanistan, recognize Islam as the state religion, requiring legislators to follow Sharia.

CONCLUSION

The law is significant because it serves as a guideline for what is acceptable in society. There would be conflicts between social groups and communities if it did not exist. It is critical that we adhere to them. The law allows for simple adaptation to societal changes. We renew our belief that law has been and continues to be critical in introducing changes in societal structure and relationships. Law has undoubtedly acted as a catalyst in the process of people's social transformation, with illustrious examples including the abolition of caste inequalities, protective measures for the weak and vulnerable sections, and the provision of a dignified existence for those living in unwholesome conditions. Social change involves a shift in society's economic structure, values, and beliefs, as well as its economic, political, and social dimensions.

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