

Legal Systems of Scandinavian Countries



1. The place of the Scandinavian legal family on the world map.
2. Historical development of legal systems of Scandinavian countries.
3. Unification and harmonization of the legislation of Scandinavian countries.
4. Features of legal systems of Scandinavian countries.
5. Sources of Scandinavian law



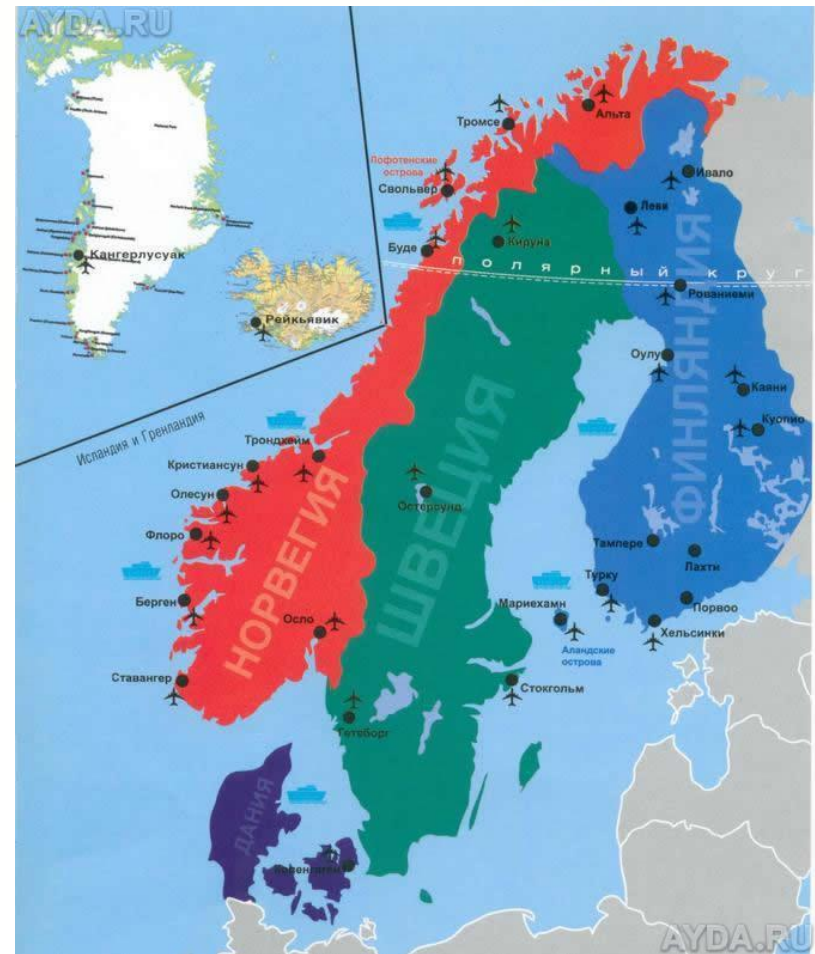
Devoted into 2 groups

1. **Denmark, Norway, Iceland**

developed on the basis of almost identical in content compilations of Danish and Norwegian law, carried out in the second half of the XVII century

2. **Sweden, Finland**

in 1734 the law of the Swedish state was introduced, the Friedrichsham Treaty of 1809 influenced insignificantly



Causes of interpenetration of systems:

- long historical mutual ties and ethnic closeness of these states;
- almost complete absence in all these countries of the reception of Roman law, which had a significant influence on the development of the legal systems of the countries of continental Europe;
- the absence of codes that systematize individual branches of law in the same way as was done in the Romano-German legal family;
- the process of unification of the law of the countries of Scandinavia, which has been going on for more than 100 years.

The commonality of Scandinavian and Romano-Germanic law:

- similarity of sources of legal regulation.
- The law is the main source of law,
- courts can not formally, by resolving a particular dispute, create legal norms.



The role of the court in the Scandinavian countries has traditionally been very significant. A judge in the Scandinavian countries has great freedom in interpreting the provisions contained in laws and treaties.

In Sweden, the lower courts practically follow the decisions made by higher judicial bodies in almost all cases, primarily decisions of the Supreme Court, recognizing them as an authoritative statement of the law in force.



According to the law of 1971, the Supreme Court of Sweden considers cases of interest from the point of view of establishing certain areas of law enforcement activity



decisions are binding



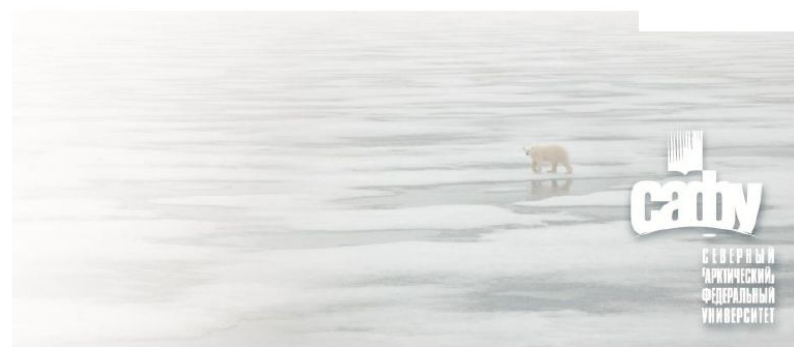
As a result, the practice of including undefined norms in laws is becoming more widespread for the expansion of discretionary powers of judges. In Sweden they were called "general reservations". The Swedish lawyers themselves assess the development of the legislative machinery of "general reservations" as "a kind of delegation of legislative power to the judiciary".



The competition of French and German influence in the 19th century

Difference from Romano-Germanic legal Family

- Scandinavian law does not know the division of law to public and private, as well as to the industry.
- Scandinavian law is not codified



Similarity with the family of common law

- A small number of norms with a high level of generalization
- There is no distinction between civil and criminal proceedings
- Pragmatic approach to law
- High precedent role
- A number of general legal concepts and constructions



- *Laws*
- *Delegated Legislation*
- *Arbitrage practice*
- *Custom*
- *Doctrine*
- *Legal principles*
- *International legal acts*



Constitutional acts

Norway – signed and dated on 17 May 1814 by the Norwegian Constituent Assembly
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(additions 1905, 1936, 1946 etc)

Finland – 1919 (additions 1926, 1930, 1943, 1955, 1992, 2000 – in fact new)

Iceland – 1944, new 2012

Denmark – 1953

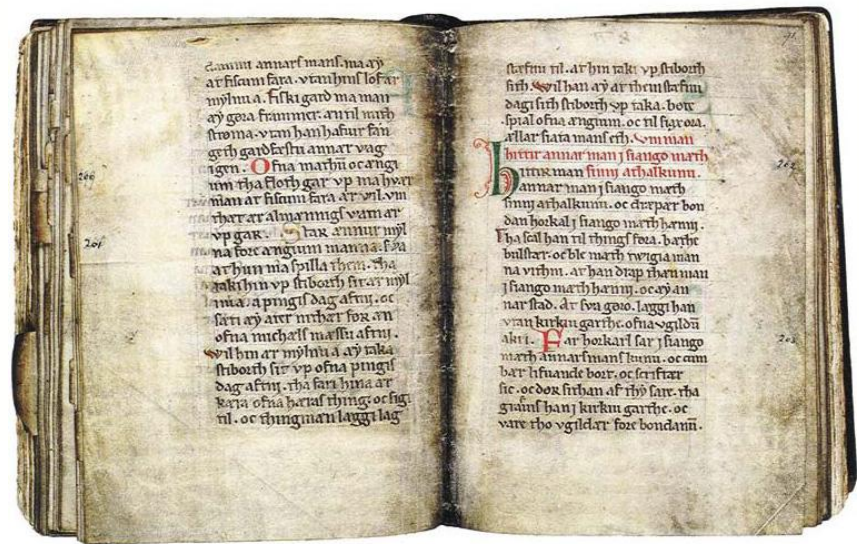
Sweden

- Act of Succession 1810
- the Freedom of the Press Act 1949
- Instrument of Government 1974
- the Fundamental Law on Freedom of Expression 1991



Delegated Legislation

By volume exceeds the number of laws issued by legislative bodies of states



Case law

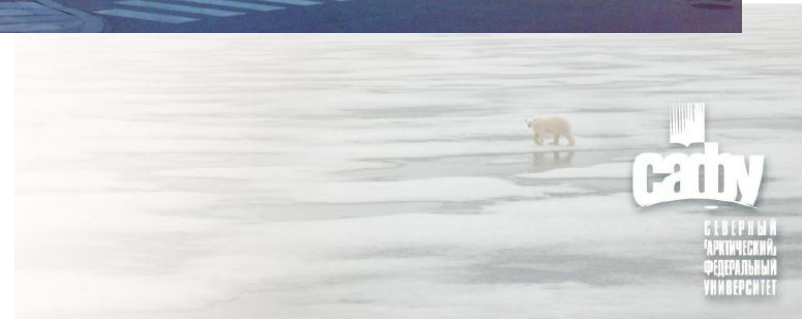
Denmark and Norway - not an auxiliary, but the main role (individual institutions of civil law relations are regulated solely by precedents)

Laws allow judges to resolve certain issues in their discretion. The duty to follow decisions on similar cases of higher courts



Decisions of the Supreme Court of Norway (sometimes other instances) in a particular case have the force of a "convincing precedent".

Sweden - the role of judicial practice is less visible



Legal custom

Support role, mainly applicable in the field of trade and maritime law

Often an addition to the constitutional law

Sometimes references in the text of the treaty



Exceptions

Greenland - in civil law relations along with the Danish laws

Before the adoption of the criminal code in 1954, exclusively by custom



Doctrine

Auxiliary source, helps to reveal the true intentions of the legislator

Principles

when dealing with specific cases


with the analogy of law

In interpreting the law

International legal acts

Should be implemented in the current legislation





Спасибо за внимание
Tak for din opmærksomhed
Þakka þér fyrir athygli
Takk for oppmerksomheten
Kiitos huomiota
Tack för din uppmärksamhet