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TOPIC: CIVIL LAW

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## History of law of france

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The legal history of France is commonly divided into three periods: that of the old French law (Ancien Droit), that of the Revolutionary or intermediary law (Droit révolutionnaire ou intermédiaire), and that of the Napoleonic law or Droit nouveau ('New law')

# The Origins of the French Legal System

- The basis of the French legal system is the 1804 ***Code Napoléon***
  - Rights and obligations of citizens, and the laws of property, contract, inheritance, etc.
  - Adapted from Roman and customary law.
- The *Code Civil* remains the cornerstone of French law to this day, though it has been updated and extended many times to take account of changing society.

## Structure of law of france

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Unlike English-speaking countries, which use a system of "Common Law", France has a system of "Civil law". Common law systems are ones that have evolved over the ages, and are largely based on consensus and precedent. Civil law systems are largely based on a Code of Law

## Sources of law of france

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Legislation is seen as the primary source of French law. Unlike in common law jurisdictions, where a collection of cases and practices (known as the "common law") historically form the basis of law, the French legal system emphasizes statutes as the primary source of law

## History of law of Germany

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German Civil Code, German Bürgerliches Gesetzbuch, the body of codified private law that went into effect in the German empire in 1900. ... The concept of law embodied in the code was the gemeines Recht, the common law based on the 6th-century codification of Roman law put in force by the emperor Justinian

## Structure of law of Germany

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The most important reference of this area is the Civil Law Book (Bürgerliches Gesetzbuch, BGB), which consists of 5 major parts: the common/general part, the law of obligations, property law, family law and law of succession.



## German court structure

- Lay involvement in commercial matters and labour matters
- Highest ordinary court: *Bundesgerichtshof* – Federal Court of Justice
- Each branch has its own federal court
- Plus Federal Constitutional Court



## Sources of law of Germany

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There are two sources of law in Germany: statute and customary. Statute (Gesetz) - includes the constitution, the codes and any additional statutes. This also includes regulations of the Federation, the Ministries of the Federation and the states. Local by-laws and rules are not considered Gesetz.

## Sources of Civil Law System

- These are **the countries of written law**----  
therefore “legislation” **forms the basic source of law**
- **Sources:**
  - 1- Legislation (Primary source)
  - 2- custom
  - 3- court decisions
  - 4- doctrinal or legal writing
  - 5-General principles of law