

Perspective

A note on origin and features of civil law

Thomas Risse*

Department of Law, Terrace University of Leeds, Leeds, UK.

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ABOUT THE STUDY

Civil law is a legal system that started on the continent of Europe and has since evolved around the world. The civil law system is based on Roman law, which has been codified into a referable system that serves as the primary source of law. The common law system, which originated in mediaeval England and whose conceptual foundation was traditionally derived from uncodified judge-made case law, and which accords precedential authority to past court decisions, is sometimes contrasted with the civil law system. Modern national legal systems are based on four basic systems: civil law, common law, statutory law, religious law, or a combination of these. Furthermore, each country's legal system is influenced by its own history, and as a fact, there are significant variations. Civil law begins with abstractions, formulates broad principles, and distinguishes substantive rules from procedural norms from a conceptual standpoint. The terms civil law and inquisitorial system are sometimes used interchangeably, yet they are not interchangeable. There are significant distinctions between a statute and a code. Civil systems are distinguished by their legal codes, which contain brief and broadly applicable laws that typically avoid factually specific instances. In contrast to ordinary statutes, which are typically very long and complex, the brief articles in a civil law code deal with generalities.

Civil law is referred to as Neo-Roman law, Romano-Germanic law, and Continental law. The phrase "civil law" comes from the Latin *jus civile*, or "citizens' law," which was

the late imperial term for its legal system, as opposed to the laws governing conquered peoples (*jus gentium*); hence the title *Corpus Juris Civilis* of the Justinian Code. On the other hand, civil law practitioners have long referred to their system as *jus commune* in a broad sense. The civil law system is the most widely used legal system in the world, with roughly 150 countries employing it in various versions. It is greatly influenced by Roman law, which is likely the most complex legal system known before to the modern age.

The law code, a systematic collection of interrelated articles grouped by subject matter in some pre-specified order in civil law legal systems where codes exist, is the primary source of law. Codes define legal concepts, rights and entitlements, and the operation of essential legal mechanisms. The objective of codification is to provide all citizens with a written collection of laws that apply to them and that judges must abide to. Laws enacted by a legislature, even if they are generally much lengthier than other laws, are known as law codes. The code, rather than being a collection of statutes or a catalogue of case law, establishes general principles as legal standards. Common law, Islamic law, and canon law are some of the other major legal systems in the globe. Civil law jurisdictions, unlike common law systems, deal with case law without regard for precedent. Civil law courts usually handle cases on a case-by-case basis, relying on codal provisions rather than previous judicial decisions. In practise, a growing amount of precedent is sneaking into civil law jurisprudence, as seen by several of the world's highest courts.

*Corresponding author. Thomas Risse, E-mail: jimm1233@gmail.com.