

**Larbi Ben M'hidi University**  
**Faculty of Law and Political Sciences**  
**Law Department**  
**Lectures in the course: Comparing**  
**legal systems**

- Fifth hexagram -

Lessons directed to third-year bachelor's  
degree students

Specialization in private law

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## **Introduction**

Comparative law gradually began to occupy great importance in legal studies until it became an independent science based on recognized foundations. This was helped by the openness of countries to each other and their entry into regional blocs on economic and political foundations, which made contemporary societies affected and affected by each other in light of the globalization that... The world has become a small, scattered village that does not recognize borders or traditional barriers and obstacles.

In light of these changes, comparative law, whose origins go back to the European continent, occupied an important place in the system of legal sciences thanks to the efforts of many jurists, especially among them “Sally” and “Lambert”, who are credited with the greatest credit for recognizing comparative law as independent and subjective, and as a means of developing positive law. National law in a country by benefiting from the experiences of other countries and legislation on the one hand, and also as a means of bringing together various legal systems and making them a common legacy for all humanity on the other hand.

In view of the extreme importance of comparative law at the national and international levels, the Ministry of Higher Education has included it as a standard in the training offers taught to law students within their training course, following the example of the largest and most prestigious universities at the international level, which do not dispense with this law as a standard in their ministerial curricula.

In order to facilitate the process of comparative studies and benefit from their results, researchers and those interested in this type of studies grouped similar laws in terms of basic principles in form and content into groups, where they identified the features and features of each group that distinguish it from others, and based on this classification, the general characteristics of the approach or legal system are determined, As a result, they gathered the laws into major groups: the Roman-Germanic law group and the Anglo-Saxon law group.

The Islamic Sharia system is also considered one of the important systems. In fact, it is the highest of these systems, the most appropriate to apply, and the most effective in embodying. This is confirmed by the great position and great power that the Islamic State enjoyed when it implemented this system, where divine law, justice and equality prevailed among the people, and the responsibility of the ruler and the subjects was made clear to them. Both, and the Shura system was applied, so the Islamic State gained control over all political, military, economic and social aspects.

It also introduced many principles and theories from which many Western legal systems were taken, and which became attributed to it, but in fact its origin goes back to this complete and integrated system ideal, who is credited with forming many contemporary laws today, whether in the Roman-Germanic group or the Anglo-Saxon group, as each of them borrowed many theories and provisions from Islamic jurisprudence, such as the recognition of legal personality, the theory of abuse of right,

expropriation of property for public benefit, and disposal by will. Single and many others that there is no space to mention them all.

Through these lessons, the major legal systems and global laws prevailing in the world today will be explained. These systems are systems that each belong to a group of countries with their own laws. The various statutory laws have been arranged within the framework of a specific major law based on standards that have been established for this purpose, in addition to the Islamic system as an independent system. It is distinguished and surpasses the finest statutory legal syst\*

