

The first lecture

The first topic: The Latin legal system - Germanic or the Latin group

It is also called the Roman-Germanic law or the Romano Germanic law, and the credit for this name goes back to university studies and research. This system was subject to the influence of Roman law and the Christian religion despite the large time difference between them.

This system is widespread in the countries of Central Europe, and it is a system derived from Roman law and Germanic customs, because Roman law arose and was applied in Roman society from the founding of the city of Rome until it was codified in the collections of Emperor Justinian, and the rules of French and German civil law were embodied in it. The French civil law " The Napoleonic Code issued in 1804 consisted of the German customs that controlled northern France, and Roman law prevailed in the south. As for the German Civil Code issued in 1900, it was more saturated with Roman law that Germany had adopted since King Charlemagne established the German Empire in the ninth century AD. He dreamed of the glories of the Western Roman Empire.

This group extends geographically to include all of Latin America, a large part of Africa, some Middle Eastern countries, Japan, and Indonesia. This group is characterized by its great influence by Roman law, which left its mark and many of its principles in this group, whether in terms of form or in terms of subject matter, especially the substantive and procedural rules that the concepts that prevailed in Justinian's group prevailed.

This family is divided according to its name into two groups:

1-The Latin group: It includes all of the laws of France, especially the Civil Code

issued in 1804, and the systems that were influenced by it or taken from it, such as Spain, Italy, Portugal and its colonies, China, Japan, and the countries of Latin America.

2-The German group: It includes the German law of 1896 and the regulations that were derived from it, especially those influenced by German customs and traditions, such as Hungary and Austria.

The two groups differ in some detailed rulings that may extend to the interpretation and application of some general principles. The theory of commitment, for example, traces the origin of the two back to a single origin, but they differ in some of its detailed rulings and in some of its practical applications.

However, this distinction does not mean a conflict between the two groups, as they are based on the same principles. The general rules and general rules are of the same origin, in addition to the similarity of the legal language used to denote the same expressions and terms. European laws were influenced by the French Civil Code and the German Civil Code.

This system will be addressed by reviewing the beginning of the historical development of the Latin-Germanic legal system, passing through an explanation of its legal structure, then the features of this system, and ending with an explanation of its sources.

The first requirement: the historical development of the Latin-Germanic legal system

In this section, we discuss the emergence, development, and spread of the Latin-Germanic legal system, as will be explained later.

The first section: The emergence of the Latin-Germanic legal system

The European continent is considered the origin of this system, and from there it began to spread and expand to other countries. The important historical stages that this system went through can be summarized in three stages:

- 1- The stage of the royal era:** This era represents the beginnings of Roman law and begins with the establishment of Rome until the establishment of the republican system in 509 BC. The clergy in this stage played an important role as they were the ones responsible for interpreting and applying the law, and custom and legislation are considered the only sources of law. At this stage.
- 2- The stage of the scientific era:** This era is considered the brightest and most sophisticated era of Roman law. It begins with the issuance of the Law of Ebonia in

the middle of the second century BC and ends in the late third century AD. This stage was known for a multiplicity of sources of law, if they appeared alongside the aforementioned custom and legislation. Introducing new sources, such as the law of peoples and praetorian law.

The era of the Lower Empire: This era witnessed a significant deterioration of Roman law and its deterioration into stagnation. It began with the accession of Emperor Diocletian in the year 284 AD until the death of Emperor Justinian in the year 565 AD. The latter took an important step for the benefit of Roman law, which was the codification of its rules through the recording of Roman laws in a code was divided into four groups:

- ✓ **The First group: Emperor's orders**
- ✓ **The second group: people, things, and the lawsuit system**
- ✓ **The third group: collecting the works of major Roman jurists**
- ✓ **The Fourth group: publications and instructions**

The Renaissance movement called for the revival of Roman law and its teaching in European universities between the twelfth and eighteenth centuries, with the aim of reviving the feeling of Roman law as the foundation on which the social system is based, in addition to unifying the concept of legal rules and their terminology in order to build a common curriculum.

The University of Bologna in Italy was the first to respond to this call, as it taught Roman law by explaining the texts in Justinian's collections, which include a summary of the Roman legal systems, by explaining and interpreting the original meaning of the ruling or text by placing marginal notes. It also interpreted the customs that It was widespread at that time using the rules of explanation while preserving the original Roman rules, so that French and German universities in turn followed the example of their Italian counterparts and in turn taught Roman law.

Indeed, the purpose of his teaching was achieved, as Roman law was considered the ideal image that could be used as a guide to organizing the life of society, as its concepts became stable, and it began to take customs and customs out of their narrow scope and transform them into flexible legal rules capable of development.

European countries also considered it an expression of justice and basic rules for a common law, which... It prompted the Church to adopt this law and consider it identical with divine law, which in turn made canon law impose itself to be taught in universities alongside Roman law, where its rules derived from Greek philosophy were mixed with canon law, natural law, and humanism, and from them formed a unified approach in terms of the concept of law and its terminology.

The foundations of Roman-Germanic law were also strengthened by the idea of

natural law advocated by the philosophers and thinkers of that era, who called for the rule of reason in setting and devising laws and organizing relations between countries, in addition to the emergence of the humanist doctrine, which called for the glorification of man, his liberation, and making his will emanate from himself, all of this. With the aim of putting an end to the power and tyranny of kings.

The emergence of the codification movement in Europe in the nineteenth century helped the elements of the Roman-Germanic approach to be completed, as both the Latin group and the Germanic group, which are related in terms of the structure of law, contained the concept of the legal rule and the meaning of its terms, and they also shared in terms of classification and division, and it was called during this period. Immanuel Kant came up with the idea of establishing a law for peoples based on the union of free states in order to prevent wars once and for all. This idea moved to Italy, where Eco called for it, calling for the necessity of developing a global concept of law. Savini also proposed the idea of studying each nation within its historical framework, influenced by Roman law.