

**COMPARISON:**  
**COMMON LAW** versus **CIVIL LAW** SYSTEMS

<b>System Features:</b>	<b>Common Law Systems</b>	<b>Civil Law Systems</b>
<b>Continuity of Legal system</b>	Evolutionary	Arbitrary
<b>Major Source of Law</b>	Custom & Practice	Legislative Statutes
<b>Reliance on precedent</b>	Yes (Strong)	No (Weak)
<b>Judicial role in law-making</b>	Active & Creative	Passive and Technical
<b>Role of Legal Scholarship</b>	Secondary and Peripheral	Extensive and Influential
<b>Judicial Review of Statutes &amp; Executive Actions</b>	Yes	No
<b>Major Decision Stage</b>	Trial	Investigation & Examination
<b>Trial Format</b>	Accusatorial/confrontational	Inquisitorial/collaborative
<b>Use of Argument &amp; Debate</b>	Extensive & fundamental	modest & restricted
<b>Style of Legal Reasoning</b>	Inductive	Deductive
<b>Trial Emphasis on:</b>	Procedural Correctness	Factual Certainty
<b>Evidentiary Rules</b>	Formal and restrictive (exclusionary rule)	None (all evidence considered)
<b>Role of lawyers during trial</b>	Primary	Secondary
<b>Functions of lawyers</b>	Debate and oppose	advise and inform
<b>Judge's role during trial</b>	Referee/umpire	Director/examiner
<b>Selection of judges</b>	Political appointment from practicing lawyers	Merit advancement from judicial specialists
<b>Status of Judges</b>	Political VIPs	Mid-level civil servants
<b>Citizen trial participation</b>	Juries (Grand & Petit)	Members of Judicial Panels
<b>Appellate review focus</b>	Procedural	Procedural & substantive
<b>Unity of Court Structure</b>	Unified Court Structure	Diffused Court Structures (multiple specialized courts)

# Comparison Common Law Versus Civil Law Systems

**Lei Huang**



## **Comparison Common Law Versus Civil Law Systems System:**

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