

Common Law V Civil Law

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	Common Law = cas par cas (in concreto)	Civil Law = abstrait (in abstracto)
Définitions	Ensemble de lois non écrites, du droit coutumier, qui trouve ses solutions dans la pratique / coutume. C'est du droit commun qui s'étend sur l'ensemble du royaume Britannique =/ droit spécifique.	Droit d'origine romano-germanique ou civiliste. Sa source principale reste la loi écrite (regroupées dans les codes).
Localisation	En grande partie les pays anglophones (UK, USA, Canada, Australie, NV-Zélande...).	Il est majoritaire dans le monde (pays d'Europe, Amérique centrale, Amérique du Sud).
Source principale de droit	La jurisprudence (the principle of precedent) = solution dans les arrêts, décisions.	La loi écrite = solution se trouvant dans les textes écrits.
Méthode	Inductive (Bottom-up) = on part des faits pour remonter à la règle de droit.	Déductive (Top-bottom) = on part de la règle de droit afin de l'appliquer aux faits.

Reacuteflexions Sur Le Procegraves De Common Law

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