

**Yaroslav Mudryi National Law University**

**Department of International Private Law and Comparative Law**

**Department of Theory and Philosophy of Law**

**WORK PROGRAMME OF ACADEMIC DISCIPLINE**

**«Legal Systems of Today's World»**

Compulsory

The level of higher education – the first (bachelor's) level

Degree of higher education – bachelor

Field of knowledge – 29 «International Relations»

Specialty – 293 «International Law»

Educational programme / specialization – «International Law»

Discipline status – compulsory

Year of recruitment – 2021

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Programme developers:

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Guarantor of the educational programme

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### 1. *Description of the discipline*

The work programme of the discipline «Legal Systems of the Today`s World» is developed under the educational and professional programme «International Law» for bachelors of 293 «International Law» specialty in the field of knowledge 29 «International Relations».

Name of indicators	Field of knowledge, specialty, level of education	Didactic structure of the discipline	
		full-time education	Part-time education
Number of credits – 3	Field of knowledge – 29 «International Relations»	Compulsory	Compulsory
Modules – 2		Year of preparation:	Year of preparation:
	Specialty – 293 «International Law»	1 semester	1 semester
The total number of hours – 90		<b>Lectures</b>	<b>Lectures</b>
Weekly hours for full-time education: classroom – 2, individual work – 2	Educational programme / specialization – «International Law»	22 hours	4 hours
		<b>Practical classes</b>	<b>Practical classes</b>
		26 hours	4 hours
		<b>Individual work</b>	<b>Individual work</b>
		42 hours	82 hours
	The level of higher education - the first (bachelor`s) level	Types of control: ongoing monitoring control; final control (exam)	Types of control: ongoing monitoring control; final control (exam)

The purpose of the discipline is to provide students with knowledge about the objective patterns of origin, functioning and development of basic legal systems and their families, – Romano-Germanic, Anglo-American, traditional and religious law; teach them to use comparative law research method and establish with help of it general, special and individual in different legal systems of the world.

Tasks of the discipline:

(1) mastering by students of the whole range of issues related to the formation and functioning of the basic legal systems of today, the peculiarities of their sources of law, legal awareness and legal culture of the peoples of the world, the practice of law, etc;

(2) the formation of students' knowledge of the most important common and specific features of the legal families of the world, the emergence, functioning and development of particular legal systems;

(3) the formation of basic skills for the use of this knowledge in further professional activities.

Prerequisites: «Theory of State and Law», «History of State and Law of Ukraine».

Co-requisites: «History of International Law», «Country Studies».

Post-requisites: «European Union Law», «International Law».  
The language of instruction is English.

## 2. *Expected learning outcomes*

As a result of mastering the discipline, students must demonstrate the following learning outcomes:

LO 1. Demonstrate knowledge and understanding of the subject, methods, structure, object of comparative studies, to determine its place in the system of legal sciences.

LO 2. Demonstrate knowledge and understanding of the types of research in comparative studies, the ability to conduct a comparative study of legal systems or their elements.

LO 3. Demonstrate knowledge of the concept of legal system, its features, structure, varieties and their features, criteria for classification of legal systems, the ability to apply this knowledge in practice.

LO 4. Demonstrate knowledge of the basic characteristics of the Romano-Germanic legal family, Anglo-American legal family, Latin American and Scandinavian law, religious and traditional legal family, European law, the history of their origin and formation, knowledge of their system of sources of law .

LO 5. Carry out a critical and systematic analysis of legal phenomena and processes in the legal systems of the Romano-Germanic, Anglo-American, religious, traditional types.

LO 6. Explain the nature and content of the main institutions and procedures of Romano-Germanic, Anglo-American, religious and traditional law, features of their implementation and application.

LO 7. Demonstrate knowledge and understanding of the peculiarities of legal regulation in the fundamental areas of law of the Romano-Germanic and Anglo-American legal families.

LO 8. Carry out logical, critical and systematic analysis of legal documents

adopted in the legal systems of the Romano-Germanic and Anglo-American legal families, Latin American and Scandinavian states, in the legal systems of religious and traditional type.

LO 9. Use the comparative legal method of research in the study of other legal disciplines, navigate in foreign legal systems, use foreign legal experience in professional activities.

The discipline provides students with the formation of general and special competencies and the acquisition of learning outcomes defined by the specialty «International Law», namely:

General competencies:

GC 1. Ability to abstract thinking, analysis and synthesis.

GC 2. Ability to apply knowledge in professional activities in standard and non-standard situations.

GC 6. Skills of collecting and analyzing information from national and international sources.

GC 7. Skills in the use of information technology and databases.

GC 9. Ability to work independently.

GC 14. Ability to be creative in subject-practical activities in accordance with social statuses and modes.

GC 15. Ability to implement functions in subject-practical activities.

Special competencies:

SC 4. Knowledge of the history of international law, the evolution of major institutions and branches of international law from the ancient world to the present.

SC 5. Ability to define the concept of public international law, knowledge of its features in comparison with national law and private international law.

SC 7. Knowledge of the system of international law, its main branches and institutions.

SC 9. Ability to identify problems and work in the main areas of interaction of international and national law.

SC 15. Ability to characterize Ukraine's relations with the European Union, to analyze the problems of adaptation of national legislation of Ukraine to the requirements of European Union law.

SC 19. The ability to identify features of international legal regulation of economic relations.

Programme learning outcomes:

PLO 13. Demonstrate knowledge of the theory and practice of international human rights and freedoms.

PLO 14. To characterize the systems of universal and regional international mechanisms for the protection of human rights.

PLO 23. Demonstrate the ability to work in an international legal context.

### ***3. The programme of the discipline***

#### **Module 1.**

General characteristics of legal systems of the world today. Romano-Germanic law.

Topic 1. Legal systems of today: general characteristics.

Comparative studies as a method, science and academic discipline. The emergence of comparative studies. Object, subject, method and structure of comparative studies, its functions and place in the system of legal sciences. The value of comparative studies. Types of research in comparative studies. International and national centers of comparative law. International Association of Legal Sciences. Methodical rules of comparative legal research.

Topic 2. Legal systems and legal families as the main objects of comparative law.

The concept, features and structure of the legal system. General characteristics of the legal map of the world. The concept of «legal family». Classification and typology of legal systems. Mixed legal systems. European law. The legal system of Ukraine among the legal systems of today.

Topic 3. General characteristics of the Romano-Germanic legal family.

Features of the Romano-Germanic legal family. The main stages of development of the Romano-Germanic legal family. The role of science (universities) in the development of Romano-Germanic law. The connection of the Romano-Germanic legal family with Roman law. The influence of canon law on the formation of Romano-Germanic law. Public and private law.

Topic 4. Sources of law of the Romano-Germanic legal family.

Norms of law in the Romano-Germanic family. Sources of law in the Romano-Germanic family, their types. Legal acts in the Romano-Germanic legal family. Statute as a source of law in the Romano-Germanic family. General principles in the Romano-Germanic legal family. Custom in the system of sources of Romano-Germanic law. Doctrine in the Romano-Germanic legal family. Judicial practice in the Romano-Germanic legal family.

Topic 5. Legal systems tending to the Romano-Germanic type.

Approaches to the classification of legal systems of the Scandinavian countries and Latin American countries. Legal systems of the Scandinavian countries, their features. Sources of law of the Scandinavian countries. Legal systems of Latin American countries, their features. Sources of law in Latin America.

## **Module 2.**

Anglo-American law. Religious and traditional legal systems.

Topic 6. General characteristics of the Anglo-American legal family.

Features of the Anglo-American legal family. The main stages of development of the English legal system. The emergence and reform of common law. Common law: concepts and features. The law of justice and its relationship with common law.

Topic 7. Sources of law of the Anglo-American legal family.

Concepts and types of sources of Anglo-American law. Precedent as a source of law in the Anglo-American legal family. Law as a source of law in the family of Anglo-American law. Delegated legislation in the family of Anglo-American law. Custom in Anglo-American law. Other sources of Anglo-American law.

Topic 8. Legal systems of other countries of the Anglo-American legal family.

Formation of the US legal system. Sources of American law. Modern US legal system, its features. Legal systems of the Commonwealth. Features of the legal systems of Canada, Australia and New Zealand. Sources of law of the Commonwealth.

Topic 9. Religious legal systems.

General characteristics of religious legal systems. Muslim (Islamic) law, its characteristics. Sources of Muslim law. The law of modern Muslim states. Hindu law, its characteristics. Sources of Hindu law. Modern law of India. Jewish law, its characteristics. Sources of Jewish law. The legal system of Israel. Canon law, its characteristics. Sources of canon law. Application of canon law in the modern world.

Topic 10. Traditional legal systems.

General characteristics of traditional legal systems. Legal systems of the Far East. Formation of the legal system of China. The legal system of China, its sources. Formation of the legal system of Japan. The modern legal system of Japan, its sources. Legal systems of African countries.

## ***4. The scope and structure of the discipline***



The subject of the discipline	Hours							
	full-time education				part-time education			
	In total	including			In total	Including		
		Le ct ur es	Pr act ica l cla sse s	Indi vidu al Wor k		Le ctu res	Pr act ica l cla sse s	Indi vidu al Wor k
<b>Module 1.</b> <b>General characteristics of legal systems of today's world.</b> <b>Romano-Germanic law</b>								
Topic 1. Legal systems of today: general characteristics	8	2	2	4	9	1		8
Topic 2. Legal systems and legal families as the main objects of comparative law	8	2	2	4	9	1		8
Topic 3. General characteristics of the Romano-Germanic legal family	10	2	4	4	10	1	1	8
Topic 4. Sources of law of the Romano-Germanic legal family	8	2	2	4	9		1	8
Topic 5. Legal systems tending to the Romano-Germanic type	8	2	2	4	8			8
<i>In total</i>	<i>42</i>	<i>10</i>	<i>12</i>	<i>20</i>	<i>45</i>	<i>3</i>	<i>2</i>	<i>40</i>
<b>Module 2.</b> <b>Anglo-American law. Religious and traditional legal systems</b>								
Topic 6. General characteristics of the Anglo-American legal family	8	2	2	4	10	1	1	8
Topic 7. Sources of law of the Anglo-American legal family	8	2	2	4	9		1	8
Topic 8. Legal systems of other countries of the Anglo-American legal family	8	2	2	4	8			8
Topic 9. Religious legal system	14	4	4	6	10			10
Topic 10. Traditional legal systems	10	2	4	4	8			8
<i>In total</i>	<i>48</i>	<i>12</i>	<i>14</i>	<i>22</i>	<i>45</i>	<i>1</i>	<i>2</i>	<i>42</i>

<b>In total hours / ECTS credits</b>	<b>90 / 3</b>	<b>22</b>	<b>26</b>	<b>42</b>	<b>90 / 3</b>	<b>4</b>	<b>4</b>	<b>82</b>
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## **5. TOPICS OF LECTURES AND PRACTICAL CLASSES**

### 5.1. Topics of lectures

The subject of the discipline	Topics of lectures	Hours	
		full-time education	part-time education
<b>Module 1. General characteristics of legal systems of the world today. Romano-Germanic law</b>			
Topic 1. Legal systems of today: general characteristics	1. Legal systems of today: general characteristics	2	1
Topic 2. Legal systems and legal families as the main objects of comparative law	2. Legal systems and legal families as the main objects of comparative law	2	1
Topic 3. General characteristics of the Romano-Germanic legal family	3. General characteristics of the Romano-Germanic legal family	2	1
Topic 4. Sources of law of the Romano-Germanic legal family	4. Sources of law of the Romano-Germanic legal family	2	
Topic 5. Legal systems tending to the Romano-Germanic type	5. Latin American and Scandinavian law	2	
<b>Module 2. Anglo-American law. Religious and traditional legal systems</b>			
Topic 6. General characteristics of the Anglo-American legal family	6. General characteristics of the Anglo-American legal family	2	1
Topic 7. Sources of law of the Anglo-American legal family	7. Sources of law of the Anglo-American legal family	2	
Topic 8. Legal systems of other countries of the Anglo-American legal family	8. US legal system. The legal system of the Commonwealth of Nations	2	
Topic 9. Religious legal system	9.1. Muslim law. Hindu law.  9.2. Jewish law. Canon law.	2  2	

Topic 10. Traditional legal systems	10. Far Eastern law and African law	2	
<b>In total</b>		<b>22</b>	<b>4</b>

## 5.2. Topics of practical classes

The subject of the discipline	Topics of practical classes	Hours	
		full-time education	part-time education
<b>Module 1.</b> <b>General characteristics of legal systems of the world today. Romano-Germanic law</b>			
Topic 1. Legal systems of today: general characteristics	1. Legal systems of today: general characteristics	2	
Topic 2. Legal systems and legal families as the main objects of comparative law	2. Legal systems and legal families as the main objects of comparative law	2	
Topic 3. General characteristics of the Romano-Germanic legal family	3.1. Groups and features of the Romano-Germanic legal family	2	1
	3.2. Reception of Roman law	2	
Topic 4. Sources of law of the Romano-Germanic legal family	4. Sources of law of the Romano-Germanic legal family	2	1
Topic 5. Legal systems that tend to the Romano-Germanic type	5. Latin American and Scandinavian law	2	
<b>Module 2.</b> <b>Anglo-American law. Religious and traditional legal systems</b>			
Topic 6. General characteristics of the Anglo-American legal family	6. General characteristics of the Anglo-American legal family	2	1
Topic 7. Sources of law of the Anglo-American legal family	7. Sources of law of the Anglo-American legal family	2	1
Topic 8. Legal systems of other countries of the Anglo-American legal family	8. US legal system. The legal system of the Commonwealth of Nations	2	
Topic 9. Religious legal system	9.1. Muslim law. Hindu law.	2	

	9.2. Jewish law. Canon law.	2	
Topic 10. Traditional legal systems	10.1. Far Eastern law	2	
	10.2. African law	2	
<b>In total</b>		<b>26</b>	<b>4</b>

### ***6. Forms of pedagogical control, means and criteria of assessment of learning outcomes***

The assessment of the results of mastering the discipline «Legal Systems of the World Today» involves ongoing monitoring and final control and is based on the cumulative scoring and rating system.

Ongoing monitoring control of students' knowledge includes quality control of students mastering the programme material of the discipline in practical classes using the following tools: oral, written or express survey, tests, **discussing case study, presenting abstract,** compiling a portfolio, etc.

During the semester, students complete tasks for individual work. When performing individual work, the student is obliged to follow the rules of academic integrity and direct prevention of plagiarism. The maximum score for individual work is 10.

The form of the final control of students' knowledge on the discipline is an exam. The maximum score that a student can get for the exam is 60. The exam is taken orally with students answering random questions from the given list. The minimum score of the results of the ongoing monitoring control and individual work, after the completion of which the student is admitted to the exam, is 25.

The criteria of assessment of the discipline «Legal Systems Of Today's World»

Types of educational activities	Criteria of assessment	Score
Practical classes and individual work	Practical class work and individual work are evaluated for each module separately. Each module is evaluated from 0 to 15. When evaluating practical classes work and individual work the following points are taken into account: 1) oral answers and performance of practical tasks on the subject of practical classes; 2) final module control work. They are evaluated under a ten-point scale, 8-10 "excellent", 5-7 – "good", 3-4 "satisfactory", 0-2 –	0-30

	<p>“unsatisfactory”.</p> <p>The criteria for assessing the level of knowledge and skills of students are:</p> <p>a) correctness, completeness, depth, systematics and thoroughness of the answer to the question;</p> <p>b) the ability to substantiate their point of view, completeness and persuasiveness of the arguments;</p> <p>c) the use of basic and additional literature;</p> <p>d) references to norms of national and international law, as well as to judicial and law enforcement practice.</p> <p>The total score for the current module is defined as the average result of the average score for practical class work and score of the final module control work.</p>	
Individual work	<p>Individual tasks performed by the student within his individual work are evaluated under the following criteria:</p> <p>a) correctness, completeness, depth, systematization and thoroughness of execution;</p> <p>b) the completeness and persuasiveness of the arguments; ability to substantiate their point of view;</p> <p>c) taking into account the recommendations of the teacher, eliminating the identified shortcomings;</p> <p>d) the use of basic and additional literature;</p> <p>e) references to norms of national and international law, as well as to judicial and law enforcement practice.</p>	0-10
Exam	<p>1. Comprehensive, systematic and in-depth knowledge of the material provided by the programme of the discipline, including orientation in the main scientific doctrines and concepts of the discipline.</p> <p>2. Knowing basic and additional literature recommended in the textbook.</p> <p>3. Ability to independently expand knowledge of the discipline and use the acquired knowledge in practical work.</p>	60

	<ol style="list-style-type: none"> <li>1. Full knowledge of the material provided by the programme of the discipline.</li> <li>2. Knowing basic and additional literature.</li> <li>3. Ability to independently expand knowledge of the discipline, understanding their importance for practical work.</li> </ol>	55
	<ol style="list-style-type: none"> <li>1. Sufficient complete knowledge of the material provided by the program of the discipline, in the absence of significant inaccuracies in the answer.</li> <li>2. Learning the basic literature recommended by the programme of academic discipline and the lecturer.</li> <li>3. Ability to independently expand knowledge of the discipline, understanding their importance for practical work</li> </ol>	45
	<ol style="list-style-type: none"> <li>1. Knowledge of the basic material provided by the program of academic discipline, to the extent that allows further training and future work in the profession.</li> <li>2. Learning the basic literature recommended by the programme.</li> <li>3. Mistakes and significant inaccuracies in answering the question with the possibility of self-correction or correction with the help of a teacher.</li> </ol>	40
	<ol style="list-style-type: none"> <li>1. Knowledge of the basic material provided by the program of academic discipline, to the extent that allows further training and future work in the profession.</li> <li>2. Learning the main literature recommended by the programme.</li> <li>3. Mistakes in answering the question with the possibility of self-correction or correction with the help of a teacher.</li> </ol>	35
	<ol style="list-style-type: none"> <li>1. Gaps in knowledge of much of the basic material provided by the programme.</li> <li>2. The presence of significant mistakes in answering the exam.</li> <li>3. Inability to continue education or carry out professional activities without additional training in this discipline.</li> </ol>	30

	<p>1. Lack of knowledge of a significant part of the basic material provided by the programme.</p> <p>2. Impossibility to continue studies or carry out professional activities without taking a repeat course in this discipline.</p>	0
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The final grade in the discipline «Legal Systems Of Today's World» is given in accordance with the following scale:

Rating on the ECTS scale	Definition	Rating under the national scale	Rating under a 100-point university scale
<b>A</b>	<b>Excellent</b> – excellent performance, with only a small number of errors	5	90 – 100
<b>B</b>	<b>Very good</b> – above average with a few errors	4	80 – 89
<b>C</b>	<b>Good</b> – generally correct work with a certain number of minor errors		75 – 79
<b>D</b>	<b>Satisfactory</b> – not bad, but with many shortcomings	3	70 – 74
<b>E</b>	<b>Enough</b> – meets the minimum criteria		60 – 69
<b>FX</b>	<b>Unsatisfactory</b> – you need to work before reassembling	2	35 – 59
<b>F</b>	<b>Unsatisfactory</b> – requires serious further work, mandatory re-course		0 – 34

## *7. Information support of the discipline*

### *Basic literature:*

1. Gamal Moursi Badr (1978), Islamic Law: Its Relation to Other Legal Systems, The American Journal of Comparative Law, 26 (2 [Proceedings of an International Conference on Comparative Law, Salt Lake City, Utah, February 24–25, 1977]): 187–198 [196–8], doi:10.2307/839667

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3. David C. Donald (2020) Legal System Network Effects and Global Legal Development, 10 NOTRE DAME J. INT'L & COMP. LAW 267-306.  
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4. Thomas Duve (2018) Legal traditions: A dialogue between comparative law and comparative legal history, *Comparative Legal History*, 6:1, 15-33, DOI: 10.1080/2049677X.2018.1469271
5. Morris L. Cohen (1989) The Common Law in the American Legal System: The Challenge of Conceptual Research. *Law Library Journal*, Vol. 81, 13-32.  
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7. Mark Van Hoecke (2014) Do “legal systems” exist? The concept of law and comparative law.  
[https://www.researchgate.net/publication/292468608\\_Do\\_legal\\_systems\\_exist\\_The\\_concept\\_of\\_law\\_and\\_comparative\\_law](https://www.researchgate.net/publication/292468608_Do_legal_systems_exist_The_concept_of_law_and_comparative_law)
8. Jaako Husa (2004) Classification of Legal Families Today – Is it Time for Memorial Hymn? *Revue Internationale de Droit Comparé*, vol. 56, 1, 11-38.  
[https://www.persee.fr/doc/ridc\\_0035-3337\\_2004\\_num\\_56\\_1\\_19249](https://www.persee.fr/doc/ridc_0035-3337_2004_num_56_1_19249)
9. Jaakko Husa (2016) The Future of Legal Families.  
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935352.01.0001/oxfordhb-9780199935352-e-26>
10. H. Patrick Glenn (2005) Doin' the Transsystemic: Legal Systems and Legal Traditions. *MCGILL LAW JOURNAL / REVUE DE DROIT DE MCGILL*, Vol. 50, 864-898. [https://www.mcgill.ca/centre-crepeau/files/centre-crepeau/Glenn\\_doin.pdf](https://www.mcgill.ca/centre-crepeau/files/centre-crepeau/Glenn_doin.pdf)
11. Weng Li. (1996) Philosophical Influences on Contemporary Chinese Law. *IND. INT'L & COMP. L. REV.*, Vol. 6:2, 327-336.  
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12. Jingjing Liu (2013) Overview of the Chinese Legal System. *Environmental Law Institute*, Vol 1(1). <https://elr.info/sites/default/files/chinaupdate1.1.pdf>
13. Dmytro Lukianov (2015) LEGAL FAMILIES APPROACH: CONSISTENT PATTERNS AND TRENDS. *EVROPSKÝ POLITICKÝ A PRÁVNÍ DISKURZ*. Vol, 2 (1), 168-175. <https://eppd13.cz/wp-content/uploads/2015/2015-2-1/25.pdf>
14. Lukas Frederik Müller (2016) The Taxonomy of Legal Systems under Effect of Globalization: Classification of China and the United States, *Global Jurist*, Vol. 16 (1), 51-80. <https://doi.org/10.1515/gj-2015-0005>



15. Marko Novak (2013) "Ideal Types of Law from the Perspective of Psychological Typology", *Revus*, 19, 205-232. <https://journals.openedition.org/revus/2443>
16. Akmal Yacoub (2017) A History of Law and Its Influence on Modern Criminal Law of Common and Civil Legal Systems (December 5, 2017). Available at SSRN: <https://ssrn.com/abstract=3094785> or <http://dx.doi.org/10.2139/ssrn.3094785>

***Additional literature:***

1. Bhandari, S. Law, Legal Systems, and Legal Families. <<http://ssrn.com/abstract=2425472>> (2014, April, 16).
2. Christopher A. Whytock (2020) The Concept of a Global Legal System (in *Transnational Law*, Cambridge University Press, 72-87)
3. Glenn, P. (2008). A Concept of Legal Tradition. *Queen's Law Journal*, 34, 427, 431.
4. Hendry, J. Comparative Law and the (Im)Possibility of Legal Translation. <<http://ssrn.com/abstract=2256888>> (2013, April, 26).
5. Örüci, E. (2008). What is a Mixed Legal System: Exclusion or Expansion? *Electronic Journal of Comparative Law*, vol. 12.1.
6. Pargendler, M. (2012). The Rise and Decline of Legal Families. *The American Journal of Comparative Law*, vol. 60, 1043-1074.

***Web-resources:***

1. The Avalon Projekt – Documents in Law, History and Diplomacy. Yale Law School. Lillian Goldman Law Library in memory of Sol Goldman: <http://avalon.law.yale.edu>
2. Classification of the Legal Systems. [https://nios.ac.in/media/documents/SrSec338New/338\\_Introduction\\_To\\_Law\\_Eng/338\\_Introduction\\_To\\_Law\\_Eng\\_L2.pdf](https://nios.ac.in/media/documents/SrSec338New/338_Introduction_To_Law_Eng/338_Introduction_To_Law_Eng_L2.pdf)
3. Common Law. <https://www.investopedia.com/terms/c/common-law.asp>
4. Common law or civil law. <https://www.law.berkeley.edu/wp-content/uploads/2017/11/CommonLawCivilLawTraditions.pdf>
5. Contemporary Legal Cultures: Hybrid Legal Systems. <https://prawo.uni.wroc.pl/sites/default/files/students-resources/Hybrid%20legal%20systems%20.pdf>
6. Dhavan, S. S. The Indian Judicial System. A Historical Survey. [http://www.allahabadhighcourt.in/event/TheIndianJudicialSystem\\_SSDhavan.html](http://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhavan.html)
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