

A Comparative Analysis of the Romano-Germanic and Anglo-Saxon Legal Systems

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Abstract: The Romano-Germanic and Anglo-Saxon legal systems represent two distinct methodological approaches to the formation and development of law and constitute the most widespread legal families in the world. The Romano-Germanic system is based on the primacy of legislation and presents legal norms in a highly codified and systematized form. In contrast, the Anglo-Saxon system relies primarily on judicial precedent as the main source of law, regulating legal relations through a more flexible and case-oriented approach. Each system possesses its own advantages and limitations: while the continental legal system is characterized by clarity and consistency, the common law system is distinguished by its adaptability and practical responsiveness. As a result, contemporary legal development demonstrates an increasing interaction between these two legal families, the emergence of hybrid legal mechanisms, and the adaptation of national legal systems to international standards.

Keywords: *Romano-Germanic legal system; Anglo-Saxon legal system; legal families; judicial precedent; codification; sources of law*

Introduction

Legal systems constitute one of the most fundamental institutional frameworks through which societies organize social relations, regulate economic activity, and exercise political authority. They reflect not only normative structures but also the historical experience, cultural traditions, and legal philosophies of particular societies. In contemporary legal theory, two major legal families—the Romano-Germanic (civil law) system and the Anglo-Saxon (common law) system—occupy a dominant position due to their global influence and methodological distinctiveness (Ayupova & Kussainov, 2019; Ionescu et al., 2015).

The Romano-Germanic legal system, which developed primarily in continental Europe, is characterized by the primacy of legislation and comprehensive codification. Legal norms within this system are formulated in abstract and systematic legal acts, with lawmaking predominantly exercised by legislative authorities rather than the judiciary (Muhametgalieva et al., 2015; Sydorenko, 2025). The historical foundations of this legal family are closely connected to the

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reception and evolution of Roman law, which played a decisive role in shaping its conceptual structure and doctrinal coherence (Muhametgalieva et al., 2015; Ayupova & Kussainov, 2019).

By contrast, the Anglo-Saxon legal system emerged in England and later expanded to jurisdictions influenced by British legal tradition. This system assigns a central role to **judicial precedent**, with court decisions functioning as a primary source of law. Legal norms are developed incrementally through case law, allowing for greater flexibility and adaptability to specific factual circumstances (Pollock, 1893; Reynolds, 1999). In modern common law systems, judicial acts possess normative force and actively contribute to the formation and evolution of legal rules (Rosenko & Skrebets, 2025).

A comparative analysis of the Romano-Germanic and Anglo-Saxon legal systems enables a deeper understanding of differences in legal regulation mechanisms, sources of law, lawmaking processes, the role of judges, and dominant modes of legal reasoning. Such analysis is not only of theoretical significance but also of substantial practical importance in the context of globalization, legal harmonization, and international cooperation. As states increasingly interact within transnational legal frameworks, understanding the structural logic and functional characteristics of these two legal families becomes essential for effective legal integration and comparative legal research (Askarovich, 2025; Ionescu et al., 2015).

Main Part

The Romano-Germanic Legal System

The Romano-Germanic (civil law) legal system represents one of the most widely applied legal families in the world and has played a decisive role in shaping modern legal thinking. Although its fundamental characteristics were consolidated during the period of the French Revolution, the origins of this system can be traced back to the Middle Ages. The scientific conceptualization and systematization of continental law as a distinct legal family began in the thirteenth century, reflecting a growing effort to rationalize and unify legal norms (Ayupova & Kussainov, 2019; Muhametgalieva et al., 2015).

In its historical development, the Romano-Germanic legal system emerged primarily through the evolution and reception of Roman law. However, Roman law was not the sole formative influence. The contribution of French legal thought—particularly through codification initiatives—was equally significant in shaping the structure and principles of continental law (Muhametgalieva et al., 2015; Sydorenko, 2025).

Scholars generally distinguish three main stages in the development of the Romano-Germanic legal system. The first stage, extending up to the thirteenth century, was characterized by fragmented and unsystematic judicial practice. Courts often relied on supernatural beliefs, inquisitorial procedures were used as evidentiary mechanisms, and the enforcement of judicial decisions was weak or absent. During this period, law functioned largely in a formal sense, and disputes were frequently resolved through coercion rather than through established legal authority (Ayupova & Kussainov, 2019).

The second stage, covering the period from the thirteenth to the seventeenth centuries, coincided with the intellectual and cultural transformations of the Renaissance. Beginning in Italy and later spreading across Western Europe, this era marked a significant increase in the role of law within society. Legal norms began to be recorded systematically, and the drafting of legislative acts and codes expanded considerably. One of the most notable religious legal instruments of this period was the *Code of Canon Law*, compiled in 1582, which contributed to the broader process of legal codification (Muhametgalieva et al., 2015).

The third stage represents the mature phase of the Romano-Germanic legal system, during which codification, legislation, and legal doctrine gained dominant importance. Compared to earlier stages, law became more comprehensive, stable, and authoritative, reinforcing the central role of written legal norms in regulating social relations (Sydorenko, 2025).

In comparison with other legal families, the Romano-Germanic system developed on strong conceptual and doctrinal foundations. Legal scholarship played a particularly influential role, as the interpretations of jurists significantly shaped legal understanding and application. Unlike common law systems, where judicial precedent serves as a primary source of law, continental legal systems grant primacy to legislation, and judges are not entrusted with lawmaking functions (Ayupova & Kussainov, 2019; Ionescu et al., 2015).

Another defining characteristic of the Romano-Germanic legal system is its clear division between public and private law. Public law regulates relations involving state authorities, public institutions, and the legal status of officials, as well as interactions between individuals and the state. Private law, in contrast, governs relationships concerning private interests, including personal and property-related matters. This systematic differentiation contributes to the internal coherence and clarity of continental legal systems (Sydorenko, 2025).

Codification constitutes one of the most distinctive features of the Romano-Germanic legal family. Unlike partial or fragmented codification efforts, continental codification has a comprehensive character, encompassing virtually all branches and institutions of law. This approach ensures predictability, uniformity, and accessibility of legal norms, reinforcing the central role of written law in legal regulation (Sydorenko, 2025).

The Anglo-Saxon (Common Law) Legal System

The Anglo-Saxon legal system, commonly referred to as common law, is among the most influential legal families worldwide. It developed primarily in England from the eleventh century onward and constitutes a legal tradition comparable in scope and significance to the Romano-Germanic system. Common law is fundamentally a system of judge-made law, in which legal rules are formulated and refined through judicial decisions rather than comprehensive legislative codification (Pollock, 1893; Reynolds, 1999).

In contrast to continental legal systems, common law is characterized by the dominance of case law, the central role of judicial precedent, and the absence of a unified codified legal framework. Although statutory law exists within common law jurisdictions, judicial decisions remain the primary source of legal norms. Courts rely heavily on precedents—earlier decisions in similar

cases—to resolve disputes, thereby ensuring continuity and consistency in legal reasoning (Pollock, 1893; Rosenko & Skrebets, 2025).

Judicial precedents are preserved through detailed court records and systematically documented in law reports. In each case, the presiding judge determines which precedents are applicable, exercising significant interpretive authority. As a result, judges play a decisive role in shaping the legal systems of common law countries, particularly the United Kingdom and the United States (Rosenko & Skrebets, 2025). Common law proceedings operate within an adversarial system, where opposing parties present their arguments before an impartial judge.

By contrast, civil law systems rely on codified legal texts that comprehensively regulate substantive and procedural matters. In such systems, judges are primarily responsible for establishing the facts of a case and applying the relevant provisions of the code. Judicial decisions carry less normative weight than legislative acts and doctrinal interpretations, reinforcing the supremacy of written law (Ionescu et al., 2015).

Another distinguishing feature of common law is its relatively limited influence from other legal families during its historical development, as well as its emphasis on procedural law over substantive law. Judicial independence is a fundamental principle of the common law system, and the accusatorial nature of proceedings places primary responsibility for evidence collection on the parties rather than on the court. Judges, in turn, function mainly as neutral arbiters who oversee the fairness of the process (Reynolds, 1999; Rosenko & Skrebets, 2025).

Conclusion

The comparative analysis of the Romano-Germanic (civil law) and Anglo-Saxon (common law) legal systems demonstrates that, despite their shared objective of regulating social relations, these two legal families rely on fundamentally different normative logics and institutional mechanisms. The most significant distinctions between them can be summarized across several core dimensions.

First, with regard to sources of law, common law systems primarily derive legal authority from judicial decisions, which are recorded and applied as binding or persuasive precedents. Legislative acts exist but generally play a supplementary role. In contrast, Romano-Germanic systems are grounded in codified legal texts, where abstract and systematically organized statutes constitute the principal source of law (Ayupova & Kussainov, 2019; Sydorenko, 2025).

Second, the role of precedent differs substantially. In common law jurisdictions, judges extract legal principles from previously decided cases and apply them to new disputes, thereby actively participating in the development of legal norms. By contrast, judges in civil law systems are primarily bound by statutory provisions and apply codified norms independently of earlier judicial decisions, which carry limited normative force (Pollock, 1893; Rosenko & Skrebets, 2025).

Third, these differences are reflected in legal reasoning methods. Common law reasoning evolves incrementally through case-by-case adjudication, allowing legal principles to adapt gradually to new factual circumstances. Civil law reasoning, on the other hand, is based on the application of pre-established abstract principles to specific cases, emphasizing logical consistency and systematic interpretation (Ionescu et al., 2015; Sydorenko, 2025).

Fourth, the function of legal doctrine varies between the two systems. In common law countries, doctrine is primarily used to analyze similarities and distinctions among cases and to systematize judicial practice. In Romano-Germanic systems, doctrine plays a more formal role by guiding legislative activity and assisting judges in interpreting and applying statutory provisions (Ayupova & Kussainov, 2019; Ionescu et al., 2015).

Fifth, notable differences exist in judicial appointment and professional formation. Common law judges are typically appointed from among experienced legal practitioners, reflecting the system's emphasis on practical expertise. In contrast, civil law judges often enter the judiciary shortly after completing formal legal education and progress through a structured judicial career, reinforcing the bureaucratic and codified nature of the system (Reynolds, 1999; Sydorenko, 2025).

Finally, the systems diverge in their procedural orientation. Common law jurisdictions emphasize adversarial proceedings, in which the parties bear primary responsibility for presenting evidence and legal arguments, while judges act as neutral arbiters. Civil law systems assign judges a more active role in evidence gathering, fact-finding, and procedural management, reflecting the system's emphasis on judicial oversight and codified procedure (Pollock, 1893; Rosenko & Skrebets, 2025).

In conclusion, the Romano-Germanic legal system prioritizes codification, abstract legal principles, and legislative supremacy as mechanisms for ensuring legal certainty and preventing disputes. The common law system, by contrast, relies on judicial precedent and incremental legal development through adjudication. Despite these structural differences, contemporary legal practice reveals increasing interaction between the two systems, leading to convergence and the emergence of hybrid legal models. This mutual influence highlights the adaptive capacity of both legal families and underscores their continued relevance in a globalized legal environment (Askarovich, 2025; Ionescu et al., 2015).

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