

CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE

FACULTY OF ECONOMICS AND MANAGEMENT

DEPARTMENT OF LAW



Abstract of the Bachelor Thesis

**DIFFERENCES BETWEEN COMMON LAW AND
CONTINENTAL LAW AND THEIR PRACTICAL
CONSEQUENCES**

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Summary

This Bachelors thesis analyses the differences between the Common law and the Continental law and their practical consequences and let to understand better how this two systems work in general and how crossed between each other in cases. How they could be used in the area of countries, which are under their influence and show to the readers how he or she can use the law in their own favour in practice.

In the theoretical part is described the general definition of law the Common law and Continental law the features, history and development of both systems of law. Examined the role and functions of lawyers, judges and types of juries in each system. Represented the sources of Common law and Continental law. It is contain all necessary information for reader to make understand all questions which can appear.

The practical part consist of Case Study of the Court Proceeding (Great Britain and Czech Republic).

It examined courts and court proceeding in each system .The comparison between them and their lawyers. The results are analyzed and supplemented with comments.

In conclusion of bachelors thesis discussed the whole summary of the work, which results were gotten and added comments and recommendations of author.

Key words: Common law, Continental Law, contract, juries, judges, court proceeding

Objectives of BT :

1. Define two legal systems and how this system of law use in countries all our the world, main differences and comparison between them;
2. Show how Common and Continental Laws can be used in practice. Particular focus on practical consequences and current trends;
3. Role of judges and juries in each system, perspectives in present and future;

4 Court Proceeding in Common Law and Continental law(England&Czech Republic);

5 Using of the different kinds of methodology and bibliography , follow for the created time - table to prove tested hypotheses in practical research for getting a final result for the conclusion.

Methodology:

1. Identification, observation and description.
 - One of the most important things was to identify what is the law and law system .To observe how the law is changing due to different codified and uncodified systems and make a description how Common law and Continental law has developed and how can be used in practice now);
2. literature overview ;
 - Huge choice of literature helps to find all materials to start discover the information what was given before and search for new interesting information what can be used.
3. quantitative and qualitative research ;
 - Helped to understand reasons and motivations;
 - Helped to collect data and generalize results of finding
4. function-systematic , critical and comparative analysis;
 - Helped to make analysis and comparison between two systems of law; - Function-systematic and critical analysis let to conclude all information.
5. induction and deduction, analogy;
 - This methods proved the hypothesis and observation discovering things from general to specific and from specific to observations;
 - Analogy is one the most important methods that I've used .It was used to make a comparison between Common Law and Continental Law.
6. books and articles sources;
 - All taken information from books and other sources helped to describe and understand completely the nature of the law and how it works.
7. Legal organizational method, legislation method, combination and method of authority.
 - Combination between two legal systems and how people before believed in law just from someone's words and if things are correct but not infallible.

The third part of Bachelor thesis is contain the information about definition of the Common law . It is historical past and developing of the Anglo-Saxon law called at that time.

The fourth part of Bachelor thesis is about Continental law system from its history known also as Romano-German. After the first part already exist first difference of two legal systems, how they came from. The fifth part is about comparison of the Common law and Continental law and their practical consequences and impact on economy. How the Continental countries do not take a risk and continue follow something that already proved itself and the Common law countries grow an economy with new technologies. The sixth part is Case Study. Court Proceeding in England and Czech Republic .The differences in court proceeding, lawyers salaries, appeal and role of judges and juries. The last seven part is conclusion .It describes all collected information from previous parts with using of different types of methodology to reach the main goal of this bachelor thesis and two proved hypothesis about difference between Common and Continental law that have different way but follow the same goal and the second hypothesis was proved too because these legal systems have impact on economy.

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