



Abdelhafid Bousouf University Center

Faculty of Law and Political Sciences

Departement of Law

Module: Legal Terminology

Lesson 2: Types of Legal Systems

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Types of Legal Systems

Lesson Objectives

By the end of this lesson, students will be able to:

- Explain the main types of legal systems in the world.
- Identify the key features of **Common Law** and **Civil Law** systems.
- Recognize which legal system is applied in **Algeria**.
- Main Sources of Law in Algeria
- Understand essential legal terms with accurate Arabic translations.

1. Major Legal Systems in the World: there are two major legal systems

A. Common Law System

- **Used in:** United Kingdom, United States, Canada, Australia...
- **Based on:** Judicial decisions (court rulings), known as **precedents**.
- Judges play a central role in creating law by interpreting past decisions.
- Few written codes – instead, laws evolve through court cases.

Key Features:

- Case law is a primary source of law.
- Judicial interpretation is important.
- Flexible and adapts with time.

Example: If a court decides a case today, future similar cases must follow the same decision.

B. Civil Law System (Algeria uses this one)

- **Used in:** France, Algeria, Egypt, Germany, Italy...
- **Based on:** Written legal codes and legislation.
- Judges apply the law strictly according to the written texts.
- Court decisions do not create law.

Key Features:

- Law is written in codes (e.g., civil code, penal code).
- Judges interpret and apply existing laws, but do not create new ones.
- Originated from Roman law and was developed in Napoleonic France.

Example: A judge uses the Civil Code of Algeria to decide a case, not previous decisions.

2. Main Sources of Law in Algeria

A. The Constitution الدستور

- Supreme law of the country.
- All other laws must respect it.
الدستور هو القانون الأعلى في البلاد ويعطو على باقي القوانين .

B. Legislation (Statutory Law) التشريع

- Laws made by the **Parliament** (البرلمان).
- Includes the **Civil Code, Penal Code**, etc.
التشريع هو القانون الصادر عن السلطة التشريعية

C. Islamic Law (الشريعة الإسلامية)

- Especially important in **family law** and **inheritance**

D. Custom (عرف)

- Traditions accepted by society and recognized by courts.
Especially used in rural areas or in absence of written law.

العرف: هو القاعدة غير المكتوبة المقبولة اجتماعياً والمعتزف بها قضائياً

E. Case Law (Jurisprudence / الاجتهاد القضائي)

- Judicial interpretations of the law.
- Not a source of law, but used for clarification.:
قرارات المحاكم التي توضح كيفية تطبيق القانون، لكنه ليس مصدرًا أصليًا في النظام المدني

F. International Treaties (الاتفاقيات الدولية)

- Agreements signed by Algeria with other countries.
- Have legal force once ratified.
تُعتبر جزءًا من النظام القانوني الجزائري بعد المصادقة عليها: الاتفاقيات الدولية

The Algerian legal system is largely **codified** and based on written legislation, such as:

- **The Algerian Civil Code** (القانون المدني الجزائري)
- **The Penal Code** (قانون العقوبات)
- **The Family Code** (قانون الأسرة)

3. Key Legal Concepts with Arabic Translations

English Term	Definition	Arabic Translation
Legal system	The structure of laws and institutions in a country	النظام القانوني
Common Law	A system based on court decisions and precedent	القانون العام (القائم على السوابق القضائية)
Civil Law	A system based on written codes and statutes	القانون المدني (القائم على التقنين)
Precedent	A previous court decision used as a rule	سابقة قضائية
Code	A systematic collection of written laws	مدونة
Constitution	The highest legal document in a country	الدستور
Statute	A law passed by the legislature	قانون (صادر عن السلطة التشريعية)
Judge	The person who applies the law in court	القاضي