**DEFINITIONS OF LEGAL SYSTEM**

The system of set of rules/law which governs the individuals and regulate their relation with the state setup the bodies like parliament, Judiciary and Legislature for the recognition and implementation of laws.

**THEORY OF SEPARATION OF POWERS. (MONTESQUIEU)**

State

Legislature Executive Judiciary

The legal system starts with the constitution. Constitution is the supreme law of land.

**WORLD WIDE TYPES OF LEGAL SYSTEM.**

1. Civil law system
2. Common law system
3. Customary law system
4. Religious law system
5. Socialist law system
6. Amalgamated/ mixed/ heterogeneous/ hybrid law system/ legal pluralism
7. **CIVIL LAW SYSTEM.** The system of law based on Roman laws all the core principles are codified, which is the primary source of law and such laws has upper hand over the rest of all subordinate laws .

Civil law is offer paired with inquisitorial system of law. Inquisitorial courts is actively involved in Europe, Russia and South America countries follow this legal system.

1. **COMMON LAW SYSTEM.** The system of law formed through court decisions not through statutes. This system is based on the doctrine of judicial precedents which means the lower court must follow the decisions of higher courts. Common law system has no basis in statutes, (Parliament made laws) It is established and developed through written opinions of judges deliver at the end of a trial. The countries like Australia, India, Canada, UK, US and Pakistan follow this legal system. However it doesn’t means the common law countries derives all of its laws from case laws. Democratic countries that have adopted the common law system have legislative bodies, the parliament at the center , which regularly make new laws. These pieces of legislation (laws) are interpreted and apply by judiciary during the trial. The ruling or decision that the court gives is to be applied by lower courts in the same nature of the cases. Common law system follows the adversarial system. The judges doesn’t take part in investigating the facts of the case. A judge is impartial referee between prosecution and defense.
2. **CUSTOMARY LAW SYSTEM.** When a custom or tradition long established and followed widely without any objection by different states. The principle of prescription under acquisition of property act ( derived from long usage of UK) If a person occupies a property for long time without any objection can eventually owe that property upon the completion of curtained un interrupted period.

e.g. law of nations :- the body of rules that nations in the international community universally abide due to sense of legal obligation or mutual consent.

1. **RELIGIOUS LAW SYSTEM.** The religious books or documents are being treated as a legal resource based on the concept” the word of God is law” like Shariah laws governing Saudia Arabia and Iran.
2. **SOCIALIST LAW SYSTEM.** Socialist law or Soviet law denotes a general type of legal system which has been (and continues to be) used in socialist and formerly socialist states. It is based on the civil law system, with major modifications and additions from Marxist-Leninist ideology. There is controversy as to whether socialist law ever constituted a separate legal system or not If so, prior to the end of the Cold War, socialist law would be ranked among the major legal systems of the world. This legal system of state work in harmony under the socialist law. The classic Marxist-Leninist jurisprudence rejects the separation of power but allocates functions to the legislature, executive and judiciary. It assumes that these segments of the socialist state work together under the leadership of the party. The fundamental premise of socialist legal system was supremacy of legislative bodies. Socialist system did not accept the Montesquieu theory “Separation of power”. They claimed that system performed better under the party leadership. Legislature is the supreme body according to socialist legal theory. As the founder of this theory claimed, “the representation of the people is nullity if it does not have powers”. The legislative body is responsible to contain the state action under the shadow of constitution. This legal system is followed by Russia and China with modern transformation.
3. **AMALGAMATED/ MIXED/ HETEROGENEOUS/ HYBRID LAW SYSTEM/ LEGAL PLURALISM.** Hybrid legal system is the existence of multiple legal systems within one population or geographical area. In hybrid legal system, several legal systems usually co-exist and intermingle within one legal entity. In hybrid legal system the definition of law is very broad and encompasses not only the classic law made by government for its citizen, but any normative commitment. This mean that also international law, non state law and social norms are included under the definition of law the most prominent example of the hybrid legal system is Indian an Pakistani legal system who follows a mixture of Civil, Common law, Customary law and Religious law. Separate personal law courts apply to Muslims, Christians and Hindus. Decision by supreme courts and high courts are binding on lower courts.

Examples of civil law system → PPC, Cr.p.c, and CPC.

Common law system → UK ( Sale of goods act, contract law, equity law, family law etc)

Shariah law → Hudood ordinance, Islamic laws of marriage and inheritance, Islamic parts of the constitution, laws to be consistent with Islam.