

Legal Analysis: Civil Law is Easier than Common Law

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There are two legal traditions that work as foundations to all-out administration of any country in the world; these legal traditions are; civil law and common law traditions. This is one of the reasons why each country's legal education as well as any sort of administration are not the same and also one of the reasons why we cannot reach our abstract aspiration: "the world law." This article will reveal which tradition is easier in term of education and enforcement.

Civil law is easier than common law in both, terms of learning and enforcement, but why?

From the very outset, civil law tradition is a "writing tradition." Writing means every law or any nationwide effective administrative rule are written down and followed by printing in hard copies (books, journals, periodicals or other media publication) and even the fastest facilities: the internet. Writing makes the learners, the fellow citizens as well as the law enforcement officials easy, because they are able to find the law anytime and anywhere (library, bookstore, newsstand home library, etc) with or without the help from the expert in the field; in contrast, I do not think this ease applies to the common law countries. Above all, civil law is not as complicated like the common law where law or decision is flexible in accordance with the case.

One of the instinctive eases of civil law is that even the person whose brain is totally white with law or any social systematic complication can understand and it is much easier for serious law students who make to clarify or deeply understand and surprisingly, for the law enforcement officials.

The fact that civil law is a written tradition does facilitate me as a law student as well as others, because most of the times I do not need the expert in the fields to explain me every encountering difficulties; everything is literally and clearly written down in the books.

Furthermore, civil law also facilitates judge in making the decision, because he or she must follow a very stern system which are already stipulated in the books. Not just the judge, all the three institution (legislative, executive and judiciary) and the fellow citizens can easily follow what stipulated in the books; this would dramatically ease the conflicts of institutional and private interests.

The case that everything is written down in the civil law traditions, reveals me that it is easier from students from common law countries to study or practice laws in civil law countries, but it is extremely hard for civil law learners or lawyers to study or practice laws in the common law traditions, because civil law is easier to learn than the common law.

This article does not intend to underestimate common law tradition or promote the image of civil law tradition, but just, based on the author's opinion, to reveal the truth as well as other reasons why each country in one region, continent or different region and continent are still, in term of social administration, are different or very different.

I have been living in Cambodia, a civil law country, for more than twenty years, this would make me very accustomed to this system (civil law tradition), but I strongly feel that my supporting sentiment is right. What do you think? May be I am wrong, because I am not deeply familiar with the common law tradition, if it is so, let the argument begin! Lay Vicheka is a translator for the most celebrated translation agency in the Kingdom of Cambodia, Pyramid Translation Co.Ltd.. He is now hoding other two professions: freelance writer for Search Newspaper; focusing on social issues and students' issues and Media Liaison Officer for Asia's first free on-line IELTS consultation website. Lay Vicheka is the expert author for ezine and prolific article contributor to other websites around the world such as articlecity, 365articles, spiderden, talesofasia, etc (Just google him). He is also a volunteer Cambodian-newspapers columnist (Rasmey Kampuchea and Kampuchea Thmey). Lay Vicheka has great experience in law and politics, as he used to be legal and English-language assistant to a Cambodian member of parliament, migration experience (home-based business) and in writing. He is also member of a New York-based research company. Posting address: 221H Street 93, Tuol Sangke quarter, Russey Keo district, Phnom Penh, Cambodia. Tel: 855 11 268 445, vichekalay@yahoo.com