

## ARTICLES

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**MODERN LEGAL MAP (LEGAL GEOGRAPHY) OF THE WORLD:  
FROM ORIGINS TO GLOBAL PERSPECTIVE**

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**Abstract.** *This article explores the modern legal map of the world from a historical perspective, highlighting its significance as a fundamental category in comparative law. Amidst globalization, comparative law has become an increasingly crucial field of study, providing a foundation for understanding the similarities and differences between legal systems, as well as identifying areas of convergence and divergence. The author identifies one of the primary challenges for comparative law in the era of globalization as the growing complexity and diversity of legal systems. The legal map of the world is highly dynamic, reflecting major political and legal changes on the global stage, including the emergence and disappearance of state entities, and the convergence or divergence of legal processes in various territories. The article offers a brief overview of the legal systems across the five geographical continents.*

**Keywords:** *legal map, legal system, comparative jurisprudence, state, law, legislation.*

**Problem statement.** In order to determine the place and role of the legal system in comparative law, we have to follow the Chinese methodology, as in many other cases, and start with the term. However, there is no need to explain what is behind the term “legal system” in modern legal science, particularly in comparative law. Language differences do not matter much here.

### **How can a legal system be presented in the context of comparative law?**

That is indeed *ignotum per ignotius* — the unknown is explained through the more unknown. We are aware of the many points of view expressed and defended, but even a review of them does not constitute the subject of our discussion. It seems necessary only to outline the starting points of the legal material, which will further allow us to draw some theoretical and practical conclusions about the place and role of the legal system in comparative jurisprudence. However, we can say in advance that despite the national, historical, and other differences in legal systems, there are some common regularities in the development of legal systems in modern times.

### **The purpose of our discussion is to find out what is meant by a legal system?**

We apply the term “legal system” in the sense of “national legal system”. For example, the legal systems of France, Uzbekistan, Italy, etc. To characterize a certain complex of national legal systems that, by virtue of common features and attributes, can be attributed to one group, it is advisable to use the concept of “legal family”.

### **The category “legal system” presupposes the peculiarities of:**

- legal understanding (historical evolution of the conceptual apparatus, legal mentality, legal ideology);
- lawmaking (formation and development of sources of law);
- law enforcement (regularities of court arrangement, judicial interpretation).

Similarities and differences in each of the elements are taken into account when classifying national legal systems, attributing them to one or another legal family.

As the initial provisions for the classification of national legal systems, the famous French comparativist R. David pointed out two criteria:

**First**, ideological — religion, philosophy, economics, and social structure;

**Secondly**, legal — legal technique.

This operationalist approach allowed R. David to distinguish three groups of legal systems:

- Romano-Germanic legal family;
- the common-law family;
- the family of socialist law.

In this case, there is a kind of synthetic approach in the classification criteria: integration of conceptual structures of national legal systems or the hierarchy of different sources and the type of society that aims to create with the help of law (the place of law within a given social order)<sup>1</sup>.

<sup>1</sup> David R. Les grands systèmes de droit contemporains. 7 éd. [The major modern legal systems. 7th ed.]. Paris: Dalloz, 1978. 657 p.

In the comparativist literature there are also approaches; for example, doctrinal developments of such comparativists as: K. Zweigert, K. Kötz, K. Osakwe, V.E. Chirkin, Y.A. Tikhomirov, M.I. Marchenko, V.I. Lafitsky and others became widely known due to numerous publications on comparative law; many of them were included in textbooks on the theory of state and law, which in complex can be defined as a **“breakthrough of comparative law of the XX century”**<sup>1</sup>.

The studies of famous comparativists received a generalized expression in the concepts proposed by theorists and philosophers, sociologists, and political scientists of law, i.e., proposed by narrow specialists of law. As it seems to us, we can offer the following definition: **the legal system is a historically conditioned, interrelated (interdependent) legal understanding, an ideological element, i.e., legal views, a hierarchically structured system of lawmaking, and law enforcement.**

Theoretical analysis of the regularities of the historical development of law is designed, in particular, to show that the way of developing law within the framework of national statehood is not “legal provincialism”, which gives way to “legal universalism”, but one of the most important regularities of the development of the civilization of law.

All legal systems should be recognized as equal. Comparative law refuses today to search for “universal ways of development”, “optimal legal models”, suitable everywhere and always<sup>2</sup>.

**The legal system is the initial category of comparative law.** In the modern world, each state has its own national law, and it happens that in the same state there are several competing legal systems. For example, in the modern legal system of India, the norms of new national legislation, Hindu law, English common law, and Islamic law coexist and interact. Non-state communities also have their own law: canon law, Islamic law, Hindu law, and Jewish law. There is also international law designed to regulate, on a universal or regional scale, interstate and foreign economic relations.

The national legal system of each state is formulated in different languages, uses different legal terminology and legal techniques, and is designed for a society with very different structures, mores, and beliefs.

The place and peculiarities of national legal systems are reflected in the legal geography or legal map of the world. The term “legal map of the world” is very

<sup>1</sup> *Lezhe R. Velikie pravovye sistemy sovremennosti: sravnitelno-pravovoy podkhod* [The great legal systems of our time: a comparative legal approach] / Per. s fr. 2-e izd., pererab. M.: Volters Kluver, 2010. Pp. 103–110.

<sup>2</sup> *Saidov A.Kh. Yuridicheskaya globalistika — novoe napravlenie pravovykh issledovaniy* [The legal globalism — a new direction of legal research] // *Pravovaya sistema Rossii v usloviyakh globalizatsii. Sbornik materialov “kruglogo stola”* [Legal system of Russia in the context of globalization. Collection of materials of the Roundtable]. M.: Os-89, 2005. P. 33.

capacious and has been developed within the framework of comparative law. The study of all aspects of dynamics and historical perspective is of particular interest to comparativists.

Comparative law is the science of the legal map or legal geography of the world.

**The legal map of the world is highly dynamic.** It reflects the main political and legal changes, including the formation of new national legal systems, changes in their status, the impact of integration processes, processes of convergence, convergence, unification and harmonization of law.

The legal map of the world in all its diversity is the subject of comparative law, so the question of the number and classification of national legal systems is of great scientific-theoretical and practical-applied interest.

The main components of the legal map of the world are national legal systems. According to Prof. V.E. Chirkin: “The modern world already counts more than 200 states. The components of almost 30 modern federations are approximately 400 subjects of federations, in each of them there is a territorial public collective. There are about 200 territorial autonomous regions in about 10 countries around the world (more than 150 in China). The number of municipalities in each major state is in the tens of thousands”<sup>1</sup>.

**During the 20th century, the total number of national legal systems increased steadily and almost tripled.** This was caused primarily by the redivision of the world after the First and Second World Wars. In the early 1990s, following the collapse of the USSR, SFRY and Czechoslovakia, there were 20 more. As of 2023, various sources estimate the total number of national legal systems at 195 (193 UN member states and observers: Vatican City and the State of Palestine).

Since 1945, 102 countries in Asia, Africa, America, Oceania, and even Europe (Malta) have achieved state-legal independence, while the number of non-self-governing territories (colonies, protectorates, so-called overseas departments, etc.) decreased from 130 in 1900 to 35 in 2000. Most of them are now small island possessions in the Caribbean Sea and Oceania.

An important benchmark for determining the number of national legal systems is the membership of states in the United Nations. The growth in the number of UN member states between 1950 and 1989 was mainly due to the accession of states that had freed themselves from colonial dependence. They are commonly referred to as liberated countries. In 1990–2023, several more liberated countries joined the UN (Namibia, Eritrea, East Timor, etc.), but the main growth was due to the admission of post-socialist states, formed in place of the former USSR, SFRY, Czechoslovakia.

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<sup>1</sup> Chirkin V.E. *Sravnitelnoe pravovedenie: uchebnik dlya magistratury* [Comparative law: textbook for Master's degree programs]. M., 2012. P. 147.

The scale of future changes on the legal map of the world will be determined by the further course of ethnocultural processes in multinational states, the nature of economic, political, and cultural relations between countries and peoples, because the formation and development of new national legal systems is a complex historical process determined by a multitude of internal and external factors: political, social, economic, cultural, and ethnic.

With such a large and ever-increasing number of national legal systems, there is an urgent need for their grouping, which is usually carried out according to several criteria.

One of the main aspects of modern comparative law is the systematized study of the legal map of the world. The terms **“legal map of the world”** (V. A. Tumanov), **“legal geography of the world”** (W. Knapp), **“community of legal systems”** (J. Stalev) are used in comparativist literature for all national legal systems existing on the globe. These terms cover national legal systems. At the same time, attempts to present the legal map of the world as a supranational world law or as a mechanical sum of national legal systems should be rejected.

When revealing the concept of the “legal map of the world” we proceed from the general laws of development of human society. This is the most objective way to study the legal map of the world — a complex, multiform, full of contradictions and confrontation of various legal tendencies. The principle of historicism allows us to explain the place of each individual national legal system on the legal map of the world by its belonging to one or another legal family or legal civilization. The attribution of a particular legal system to a particular legal family allows, even without a detailed acquaintance with specific legal material, to draw a number of conclusions about its characteristic features.

**What should be the scientific approach to describing the modern legal geography of the world?** It seems particularly important to have a holistic perception or vision of the national legal system, the legal family to which the comparativist refers. A holistic view of the national legal system in its concrete-historical genesis and taking into account the socio-economic conditions in which it operates is an important requirement of modern comparative law.

Each legal family should be considered against the background of its historical development, then its modern structure should be described (summarizing the leading spheres and sources of law), the peculiarities of law enforcement (legal proceedings), and the way of legal thinking.

In describing the major legal families, the comparativist must make a meaningful choice and, above all, limit the number of legal systems to be considered. For this purpose, a representative approach is used, whereby the comparativist must first identify the so-called ancestral, or parent, legal systems where original legal solutions were first created and then trace their further

geographical spread by considering the so-called subsidiary (recipient) legal systems.

The parent legal systems are usually those of large states with extensive and long-lasting legal experience. This experience is utilized by small and new states belonging to the same legal family as the parent legal system. This was the impact of French civil law on the law of the states that emerged in Europe after the French Revolution (e.g., Italy, Belgium, Luxembourg). Of course, the ideological influence of the parent legal system varies from one branch of law to another.

Thus, **the description of each legal family should, on the one hand, be a reflection of its historical development and, on the other hand, be based on its essential legal properties today.**

The process of the formation of the modern legal map of the world has several millennia. Many historical epochs have passed, so we can talk about the existence of several periods in the formation of the legal map of the world. We can identify: ancient, medieval, new and recent periods.

**The type of legal civilization** should be understood as objectively established, relatively stable, and with inherent conditions and features of its development, characterizing its role and place in the world legal community at a given stage of the world history of law. In other words, we are talking about the main typological features of national legal systems, which bring them closer to some and, on the contrary, distinguish them from other legal systems.

**Comparative law, as an independent legal science, studies the territorial differentiation of legal systems, i.e., the legal geography of the world.** Since the law reflects not only the connection of times, but also the huge modern diversity of national legal systems and the uniqueness of the legal world, it is quite natural to raise the question about the world being subdivided into legal regions, which can be based on the civilizational approach to law, i.e., **legal civilization**.

The study of legal civilizations, which actually began as early as **Herodotus**, was continued by many scientists of antiquity, the Middle Ages, and the New and Modern times, who noted that at the early stages of the formation of local legal civilizations, the borders of legal regions usually coincided with physical-geographical boundaries that limited the area of distribution of one or another ethnic community. With the development of legal civilizations, as a result of the Great Migration of Peoples and then mass migration of population, the formation of regional and even more global ties, the geographical-legal boundaries lost their former determining significance, although they still retain the role of important legal boundaries.

Each national legal system has its own unique features, but by identifying any similarities with other legal systems, certain types of legal systems can still be identified. The type of legal system forms a complex of conditions and features

of legal development, which, in some essential, sometimes decisive (typological) features, on the one hand, relate it to a number of similar legal systems and, on the other hand, distinguish it from all others. The very existence of types of legal systems and their historical evolution are the result of the fact that legal development in the states proceeds at different rates, in different environments, in different conditions, and in different ways. However, it is not possible to distinguish types of legal systems on the basis of one or more criteria that are important for all national legal systems.

**Legal typologies can be of different types.** Some take into account all the national legal systems of the world (**global typology**); others limit themselves to the legal systems of one region (**regional typology**), while others focus on the typological characterization of one national legal system. At the same time, legal typology may be based on different criteria.

In the legal literature, a more detailed typological classification of national legal systems proposed by the famous French legal scientist R. David and, to a lesser extent, by the German comparativist K. Zweigert has become widespread. The typologies of R. David and K. Zweigert have already entered the scientific community and are widely used in the educational process. However, these typologies raise some questions. For example, they do not take into account the significant changes in the legal map of the world that have occurred over the last quarter of a century.

The very idea of studying law through geography (geographical maps) is not new. For example, Aristotle tried to make a map of law (by analyzing the constitutions of Greek cities-polises). Legal geography of the world was formed as a science in the early XX century with the publication of a fundamental monograph by **J. Wigmore** "**The Panorama of the World's Legal Systems**"<sup>1</sup>, in which the author for the first time presented a panorama of legal (legal) systems of the world, in which the author, for the first time, depicted the existing systems of law in one or another country on the world map. Although Wigmore's ideas were a scientific breakthrough in this field, they required serious revision.

This was the work of the famous French comparativist R. David, the founder of the modern science of comparative law. Based on the related origin (evolution) of legal norms, he introduced the concept of legal family into scientific circulation. The fundamental basis for the development of comparative law was comparative philology (linguistics), where a couple of centuries before G. Leibniz introduced such a term as a language family. By superimposing (combining) these sciences, it was established that the development of law directly depends on the development and evolution of a particular language.

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<sup>1</sup> Wigmore J. The Panorama of the World's Legal Systems. Washington, 1928. 1206 p.



Thus, the whole world (all world law) is divided (or classified) by René David into certain legal families, i.e., “blocks” of law united by a common origin, history of evolution, similar doctrines, and the very concept of law. It was R. David who gave the legal geography of the world the form that is now accepted as a basis.

**The legal typology can be based on a geographical criterion, and then on the legal map of the world can be identified:**

- the legal map of Europe;
- the legal map of the Americas;
- the legal map of Asia;
- the legal map of Africa;
- the legal map of Australia and Oceania.

Let us briefly characterize each of them.

**Legal map of Europe.** Europe is a part of the world, which together with Asia forms a single continent — Eurasia. Currently, there are 50 national legal systems on the territory of Europe, differing in their basic legal parameters and traditions. The modern legal map of Europe in the XXI century has undergone very serious changes, and its formation was greatly influenced by the results of two world wars and the collapse of the world system of socialism.

A distinctive legal civilization was formed in Europe, which spread throughout the world. On the European legal map there are several legal families: English common law, Romano-Germanic law, Scandinavian law; some legal scientists also point to the family of Slavic law. Europe is historically characterized by the desire for a common legal space. At present, European law occupies a very important place on the legal map of Europe. The tendency to unification and harmonization of national legislations is strong here.

**Legal map of the Americas.** America as a part of the world consists of two continents, North and South America, connected by the Isthmus of Panama. The legal map of the Americas is made up of 35 national legal systems. While the legal systems of 14 States, i.e., the United States of America, Canada, and the Commonwealth of Nations, belong to the common law family, the legal systems of 20 Latin American States either belong to the Romano-Germanic law family or to the Latin American law family, and the Cuban legal system belongs to socialist law.

The formation of the modern legal map of the Americas has a long history. The discovery, exploration, and conquest of the territories and states of America in the XV–XVIII centuries and their subsequent integration into the system of world economic relations were a consequence and an integral part of one of the stages of the development of European legal civilization. The national legal systems of the Americas have a distinctive legal culture. While economic integration



processes are very intensive, the same cannot be said for the legal development of American states.

**Legal map of Asia.** Asia is the largest part of the world and is the territory of more than half of the world's population. Up until the middle of the XX century, more than 90% of the region's population lived in colonies and dependent countries. The main metropolitan countries were Great Britain, France, the Netherlands, Japan, and the USA. The law of colonial countries, along with the original legal traditions of the East, had a significant impact on the formation of the modern legal map of Asia.

The modern legal map of Asia includes about 50 national legal systems, which can be attributed to different legal families (Hindu law, Far Eastern law, Islamic law) or to mixed legal systems.

**Legal map of Africa.** Africa occupies 1/5th of the landmass of the globe. On the modern legal map of Africa, there are more than 50 national legal systems, which are a symbiosis of the norms of traditional African customary law and the legislation of the former metropolitan states. The development of the law of African states has been greatly influenced by English common law and Romano-Germanic law. **The African Legal Map is a laboratory of comparative law.**

**Australia and Oceania legal map.** Australia and Oceania is a politically, legally and economically diverse region. If Australia is a state occupying the whole continent, Oceania is the largest cluster of islands on the planet (about 10 thousand) in the central and South-Western parts of the Pacific Ocean. On the legal map of Australia and Oceania, English common law prevails.

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