

THE CONCEPT OF LEGAL CERTAINTY IN THE FRAMEWORK OF A CIVIL LAW LEGAL SYSTEM

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Abstract:

This dissertation is dedicated to the study of the concept of legal certainty in the Civil Law legal system. In the UK law system, the law is definite only for lawyers and jurisprudences. However, the public bodies always suffer of a legal indeterminacy. Therefore, it presents a certain interest in both theoretical investigation and for practical use. The purpose of this work is to examine the theories of contemporary linguists who have been working on the topic and to exhibit their thoughts and conclusions via the theme by analysing the concepts of legal certainty in the framework of a civil law legal system to help the laws be more precise and predictable.

Key words: Civil Law, legal certainty, legal indeterminacy, optimization requirement, radical indeterminacy, numerous regulations, repercussions, the need, essence, strengths, weaknesses, criticism, failure, future, uniform application, collection of laws, language clarity, lower courts, conservative ideal, vested rights

doi: <https://doi.org/10.2024/bqngr450>

Legal certainty is a core element of the civil law legal system, which attempts to guarantee predictability, continuity, and stability in the implementation of the law. It facilitates compliance with the law by giving clear and predictable principles. As a result of the civil law legal system's broad and complicated legal codes, that might make it difficult for citizens to traverse the law, the notion of Legal Certainty ought to be incorporated into the civil law legal system. The essay contains an introduction to the Legal Certainty within the civil law legal system, its need and substance, as well as its benefits and drawbacks.

The laws under a Civil Law legal system are overly ambiguous and convoluted that is becoming the fundamental problem of recent public and legal discourse surrounding the misunderstandings between lawmakers and citizens. The resolution to a legal dispute is not always determined by the law. As stated by Professor Jules Coleman, only ordinary persons, some jurisprudence, and former attorneys may see the idea of law as definite. That's all about the Legal indeterminacy, which means that the law is always imprecise and never certain; it is just another name for politics. Any attempt in rendering the Legal Certainty in the Civil Law legal system must therefore be approached to avoid the radical indeterminacy.

In civil law legal systems, legal certainty is an essential idea. Legal certainty is an important optimization requirement and defining basic concept of a Civil Law legal system. This notion is founded on the premise that people should be able to anticipate their legal rights and duties in order to arrange their lives and conduct their affairs properly. It necessitates persons to be aware of and comprehend both the numerous regulations they must follow and the legal repercussions they will face if they do not follow those regulations.

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Moreover, in a civil law legal system, the law is written down and is generally more detailed than in a common law legal system. As a result, the act of establishing a legal order indicates, among other things, an understanding of a necessity for legal certainty within the context of a Civil Law legal system. In fact, several nations, including the Cube, want legal certainty since the new constitution, which is presently being debated, leaves many basic rights and protections vague and confusing.

Legal certainty in civil law systems is attained by codification of laws. This implies that all laws are put down in a single place and are simple to locate and comprehend. It also assures uniform application of the law, since all judges and attorneys have access to the same collection of laws. Obtaining legal certainty in a legal system based on civil law requires many approaches, since one way to evaluate whether a Civil Law legal system delivers on its promises is to analyse how those requirements are implemented across its legal systems. There are actions that may be implemented to attain legal certainty in a legal system based on civil law. Remarkably, it is difficult to describe legal certainty without begging some questions.

Language clarity is the first action that may be taken. This guarantees that the laws are stated in clear, succinct language that both legal authorities and ordinary residents can comprehend. Legal terminology and jargon should be used sparingly, and when they are, they should be described in clear terms. As stated by Staton and Vanberg, clarity is vital for judges: "Judges will prioritise clarity of language above vagueness." The reason for this is that in some areas of Civil Law systems, the lower courts prescribe the majority of the laws using the legal terminology that might interfere directly with the favourable treatment of litigants and witnesses in unanimous opinions (falling in credibility, competency and trustworthiness).

The other main set of ways identified as a matter for discussion is transparency in the legislative process. The legislative process should be transparent, and legislation should be enacted in an open and straightforward way. This contributes to the public's trust in the law and the judicial system. This is because legal certainty is a conservative ideal that seeks to preserve and accumulate "vested rights" only with the aid of legislative transparency in a Civil Law legal system.

Last but not least, the Civil Law legal system's adherence to the Rule of Law for obtaining legal certainty has previously been recognised at face value (*prima facie*). The Rule of law should always be preserved, which means that everyone should be subject to the same rules and no one should be above the law. This contributes to the public's trust in the legal system and ensures that the law is administered fairly and consistently. In addition, taking into account the principle of legal certainty that says "*nullum crimen sine lege & nulla poena sans lege*," the rule of law may be seen as a bulwark for achieving legal certainty in a Civil Law legal system. By performing these procedures, it is possible to attain legal certainty in a civil law legal system, which may aid in establishing legal system stability, predictability, and confidence.

In conclusion, it should be elucidated that Legal certainty is crucial for civil law legal systems because it requires individuals to anticipate their legal rights and obligations in order to conduct their affairs properly. The fundamental function, substance, need and the features of the legal certainty within the Civil Law legal systems were drawn.

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