

TEACHINGS OF THE TWO MAJOR WORLD SYSTEMS OF LAW ON LEGALITY AND THEIR UNIFICATION

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Summary: In contemporary legal theory, there are two main meanings attributed to the concept of legality. They conform to the underlying ideas of the two major contemporary world systems of the law: the civil-law system and the Anglo-American system. The former gives preference to the formal and normative concept of legality, and the latter to its concept referring to its content personified in Rechtsstaat and the rule of law. Today, the differences between the civil-law system and the AngloAmerican system of law are consciously and deliberately being softened and are fading out as a result of the unification of the different areas of the law, the wide usage of legal transplants, etc. For example, in the civil-law system, case law becomes an increasingly important source of the law, while in the Anglo-American system it is law. Gradual softening of the original differences between the two systems of law and their approximation, a good example of which is exactly Rechtsstaat and the rule of law, render possible for one to conclude that those two systems are going to become merged into one and a single world system of law in the foreseeable future.

Keywords: Principle of legality, Rechtsstaat, Rule of law, Unification of the law.

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