

The Effects of the Convergence of Common Law and Civil Law on the Judicial Practice

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Abstract : The convergence of common law and civil law systems is a defining phenomenon in current legal development, which has an effect on the practice of law. One cause of this convergence is the growing importance of international private law due to international trade, as well as the growing importance of EU law. However, it is unclear how this process alters the judicial practice in civil law countries where common law elements have been adopted. This research focuses on the introduction of the limited precedent system in Hungary, which swiftly changed the practice of law by introducing common law features. The study analyzes key decisions of the Curia of Hungary (the Supreme Court) utilizing structural content analysis (SCA) to understand the effects of this convergence phenomenon. A key conceptual contribution of the study concerns the link between adjudication theory and judicial practice. The study finds that adjudication theory and practice shifted. Based on the findings, the study makes suggestions about the changes required by the participants of the legal world to proactively adapt to the changing legal environment.

Keywords : international convergence, judicial practice, limited precedent system, structural content analysis

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