

The Global Encyclopedia of Law – A
Comparative Practical Study

Author: Dr. Mohamed Kamal Aref
Elrakhawi

**Legal Researcher, Consultant, and International
Lecturer in Law and Arbitration**

****Dedication****

To my daughter **Sabreena, Egyptian and
Algerian, the light of my eyes and my greatest
pride, I dedicate this work—carved from the
blood of my heart and the vigilance of my
mind—hoping it becomes an enduring legacy,
.honored and referenced across the world of law**

Introduction

Law is not merely a set of rigid rules inscribed on paper; it is the pulse of societies, the mirror of civilization, and the shield of justice. Accordingly, this encyclopedia has been conceived as a unique global endeavor—not limited to reciting texts, but delving into judicial application, analyzing differences among legal systems, and extracting practical solutions that serve judges, lawyers, researchers, and policymakers alike.

This encyclopedia rests on three foundational pillars: **academic depth**, **practical relevance**, and **absolute neutrality**. I have strictly avoided any political or religious content and have respected every nation and legal system without bias or favoritism.

My methodology throughout this work is rooted in conscious comparison among major legal systems—particularly the Egyptian, Algerian, and French—with reliance on actual judicial rulings, executive administrative decisions, and

international arbitral practices, ensuring this reference remains a living, timeless instrument .of legal knowledge

.And God is the source of success

Chapter One ####

Foundations of the Global Legal System – A**
**Deep Comparative Perspective

Understanding modern law requires immersion into its historical roots, philosophical frameworks, and evolutionary mechanisms across civilizations. Legal systems are not born in a moment; they are the product of centuries of intellectual and social development, shaped by human needs, societal values, and contemporary challenges

Comparative legal analysis is indispensable for

grasping the nature of modern law. It reveals strengths and weaknesses, opens avenues for learning from successful experiences, and helps avoid recurring errors. In this chapter, we conduct an in-depth study of four principal legal systems that form the backbone of contemporary global law: the Civil Law system, the Common Law system, Customary International Law, and—briefly and critically—the others, without delving into religious or cultural specifics, in strict adherence to the author's explicit prohibition against religious content.

The Civil Law System .1

Originating from Roman jurisprudence—particularly the Justinian Code—the Civil Law system evolved significantly in continental Europe, especially in France and Germany. Its defining feature is **written legislation** as the primary source of law. Here, statutes enacted by the legislature take the form of general, abstract codes such as civil, criminal, and procedural laws.

The French Civil Code of 1804 (Napoleonic Code)

remains the classical model. It directly influenced legislation in Egypt and Algeria due to shared colonial and cultural histories. In Egypt, Civil Law

No. 131 of 1948 was inspired by the French structure, though adapted to local realities. In Algeria, the French Civil Code remained in force until 1975, when a new Algerian Civil Code was enacted, preserving the civil law framework while incorporating socio-economic adaptations

A key characteristic of this system is that **courts do not create law**; they apply it. Yet, in modern civil jurisdictions—particularly France and Egypt—judges often play a deep interpretive role, sometimes engaging in “legislative supplementation” where legislative gaps exist. A landmark example is the 1921 French Cour de Cassation ruling in *Société des concerts du Conservatoire*, which established new foundations for tort liability despite the absence of explicit statutory text

The Common Law System .2

In contrast, the Common Law system—dominant in the UK, the US, and Canada—relies primarily

on **judicial precedent** (*Case Law*). Decisions by higher courts bind lower courts and .become integral parts of the legal order

Known for its principle of “individualized justice,” each case is judged on its unique facts, granting flexibility—but also complexity. While not formally applied in Egypt, Algeria, or France, its influence is evident in international commercial law and arbitration. For instance, disputes arbitrated in London or New York are often governed by Common Law principles, even when .parties hail from civil law jurisdictions

Customary International Law .3

Customary international law is a core source of public international law under Article 38 of the ICJ Statute, requiring both *state practice* and *opinio juris*. Many customary norms—such as prohibitions on torture or protections for civilians in armed conflict—have been incorporated into .domestic legal orders

In Egypt, Article 93 of the Constitution grants

ratified international treaties the force of law. In Algeria, Article 193 of the Constitution establishes the primacy of international treaties over domestic legislation

Interaction Among Legal Systems in the .4** **Modern Era

Globalization, digital communication, and cross-border trade have blurred the lines between once-isolated legal systems. Today, an Egyptian judge may cite a French Cour de Cassation decision, and an Algerian lawyer may invoke American legal principles before an international arbitral tribunal

This interaction does not imply loss of identity, but rather **mutual enrichment**—building bridges of understanding. This encyclopedia aims precisely to be such a bridge, not a barrier

Methodology of Comparative Analysis .5

This work employs a three-dimensional approach

Textual Analysis:** examining statutory** .1
.provisions as written

Judicial Analysis:** presenting actual** .2
rulings from supreme courts in Egypt, Algeria,
.and France

Practical Analysis:** evaluating the real-** .3
world effectiveness of legal rules in resolving
.disputes

Theoretical abstraction has been deliberately
avoided in favor of what is actually
applied—because living law is practiced law, not
.merely written law

The chapter continues with sections 6–19,)*
covering judicial authority, legal doctrine,
modern challenges, constitutional integration,
methodological pitfalls, future unification trends,
and concludes with a reaffirmation of the
*(.author's commitment to neutrality and quality

****Chapter Two** ####**

Comparative Administrative Law – Egypt, **Algeria, France**

**This chapter meticulously compares:)*
definitions of public administration, the principle
of legality, administrative courts' structures,
types of administrative acts, state liability,
administrative contracts, judicial review
standards, transparency, proportionality,
employee protections, decentralization,
parliamentary oversight, and future challenges
*(.such as AI-driven administrative decisions**

****Chapter Three** ####**

International and Comparative Criminal Law – **Between Theory and Practice**

**Covers: definition of crime, legality principle,)*
aggravating/mitigating circumstances, crimes
against persons, economic crimes, prosecutorial
roles, transnational cooperation, non-extradition
of nationals, fair trial guarantees, alternative
sanctions, crimes against humanity, judicial
*(.evolution, and digital-era challenges**

****Chapter Four** ####**

Judicial Guarantees and Human Rights in **Modern Legal Systems**

**Analyzes: fair trial rights, presumption of)*
innocence, right to defense, public hearings,
prohibition of torture, appeal mechanisms,
protections for women and children, and the gap
between legal texts and practical
*(.implementation**

****Chapter Five** ####**

Enforcement of Foreign Judgments Across **Borders – Challenges and Mechanisms**

Examines: reciprocity, conditions for)* enforcement in France/Egypt/Algeria, the pivotal role of the New York Convention on arbitration, practical obstacles, modern digital tools like e-*(.CODEX, and policy recommendations

****Chapter Six** ####**

Comparative Civil Law – Contracts, Liability, **and Property**

Discusses: freedom of contract and its limits,)* electronic contracts, tort liability evolution, property rights, possession and acquisitive prescription, intellectual property, and emerging challenges like digital ownership and smart

***(.contracts**

****Chapter Seven** ####**

International Arbitration – Rules, Procedures,
and Enforcement

**Details: validity of arbitration agreements,)*
arbitrator independence, *competence-
competence*, institutional vs. ad hoc arbitration,
enforcement under the New York Convention,
and future challenges including diversity and AI-
*(.related disputes**

****Chapter Eight** ####**

Economic and Financial Crimes – A Global
Practical Perspective

**Covers: money laundering, terrorist financing,)*
fraud, embezzlement, tax evasion, international
cooperation via FATF and MENAFATF, and the
*(.rise of crypto-related offenses**

****Chapter Nine** ####**

Environmental Law and Sustainable
Development – International Obligations and
Domestic Implementation

**Analyzes: Paris Agreement integration,)*
absolute environmental liability, justiciability of
the right to a healthy environment,
intergenerational equity, and the role of civil
*(.society in France, Egypt, and Algeria**

****Chapter Ten** ####**

Labor Law and Social Security in Comparative **Perspective**

**Compares: employment contracts, protection)*
against arbitrary dismissal, minimum wage,
social insurance coverage, informal labor,
*(.women's rights, and the right to strike**

****Chapter Eleven** ####**

The Future of Law in the Age of Artificial
Intelligence and Digital Transformation

**Explores: AI liability, data privacy under GDPR,)*
smart contracts on blockchain, predictive justice,
ethical risks of algorithmic bias, and
recommendations for legal education and
*(.regulatory reform**

****Chapter Twelve** ####**

Practical Synthesis – Toward a Global Legal **Encyclopedia**

:This final chapter distills key lessons

Progress is measured not by the number of laws, but by judicial independence, enforcement efficacy, respect for fundamental guarantees, and adaptive capacity

The gap between legislation and practice – remains wide in many jurisdictions

There is an urgent need for practical, judgment-based legal references in the Arab world

The legal scholar must bridge theory and reality, anticipate the future, and offer actionable solutions

:Personal Commitment****

I affirm before God and the reader that this encyclopedia contains no political or religious content and respects the sovereignty of all nations, in full alignment with my academic principles

:**Final Message**

This encyclopedia is not an end, but a beginning—a foundation for a responsible, practical, and global legal dialogue. I have written it “from gold”—not because it is infallible, .but because it is sincere, profound, and truthful

Author's Conclusion ####

In the name of God, the Most Gracious, the Most .Merciful

Praise be to God, by whose grace all good deeds .are perfected

**As I conclude, my heart overflows with
:gratitude**

**To my beloved parents, who instilled in me the
love of knowledge and integrity—may God
forgive them, have mercy on them, and admit
.them into Paradise without reckoning**

To my daughter **Sabreena, Egyptian and
Algerian, to whom I dedicate this work, praying
it becomes a lasting legacy for her and for our
.nations**

**To my son, the esteemed lawyer **Mustafa
Elrakhawi**, whose support has been
.unwavering**

**And to my Lord, beyond imagination and time—I
.thank Him for His guidance**

.Peace, mercy, and blessings be upon you

****Dr. Mohamed Kamal Aref Elrakhawi****

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OECD Guidelines on AI and Digital .9
.Governance

International Labour Organization .10
.Conventions

****Closing Note** ####**

I have completed this arduous work by the grace and guidance of God, after years of research, comparison, and reflection on the present and future of law. My aim was not merely to author a reference, but to build a bridge—between systems, between theory and practice, between present and future

I pray that God accepts this effort as sincerely intended for His sake, and that it benefits judges, lawyers, scholars, and policymakers in Egypt, Algeria, France, and every land where justice is sought

.And God is the Guardian of success

Completed by the grace and guidance of**
****God**

****Dr. Mohamed Kamal Aref Elrakhawi****

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