



Sistemas jurídicos contemporáneos (Biblioteca Jurídica Porrúa) (Spanish Edition)

Consuelo Sirvent Gutiérrez

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La globalización implica la necesidad de conocer los sistemas jurídicos existentes en el mundo, lo cual resulta difícil, ya que cada país tiene el propio. Si bien encontramos diferencias entre ellos, también se pueden apreciar semejanzas y rasgos comunes, lo que nos permite agruparlos en categorías o familias, el problema sería encontrar un criterio adecuado para aplicar esta clasificación.

¿Se debe prestar especial atención al contenido sustantivo de las reglas de tal manera que los sistemas legales se consideren integrantes de una misma familia jurídica cuando sus reglas legales sean semejantes? O ¿se debe poner más énfasis en las características formales de cada sistema legal, como por ejemplo la jerarquía de las fuentes del derecho?

Para la clasificación deben tomarse en cuenta muchos de las fuentes del derecho, el desarrollo del sistema legal, las instituciones legales características. Así como la ideología de los sistemas jurídicos.

En términos generales, debe enfatizarse que la división de los temas legales en familias jurídicas no es sino un instrumento de análisis preferente en la medida en que le proporciona a los juristas una visión general de los diversos sistemas jurídicos que se encuentran en el planeta.

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