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**GENERAL AND SPECIAL IN THE CIVIL LAW OF ENGLAND AND GERMANY IN OUR TIME**

**Abstract.** This article examines the Civil Law of England and Germany of the modern period and comparative analysis is conducted to identify common and special features in the Civil Law of the two countries.

**Keywords:** law, special, codex, structure, codification, countries, institutes.

In England, they do not divide the right to public and private, and a strict distinction between material and procedural law. The branches of law do not have a structural underpinning. The judicial precedent is one of the main sources of law.

In Germany, however, the division into public and private law takes place. The reason for this is that Germany belongs to the Continental legal family and for her the division of the right to private and public is self-evident, England, separated by the strait, developed independently, and for her the division of law in this way is something inappropriate

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The system of public law of Nazi Germany was supplemented by such branch as party law. When passing judgment or passing judgment, arbitrary interpretation of the norms of the Law and unrestricted application of the "analogy of the law" method with the aim of allegedly protecting the common interests of the Germans.

This was caused by a special political situation during the coming to power of the fascists, insofar as in England nothing of the kind happened, and there was not the slightest sense to introduce so-called party law.

A characteristic feature of English law is its archaism, inherited from the feudal system. But with the development of bourgeois relations, only the form of law remained archaic, and the content was renewed.

Germany's modern civil law is based on the German Civil Code (GСС), which was approved as a single for the whole of Germany in the late 19th century. and joined

in force from January 1, 1900. The massive codification (at the time of the creation of 2385 articles and 218 articles of the Introductory Law) is still in force today - but has undergone a sufficient number of changes. But these changes did not affect the forms of expression From this it follows that, despite the changes in the trends in law, neither England nor Germany retreated from their formalism, the archaic nature of England was entrenched in law in the same way as the extreme accuracy and high level of legal language and terminology in Germany.

The English GP is repulsed from the General right, and codified regulatory legal acts have not been adopted there to date, and the hierarchy of normative acts in the sphere of civil law is headed by the statute. The statutes are mostly consolidated. These are, first of all, the consolidated Law on Property (1925); Law on the sale of goods 1980; The Companies Act (1985), etc. Actually, the main source of Civil law is this code (GСС), the fruit of the laborious codification of then-lawyers, and other Normative Law Acts affecting civil relations. In this case, the difference is seen by the absence of a precedent as one of the main sources of law, based on the trends established by two legal families: the Romano-Germanic and the Anglo-Saxon. Main Categories of English Civil Law:

• Contracts - agreements concluded between people (companies);

• Delicts - offenses committed by an individual against a person, someone else's property or reputation;

• Loans - agreements by which a person manages property for the benefit of another person;

• Will - agreement on disposal of property after death of the owner;

• Family law. The main categories of German civil law:

• General - Basic terms, categories and exercises;

• Obligations - General rules on obligations (content, establishment, termination, execution, etc.), as well as rules on individual civil law contracts (purchase and sale, exchange, loan, donation, rent, loan, services, in a row, brokerage agreement, storage, etc.). and the so-called unlawful actions - delicts;

• Property law - The main place in German proprietary rights is the property right; except for him, the system of real rights includes possession and so-called rights to other people's things - pledge, easements, usufruct and some others;

• Inheritance law - Questions about inheritance are regulated, categories of inheritance under the will and under the law and ways of their legal influence are given

• Family law - Contains provisions on marriage, duties of parents, adoption, custody and guardianship.

The allocation of delinquencies of loans and contracts to individual institutions is associated with the different systems of the two countries in question. English law is built on the institutional system, and German law on the pandemic, and those provisions that England allocates to individual institutions in Germany are prescribed in the general part of the Civil Law. Speaking about the general features, the following should be noted:

Both Germany and England are inherent features of the Romano-German legal family, its influence is noticeable. Both countries in their right have not abandoned the historically formed formalism. The precedent and the Normative-Law Act are becoming increasingly important for both countries. The civil law of both countries functions on an old basis (but with additions) for a long period of time.

**Conclusion.** Analyzing the institutions, the features of legal families, formalism, the historical development of countries, the situation concerning their commonality and distinctive features is being clarified. England and Germany do not depart from their sources laid down more than 100 years ago, it manifests itself in the presence of old laws, but changed and supplemented, as required by the time and natural development of modern life, in the isolation of the legal language, English archaic and German exact, clear and complex by its design. The contribution was made both by the political and geographical situation, the legal development of these countries proceeded in completely different channels and only nowadays, the law becomes more and more similar. Nevertheless, the structure itself, the form of expression, the sources of the Civil law, the abundance of Normative-law acts, various institutions and two ways of development: institutional and pandemic, two legal families: Romano-Germanic and Anglo-Saxon. All this makes it possible to divide the English and German Civil laws not only by countries, but by their personal, distinguishing features from all other countries.

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