

Analysis of Watson's theory of legal transplants through the comparative study of Russian and Serbian legal systems

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Theory of legal transplants, created by Scottish-American legal academic, W.A.J. Watson suggests that every legal the system has the possibility of transferring completely per se or a specific rule to another legal system in a different state and to function as a legal rule or a system as a domestic one[4,5]. This theory suggests that with the comparative approach and analogy, this could be the most fruitful source of development of the legal system. The similarity of Russian and Serbian culture and ethos is the standing ground of this analysis. Taking into account that both cultures and nations come from Slavic ethos and throughout history, beginning in 1804. when a first official delegation from Serbia, with Prota Mateja Nenadović [3] as the leading officer came to Russia for diplomatic parlays to modern negotiations we cannot deny an exchange of culture.

This research paper begins with explaining Watson's theory of legal transplants and afterward, it continues to test it through analysis of criminal and civil branches of law in the Russian Federation and the Republic of Serbia. Besides that, the research paper test theory of author that legal system of the Russian Federation[1,2], as a more complete and more wider legal system, arguably made a vast impact on the legal system of the Republic of Serbia, together with Austrian and French legal system. The final result of research proved the starting premise of the author as a correct one and implacably on point with examples from practical rules. The importance of these conclusions stands on point in which legal matter is dynamic, alive and fluid and can transfer from one legal system to another. The second important matter is arguably specific ethos unique in the world which connects these to subjects.

References

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