

## BOOK REVIEW – COMPARATIVE PERSPECTIVES ON PUBLIC AND PRIVATE LAWS – A STUDENT HANDBOOK BY SAYED QUDRAT HASHIMY (2023)

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### Abstract

*This book provides a comprehensive exploration of legal systems and their intricate interactions. Across nine chapters, the book meticulously dissects diverse legal frameworks, scrutinizing the interplay between public and private laws in various societies. Beginning with "The Dichotomy of Public and Private Law," the book challenges traditional perceptions and sets the stage for its exploration. Subsequent chapters navigate global legal systems, comparing rule of law principles and distinct attributes. Civil and common law systems are examined, uncovering historical, philosophical, and practical intricacies. The standout chapter, "Legal System in India," dissects the Indian Constitution's equilibrium between fundamental rights and societal welfare. Analyses of socialist and Muslim legal systems follow, revealing cultural and historical influences. Exploring private and public law state practices, the book considers constitutional interpretations and philosophical foundations. A theoretical inquiry into legal concepts and practical insights into procedures conclude the book. The author lucid, organized, and in-depth approach makes this handbook essential for scholars, practitioners, and those intrigued by the complexities of global legal systems.*

**Keywords:** Public and Private law, Rule of Law, Separation of Power and World Legal System

### REVIEW

The book is organized into nine meticulously crafted chapters, each diving into various legal systems and their unique perspectives on the balance between public and private laws. The first chapter, "The Dichotomy of Public and Private Law," lays the groundwork for the entire handbook by delving into the origins, boundaries, and nature of legal relationships between these two fundamental branches.<sup>217</sup> Author challenges conventional notions and thoughtfully examines the evolving separation of powers, leading readers to question and rethink traditional boundaries.

Chapter two, "Rule of Law," traverses different legal systems across the globe. From the parliamentary supremacy in the United

Kingdom to the emphasis on collective welfare in socialist legal systems, the chapter underscores how the rule of law manifests across diverse societies. It is captivating to witness how Islamic legal systems emphasize moral and ethical principles and how socialist legal systems prioritize social justice and equality.<sup>218</sup>

Chapter three, "Civil Legal System," dissects the Romano-German legal system and its variants across European countries. The intricacies of the legal codes, court systems, and constitutional principles are dissected in each jurisdiction. The reader is offered a nuanced understanding of legal traditions that greatly impact the legal practice in these countries. "Common Law," the focus of chapter four, unveils the legal systems

<sup>217</sup> SAYED QUDRAT HASHIMY, COMPARATIVE PERSPECTIVES ON PUBLIC AND PRIVATE LAWS - A STUDENT HANDBOOK (2023).

<sup>218</sup> MR SAYED QUDRAT HASHIMY, COMPARATIVE PERSPECTIVES ON PUBLIC AND PRIVATE LAWS - A STUDENT HANDBOOK (2023).

of the United Kingdom, Ireland, the United States, Canada, Australia, and Singapore. The author paints a vivid picture of the blend of monarchy, aristocracy, and democracy in the United Kingdom, contrasted with the written constitution of the United States and Canada's bilingualism. It is noteworthy to see how judicial review, separation of powers, and precedents shape each system uniquely.

The Indian Legal System is meticulously explored in chapter five. With its extensive constitution, the chapter delves into the harmonization of fundamental rights and directive principles. The interplay between these elements offers readers a deep insight into the complexities of rights and freedoms within the Indian context.

Chapter six, "The Socialist Legal System," delves into the legal systems of Russia and China, showcasing the intriguing convergence of socialist principles with legal frameworks. The role of the judiciary and the incorporation of rights and duties within socialist states are dissected, offering a rare glimpse into these complex systems.

"The Muslim Legal System," in chapter seven, peers into Islamic legal systems within the contexts of Iran, Kuwait, the United Arab Emirates, and Saudi Arabia. The influence of Sharia law and its implementation in these countries forms a rich backdrop against which legal practices are examined.

Chapter eight, "Private and Public Law - State Practices," delves into the intricacies of interpreting constitutions and the philosophies behind rights and liberties. The exploration of equality and non-discrimination provides a lens through which readers can understand the dynamic interplay of law and societal values.<sup>219</sup>

In the penultimate chapter, "Jurisprudential Aspects of Private and Public Law," the author delves into theoretical foundations. Various

legal theories, from Austin's theory to John Rawls' philosophy, are scrutinized, revealing the intellectual underpinnings that shape legal systems.

In the final chapter, "Locus Standi," readers are presented with insights into legal procedures, such as writ petitions and the doctrine of precedent.<sup>220</sup> This chapter serves as a fitting conclusion, bringing together the practical aspects of legal systems discussed throughout the book.<sup>221</sup>

Therefore, this semantic work is a comprehensive journey into the world of legal frameworks, examining the dichotomies between public and private law across diverse societies. By seamlessly blending theoretical discussions with practical examples, the book offers a well-rounded understanding of legal systems' complexities. This book is a valuable resource for legal scholars, practitioners, and anyone interested in unravelling the multifaceted world of law and justice.<sup>222</sup>

#### KEY TAKEAWAYS

This book is a profound journey through the intricate world of legal systems and their interactions. Across nine meticulously crafted chapters, the book examines diverse legal frameworks, shedding light on the interplay between public and private laws across various societies.

Hashimy's work challenges traditional perceptions from the outset, as seen in the opening chapter, "The Dichotomy of Public and Private Law." This chapter not only sets the stage for the exploration ahead but also prompts readers to reconsider established boundaries within legal relationships.

<sup>219</sup> COMPARATIVE PERSPECTIVES ON PUBLIC AND PRIVATE LAWS - A STUDENT HANDBOOK. N.p.: Institute of Legal Education, 2023.

<sup>220</sup> Comparative Perspectives on Public and Private Laws - A Student Handbook, [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=en&user=\\_XhWcpEAAAAJ&cstart=20&pagesize=80&citation\\_for\\_view=\\_XhWcpEAAAAJ:U6twwk6Vgq8C](https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&cstart=20&pagesize=80&citation_for_view=_XhWcpEAAAAJ:U6twwk6Vgq8C) (last visited Aug 17, 2023).

<sup>221</sup> HASHIMY, *supra* note 1.

<sup>222</sup> MR SAYED QUDRAT HASHIMY, COMPARATIVE PERSPECTIVES ON PUBLIC AND PRIVATE LAWS - A STUDENT HANDBOOK (2023).

As the book progresses, it navigates through global legal systems, expertly comparing rule of law principles and unique attributes. The exploration of parliamentary supremacy in the United Kingdom alongside the emphasis on collective welfare in socialist legal systems provides captivating insights into how the rule of law is manifested across diverse societies. The contrast between Islamic legal systems' moral and ethical emphasis and socialist legal systems' focus on social justice and equality is particularly enlightening.

Further chapters delve into the historical, philosophical, and practical intricacies of civil and common law systems. The examination of the Romano-German legal system and its variations across European countries enriches our understanding of legal traditions that shape legal practice in these regions. In parallel, the exploration of "Common Law" systems, ranging from the United Kingdom to the United States and Singapore, highlights the unique influences of monarchy, democracy, and written constitutions on each system's character.

The chapter dedicated to the Indian Legal System intricately examines how the Indian Constitution balances fundamental rights and directive principles. This analysis uncovers the nuanced equilibrium between individual liberties and societal well-being within India's legal framework.

Chapters on socialist and Muslim legal systems provide cultural and historical perspectives that illuminate the evolution of these intricate frameworks. The examination of the judiciary's role and the integration of rights and duties in socialist states offers valuable insights into these complex systems.

The exploration of private and public law state practices delves into constitutional interpretations and the philosophical foundations of rights and liberties. The study of concepts such as equality and non-discrimination offers readers a deeper

understanding of the dynamic interplay between law and societal values.

The book culminates in theoretical exploration, dissecting legal concepts and practical insights into procedures. This piece of work, organized, and in-depth approach makes this handbook an indispensable resource for scholars, practitioners, and anyone intrigued by the complexities of global legal systems.

In a nutshell, this handbook is a valuable asset for students, scholars, and individuals keen on understanding the dynamic interplay between public and private laws on a global scale. With its comprehensive coverage and insightful commentary, this book deserves accolades for its scholarly excellence and its contribution to understanding legal diversity and complexity.

### **Conclusion**

In conclusion, "Comparative Perspectives on Public and Private Laws – A Student Handbook" stands as an exceptional contribution to the realm of comparative law. Author's ability to navigate complex legal systems, examine their philosophical foundations, and compare their practical implications is commendable. This handbook is a valuable tool for students, scholars, and anyone with a keen interest in understanding the dynamic interplay between public and private laws across the globe. With its comprehensive coverage and insightful commentary, this book deserves recognition for its scholarly excellence and its contribution to the understanding of legal diversity and complexity.

This book is a comprehensive journey through the intricate web of legal frameworks. The book's nine chapters meticulously dissect various legal systems, with the opening chapter, "The Dichotomy of Public and Private Law," rethinking traditional divisions between these realms. The subsequent exploration of "Rule of Law" takes readers on a global tour, expertly comparing diverse legal systems. From civil to common law, the book unravels the uniqueness of each tradition, while a standout moment in

"Legal System in India" dissects the balance between individual rights and societal welfare.

The author's insight shines in analyses of socialist and Muslim legal systems, offering a cultural lens on their evolution. The culmination delves into private and public law state practices, exploring nuanced interpretations of constitutions and the philosophy of rights. Hashimy's work is characterized by clarity, organization, and depth, inviting readers to explore the intellectual underpinnings of legal systems. "Comparative Perspectives on Public and Private Laws - A Student Handbook" is a must-read contribution to comparative law, a valuable resource for those seeking a profound understanding of global legal intricacies.

