Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 17/11/2026 06:14:30

Studia Iuridica Lublinensia vol. XXVII, 1, 2018
DOI: 10.17951/sil.2018.27.1.9

Introduction

Wstęp

Being a supplement to two anthologies prepared in both Polish[1] and English[2], this volume has been prepared as a result of the international cooperation, which was established and developed during the implementation of the research project financed by the National Science Centre[3].

The subject of this volume is a comparative approach towards the means of applying prior decisions concerning law enforcement in judicial practice. The most significant point of reference is the possibility of forming the precedential practice (in the broad sense of this term) in the codified law orders in the perspective of a potential adaptation of the *common law* features, as well as developing 'their own' features, which are relevant to those law orders.

These questions are referred to in the perspective of the theory of law, which is briefly described in the opening part of the volume, which consists of publications illustrating a precedence as a separate, inhomogeneous, yet significant legal construct (L. Leszczyński, B. Spaić, T. Biernat).

The background of *common law* is described in the second part of the volume, which encompasses publications presenting both a theoretical and a practical standpoint of the American judicial practice (J. McClellan Marshall, M.D. Kmetz and G.A. Otstott, W.A. Edmundson, E.J. Segall). The issues presented therein constitute a basis for considering the question of adapting certain solutions within the framework of the precedential practice in the codified law orders.

---

[1] *Precedens sądowy w polskim porządku prawnym*, red. L. Leszczyński, B. Liżewski, A. Szot, Warszawa 2018.

[2] *Potential of Precedent in the Statutory Legal Order*, eds. L. Leszczyński, B. Liżewski, A. Szot, Frankfurt am Main 2018.

[3] "Potencjał argumentacji precedensowych w polskim porządku prawnym (ujęcie teoretyczno-porównawcze) / The Potential of Precedent Argumentation in the Polish Legal Order (A Theoretical and Comparative Approach)", UMO-2013/11/B/HS5/03821.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 17/11/2026 06:14:30

Part three and four are devoted to the analysis of various aspects of the precedential practice in the context of the juxtaposition of the codified law features and the *common law* practice. The publications included therein analyse both (theoretical and practical) aspects of the functioning of precedent in various codified law orders. Part three encompasses publications defining the role of precedent in the Japanese legal order (Y. Yamada, T. Suehisa), whereas part four concerns legal orders of the European countries, such as Germany (B. Oppermann, P. Steiner and D. König), Spain (A.-L. Martínez-Pujalte), Italy (G. Pesce), Slovenia (M. Novak, T. Štajnpihler Božič), Slovakia (A. Bröstl) and Poland (Z. Tobor and M. Zeifert, A. Szot).

Leszek Leszczyński, Adam Szot

UMCS