Dijana Gjorgjieva, PhD
Assistant Professor of Civil Law
Employed at the International Vision University in Gostivar

EMERGENCE OF CIVIL PROCEDURE IN THE COMMON LAW SYSTEM

This text deals with civil procedure in the common law system, with special reference to England and the USA. It is explained that the procedure did not arise as a result of theoretical regulation, but through gradual case law and historical evolution.

At the beginning, the Anglo-Saxon procedure developed, which was primitive and formal, and then the procedures appear before the common law courts, where the writ and jury system play the primary role. Because of their rigidity and limitation, the equity procedure develops as a more flexible mechanism for achieving fairness.

Over time, these two systems coexist, but create complexity and inefficiency, which leads to reforms in the XIX century and their fusion into a single procedural system. In specific conditions, both in England and the United States, civil procedure is simplified, more flexible and aimed at safe dispute resolution, with an emphasis on the judge's role and the preference of an out-of-court settlement.