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THE INFLUENCE OF CONDIFICATION TECHNIQUES IN THE FRENCH CIVIL CODE (1804) AND THE GERMAN CIVIL CODE 1896 ON RUSSIAN AND JAPANESE LAW

Do Thi Bao Yen
University of Law, Vietnam National University, Hanoi, Vietnam
Email: yendtb1991@gmail.com

ABSTRACT

This article examines the influence of Western European law, particularly the French Civil Code and the German Civil Code, on codification techniques in Russia and Japan from a comparative legal perspective. The purpose of the study is to clarify how Western codification models were received, applied, and adapted under different political, economic, social, and cultural conditions, and to draw implications for contemporary legal system development. The research employs historical–legal analysis, comparative law methodology, and doctrinal analysis of legislative texts. The findings indicate that Russia primarily absorbed Western codification through methodological learning and legal reasoning, combined with a continuous codification approach grounded in a strong theoretical framework, whereas Japan adopted a selective and pragmatic strategy, initially influenced by French law and subsequently shifting toward German models. Despite their differing trajectories, both countries demonstrate that codification is not a process of mechanical legal transplantation but one of creative adaptation between foreign legal models and domestic conditions. The study contributes to the theoretical discourse on legal reception and codification techniques by providing a systematic comparison of Russia and Japan, and offers valuable references for legislative reform and the modernization of legal systems in civil law jurisdictions, particularly Vietnam and other countries with written law traditions.

Keywords: the French Civil Code, the German Civil Code, codification, legal transplantation, legal system.

INTRODUCTION

The French Civil Code of 1804 and the German Civil Code of 1896 constituted major advances in nineteenth-century European law, playing a central role in regulating the increasingly complex economic and social relations of emerging capitalist societies. Beyond their domestic significance, the German Civil Code exerted a profound influence on numerous countries, including several continental European states, Japan, and Russia. The value and sophistication of the codification techniques embodied in these two codes have been widely acknowledged in legal scholarship and have been studied over an extended period in order to distill valuable lessons that remain relevant to this day.

This article seeks to address three key questions. First, what are the distinctive values of the codification techniques reflected in the French Civil Code and the German Civil Code? Second, how did Western European law, as embodied in these two codes, influence the codification techniques of countries that likewise adopted the civil law tradition, such as Russia and Japan? Third, how have contemporary trends in codification models evolved in the world today?

METHODOLOGY

This study primarily employs the comparative legal method to examine the codification techniques reflected in the French Civil Code of 1804 and the German Civil Code of 1900, as well as their influence on the legal systems of Russia and Japan. In addition, analytical methods are used to substantiate the arguments and illustrate the practical application of these codification techniques.

RESULTS

The study reveals several significant findings regarding the influence of Western European law, particularly codification techniques, on the legal development of Russia and Japan. Although both countries belong to the civil law tradition, their paths of legal reception display notable differences shaped by historical, cultural, and geopolitical factors. Russia's geographical proximity to Europe and its relatively open legal orientation in certain historical periods facilitated a more direct and continuous engagement with European legal thought. In contrast, Japan's reception occurred within a distinct Asian context, where Confucian values and social traditions necessitated a more selective and adaptive approach.

The findings also demonstrate that the adoption of Western legal models brought substantial benefits to both countries. In Russia, the reception process did not involve mechanical transplantation of foreign codes but focused on learning legislative methods and codification techniques, contributing to the formation of a strong and coherent codification tradition. Japan, meanwhile, emerged as the most successful Asian example of legal modernization through Western influence, transforming its legal system from a position of inequality into one capable of operating on an equal footing with Western legal systems while retaining national specificity.

Furthermore, the comparative analysis highlights that selective reception, strong theoretical foundations, and continuous refinement of codification techniques are critical determinants of successful legal development. These results provide important implications for Vietnam, suggesting that effective legal reform requires not only engagement with international legal standards but also careful adaptation to domestic conditions, along with sustained investment in legislative theory and technique.

1. An Overview of the Need for Codification of the French Civil Code of 1804 and the German Civil Code of 1900

The French Civil Code of 1804 and the German Civil Code of 1900 were enacted against a backdrop of profound transformations in Western Europe. Enlightenment philosophers fundamentally reshaped prevailing conceptions of law. Voltaire, for example, viewed law not merely as a means of social regulation but also as an instrument for social transformation.[1] From the late seventeenth century onward, the idea of legal codification gradually took shape in Europe. Codification was conceived as a means to enhance the quality of law and to facilitate social reform. Unlike the early casuistic compilations of legal rules, the codes of the Enlightenment era—most notably the Napoleonic Code of 1804—marked a qualitative shift in the understanding of codification. From that point forward, codification was no longer limited to the arrangement or systematization of existing legal norms in force; rather, legislators sought to construct a coherent system composed of new legal provisions that fundamentally transformed the core of the existing legal order.[2]

The Napoleonic period (the early nineteenth century) was characterized by the enactment of five major codes, commonly referred to as the "Napoleonic Codes": the Civil Code of 1804 (Code civil), the Code of Civil Procedure of 1806 (Code de procédure civile), the Commercial Code of 1807 (Code de commerce), the Code of Criminal Procedure of 1808 (Code d'instruction criminelle), and the Penal Code of 1810 (Code pénal).[3] These codes laid the foundation for the modern French legal system and exerted a profound influence on numerous countries adhering to the continental European civil law tradition.

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[1] Emirsultanov, Y. A. (2017). Theoretical and historical problems of legal codification in Russia. *Gaps in Russian Legislation*, *(5)*, 201–208. https://www.urvak.org/articles/probe-vypusk-5-teoreticheskie-i-istoricheskie-prob/

[2] Cabriac, R. (2007). *Codifications* (L. V. Golovko, Trans.). Statut. https://rusneb.ru/catalog/000199_000009_003034420/

[3] Tikhomirov, Y. A. (2010). *History of the state and law of foreign countries* (pp. 184–190). Norma.

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Following the French Civil Code of 1804, the German Civil Code (Bürgerliches Gesetzbuch) of 1900 embodied the distinctive characteristics of the German legal tradition and, at the same time, came to be regarded as the second classical manifestation of modern private law. The general principles of the German Civil Code reflected an aspiration toward economic freedom grounded in civil equality. As the most important and fundamental legislative act in Germany, the Code represented the most comprehensive codification of civil law at the end of the nineteenth century.[4]

The drafting of the German Civil Code formed part of the broader objectives of the German national movement. Its point of departure lay in the desire to unify and simplify existing law by eliminating the fragmented legal regulations in force across the German states, which had hindered the development of commercial transactions.[5] Prior to the enactment of the Code, not only did each individual state possess its own laws, but even the smallest territorial units within those states maintained distinct legal rules and legal customs. Although a form of nationwide common law existed, it played only a limited role in the field of civil law.The German Civil Code emerged in a context marked by a surge of patriotic sentiment during the wars of liberation against Napoléon, which affected all spheres of German social life, including legal scholarship. This rise in national consciousness fostered a cautious attitude among German scholars toward the Napoleonic Code and its influence on German civil law, while simultaneously encouraging efforts to establish a unified national legal system.[6] In this intellectual climate, Karl Ernst Schmid argued that national cohesion and the protection of national interests were inconceivable without the unification of civil law. In his work Deutschlands Wiedergeburt (1814), Schmid maintained that German governments should either adopt the Austrian General Civil Code of 1811 or undertake the drafting of an all-German civil code of their own, thereby providing an early theoretical foundation for the later codification of German private law.[7]

4. Key Values of the French Civil Code and the German Civil Code

The French Civil Code constitutes the most significant achievement of legal codification in the nineteenth century. It clarified the fundamental patterns in the development of Western European law during that period and laid the groundwork for the formation of systematic legislative techniques for organizing legal norms. At the same time, it demonstrated a refined technique of analyzing legal sources, principles, and core institutions of French civil law within their historical development.[8]

The sources underlying the codification of both the French Civil Code and the German Civil Code represent a crucial subject of scholarly inquiry. In the case of the French Civil Code, these sources consisted primarily of Roman law as interpreted in medieval Europe, French customary law, and revolutionary legislation enacted prior to the adoption of the Code. By contrast, one of the principal sources employed in the drafting of the German Civil Code was the fundamental scientific theory of civil law developed by Bernhard Windscheid and other scholars with extensive expertise in Roman law, as reflected in nineteenth-century German legal scholarship.Both the French Civil Code of 1804 and the German Civil Code of 1900 represent outstanding achievements of codification. Their legal-technical values are manifested across several dimensions, revealing both similarities and differences in legislative technique.[9]

First, with regard to structure, the French Civil Code adopts a relatively simple structure oriented toward social relations. The Code is organized into three books: Persons, Property, and the Acquisition of Property. Accordingly, its structure is based on the objects of legal regulation—persons, property, and ownership rights—reflecting a pragmatic and accessible approach to codification.By contrast, the German Civil Code is composed of five books—the General Part, the Law of Obligations, Property Law, Family Law, and the Law of Succession. Even in its original version, the Introductory Act to the German Civil Code contained provisions of private international law. The Code comprises more than 2,000 sections, illustrating a high degree of systematic abstraction and technical complexity characteristic of the German legal tradition.Second, with regard to legal language. With respect to legal language, the French Civil Code demonstrates a distinctly pragmatic legislative technique. The Code was drafted under the strong influence of French rationalism, Enlightenment philosophy, and the spirit of the French Revolution of 1789. Its legal language is closely aligned with social reality, characterized by clarity, accessibility, and practical applicability. Legal terminology is generally concise and straightforward, while legal provisions tend to avoid excessive abstraction, thereby allowing for a relatively high degree of flexibility in interpretation and application.By contrast, the German Civil Code (Bürgerliches Gesetzbuch – BGB) represents a paradigmatic example—indeed, often regarded as the pinnacle—of the German Pandectist tradition of analytical jurisprudence. German legislators sought to construct a legal system that is internally coherent, scientifically structured, and logically consistent. The language employed in the BGB is highly abstract and conceptual, relying on generalized legal notions and demanding absolute precision in terminology. This high level of abstraction reflects the influence of Roman law scholarship and systematic legal science (Rechtswissenschaft) developed by German jurists in the nineteenth century.Third, with regard to substantive content. From a substantive perspective, a notable limitation of Book I of the French Civil Code of 1804 lies in its failure to recognize the legal institution of juridical persons. Although the concept of legal personality was already well known in Roman law, and although collective entities such as merchant guilds and commercial companies were widespread and actively operating throughout Europe—including in France—the Civil Code did not incorporate this institution in a systematic manner within its written provisions. Instead, Book I primarily addresses issues relating to the legal capacity and capacity to act of natural persons.In particular, Chapter I, “Of the Enjoyment and Deprivation of Civil Rights” (Articles 7 and 8), proclaims one of the foundational principles of the French Civil Code, namely the principle of equality of all French citizens before the law. This principle reflects the revolutionary ideal of legal equality and marks a decisive break with the hierarchical legal structures of the ancien régime (Carbonnier, 2004; Halpérin, 2014).In contrast, the German Civil Code provides a comprehensive and systematic regulation of both natural and juridical persons within its General Part. This reflects the advanced level of conceptual development achieved by German legal science, particularly through the works of scholars such as Bernhard Windscheid, whose theory of private law played a central role in shaping the structure and content of the BGB (Windscheid, 1906; Zimmermann, 1996).In the French Civil Code, numerous elements reflect remarkable progressive achievements. The Code is systematically structured: the Books are divided into Titles, the Titles into Chapters, and the Chapters into Articles. Particular attention should be paid to several key provisions of the French Civil Code, which reveal a coherent and well-ordered system of civil law norms.A notable example is Article 543 of Book II, which clarifies both the structure and the substantive scope of this Book by identifying its core legal institutions, namely ownership, usufruct, and servitudes. Another fundamental provision is Article 711 of Book III, which delineates the structure and sequence of the legal institutions and

[4] Shershenevich, G. F. (1899). *The latest codification of civil law in Germany*. Imperial University Printing House.
[5] Kodan, S. V., & Alekseev, S. S. (2015). On systematization in law. *Law and Politics, (1),* 1–10. https://doi.org/10.7256/2409-7136.2015.1.14091
[6] Tikhomirov, Y. A. (2010). *History of the state and law of foreign countries* (pp. 184–190). Norma.
[7] Schmid, K. E. (1814). *Deutschlands Wiedergeburt*. https://books.google.com.vn/books/about/Deutschlands_Wiedergeburt.html?id=dahOAAAAcAAJ&redir_esc=y
[8] Cabriac, R. (2007). *Codifications* (L. V. Golovko, Trans.). Statut. https://rusneb.ru/catalog/000199_000009_003034420/
[9] Cabriac, R. (2007). *Codifications* (L. V. Golovko, Trans.). Statut. https://rusneb.ru/catalog/000199_000009_003034420/

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rules contained in the final Book of the Code. According to this article, "ownership of property is acquired and transferred by succession, by donation inter vivos or by testamentary disposition, and by virtue of obligations."At the heart of the law of obligations under the Napoleonic Code lies the institution of the contract. The Code regulates a wide range of contractual relationships, including contracts of sale or lease, contracts for labor, and even obligations to refrain from acts detrimental to another party, such as engaging in competing production. A prerequisite for the validity of a contract is the consent of the contracting parties. Consent is deemed invalid if it results from error, or if it is obtained through coercion or fraud. These rules constitute the normative foundation of the principle of freedom of contract, which became a cornerstone of modern private law under the French Civil Code (Carbonnier, 2004; Halpérin, 2014).The French Civil Code adheres to the principle of the strict enforceability of contracts. It provides that contracts lawfully concluded have the force of law between the parties. As a general rule, a contract may be terminated only by the mutual consent of both parties. War, natural disasters, economic upheavals, and similar circumstances may, in principle, justify a suspension or delay in the performance of contractual obligations, but they do not result in the termination of the contract itself.The French Civil Code classifies all obligations into two principal categories: obligations arising from contracts, as defined in Article 1101 of the Civil Code, and obligations arising outside contractual relationships. The latter category is regulated in Chapter IV of Book III, which encompasses obligations resulting from unlawful acts (delicts), quasi-delicts, quasi-contracts, and statutory provisions. This structure clearly reflects the classical fourfold classification of obligations according to their sources—a hallmark of Roman private law. In practical terms, contractual obligations constitute the most significant category of obligations under the French Civil Code.[10]

By contrast, the German Civil Code (Bürgerliches Gesetzbuch, BGB) is founded upon principles broadly similar to those of the French Civil Code, though shaped by a different historical and doctrinal context. Outside the law of obligations, the BGB does not provide rules with a comparable degree of flexibility. Section 138 of the BGB stipulates that a legal transaction contrary to good morals is void. Paragraph 2 of this provision further specifies that any transaction by which one party obtains a benefit by exploiting the distress, inexperience, or weakness of the other—where such benefit is manifestly disproportionate to the reciprocal obligation—may be annulled by the court.In such cases, the court must establish both the existence of a gross imbalance in the contractual exchange and the fact that the advantaged party was aware of the other party's vulnerable situation. A declaration of nullity entails the restoration of the parties to their original positions (restitutio in integrum), thereby reaffirming the BGB's emphasis on substantive justice and moral limits to contractual freedom (Wieacker, 1995; Larenz, 1993).

In addition, the French Civil Code demonstrates significant progressive developments. The French Civil Code reflects the general trend in the evolution not only of French marriage and family law, but also of European marriage and family law more broadly (Carbonnier, 2004). In Book II, the provisions governing marriage and family relations in the French Civil Code are likewise presented within a coherent and systematic structure. First, it regulates the legal conditions of marriage, including the recognition of marriages as voidable or null. Second, it governs the relationships, rights, and obligations between spouses. Third, it addresses the termination of marriage—here, particular attention should be paid to the provision introduced under the impetus of Napoleon, which was clearly ahead of its time, recognizing the possibility of divorce by mutual consent of the spouses; this provision was subsequently repealed and was not reinstated until the twentieth century.[11] Fourth, it regulates the legal relationship between parents and children.

3. The Influence of the French Civil Code and the German Civil Code on Codification Techniques in Certain Countries Worldwide

Russian and Japanese law have been profoundly influenced by Western European legal systems. However, this influence did not take the form of mechanical transplantation; rather, it constituted a process of selective reception, involving a flexible combination of methodologies and adaptations tailored to the specific practical conditions of each country.[12] This influence may be summarized through three principal elements: legal sources, legislative drafting techniques, and codification models. Similar to the legal systems of France, Germany, and other civil law jurisdictions, Russia and Japan maintain systems of written law. Within these systems, the primary sources of law include the Constitution, codes and statutes enacted by Parliament or the legislature, subordinate legislation, and international treaties. Consequently, the construction of codes and statutes that serve as the "backbone" of the legal system plays a critically important role in the overall structure and operation of national legal systems.[13]

3.1. The Influence of the French Civil Code and the German Civil Code on Russian Codification Techniques

Russian law has traditionally placed strong emphasis on the systematization of legislation and has attached particular importance to codification. This is because codification serves to ensure the systematic nature of the legal order by harmonizing existing legal provisions into a coherent, clear, and unified system.[14] A.A. Maksurov characterizes legislative systematization as another dimension of legislative activity, reflecting the continuity of lawmaking and facilitating the effective implementation of legal norms.[15] At the same time, he underscores the distinctive status of codification in comparison with other forms of legal systematization.

Similarly, many scholars share the view that the primary objective of systematization in general, and codification in particular, is to eliminate contradictions within the legal system that undermine its overall effectiveness. An examination of Russian legal instruments indicates that the influence of Western European law on Russia manifested itself through two major phases.

First, the initial period, or the proto-modern stage.

The concept of enlightened absolutism was first clearly manifested in legislative codification activities in the Russian Empire during the second half of the eighteenth century, particularly under the reign of Catherine II,[16] through the establishment of the Legislative Commission in 1767. Influenced by Western European Enlightenment thought, Russian lawmakers regarded codification both as a technical means of systematizing fragmented legal provisions and as a politico-legal instrument for consolidating state power.

The codification model of the proto-modern period differed from that of the modern era in that it was implemented through a "top-down" reform approach, closely tied to political objectives and without altering the autocratic nature of the regime.[17] In Russia, the second half of the eighteenth century thus constituted a distinctive phase in the development of codification, deeply imbued with the ideology of *enlightened absolutism*[18]

[10] Halpérin, J.-L. (2014). *The French Civil Code*. Routledge.
https://books.google.com.vn/books?id=XMV8EAAAQBAJ&printsec=frontcover&hl=vi#v=onepage&q&f=false
[11] Halpérin, J.-L. (2014). *The French Civil Code*. Routledge.
https://books.google.com.vn/books?id=XMV8EAAAQBAJ&printsec=frontcover&hl=vi#v=onepage&q&f=false
[12] Glendon, M. A., Gordon, M. W., & Osakwe, C. (2008). *Comparative legal traditions: Text, materials and cases* (3rd ed.). West Academic.
https://archive.org/details/comparativelegal0002glen
[13] Zweigert, K., & Kötz, H. (1998). *An introduction to comparative law* (3rd ed.). Oxford University Press.
https://www.scribd.com/document/371060999/An-Introduction-to-Comparative-Law-Zweigert-Ko-tz
[14] Kodan, S. V., & Alekseev, S. S. (2015). *On systematization in law*. Moscow. (Article), p. 3.
[15] Maksurov, A. A. (2013). *Coordinative legal practice and the systematization of legal acts*. Moscow: BSU Publishing House, p. 1.
[16] Madariaga, I. de. (1981). *Russia in the age of Catherine the Great* (pp. 151–170). Yale University Press.
[17] Tikhomirov, Yu. A. (2010). *History of the state and law of foreign countries* (pp. 184–190). Norma.
[18] Emirsultanov, Ya. A. (2017). *Theoretical and historical problems of legal codification in Russia [Teoreticheskie i istoricheskie problemy kodifikatsii prava v Rossii]*. Gaps in Russian Legislation [Probely v rossiiskom zakonodatel'stve], (5), 201.

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(French: *despotisme éclairé*). A defining characteristic of codification during this period was its pronounced socio-political orientation and its emphasis on constructing a unified and centralized legal system.

On the other hand, during the nineteenth century, Western legal systems demonstrated significant progress by promoting social exchange, economic development, the reception of progressive ideas, and democratic values. French and German law influenced Russia primarily through Russia's own deliberate reception of Western legal models. Russian legal practice indicates that the German Historical School of Law exerted an increasingly strong influence on fundamental legal scholarship in Russia, driven by two particularly important needs.

First, there was a pressing need to systematize fragmented, piecemeal, and internally inconsistent legal provisions across the vast territory of the Russian Empire. Second, there was a need to construct a theoretical foundation of the state and law in order to explain the origins of law and to examine its core legal concepts. The Russian jurist G. F. Shershenevich argued that the Historical School of Law generally shaped the methodology of German jurisprudence and, indeed, may be said to have influenced jurisprudence as a whole. Unlike Japan, Russian law was influenced more strongly by German law than by French law.[19]

From a formal perspective, codification efforts in Russia in the second half of the eighteenth century shifted from the traditional model of compiling a single comprehensive code toward a system of sectoral codes. Legal branches were differentiated on the basis of the specific characteristics of the social relations subject to legal regulation and were subsequently integrated within an overarching codified framework. Codification during this period reflected the interests of the nobility and the bureaucratic apparatus, while simultaneously shaping the subsequent development of Russian law in the nineteenth century. Although the achievements of codification in this period were not particularly substantial, they nevertheless laid the embryonic foundations of positive law and the initial theoretical basis for the most important codes.[20]

Russian lawmakers sought to learn techniques of abstraction and generalization in the process of lawmaking, while at the same time striving to harmoniously integrate older legal norms with newly enacted ones. Unlike the European experience—where Enlightenment philosophy transformed law into an expression of the general will, a symbol of the struggle against absolutism, and the triumph of natural justice—codification in Russia, by contrast, served to reinforce the legal order of an autocratic state.[21]

Subsequently, in the nineteenth century, legal doctrines and legislative achievements from Western Europe continued to exert a strong influence on Russian legal scholarship. Russian universities and scholarly associations invited German legal scholars to contribute to the development of Russian jurisprudence in the nineteenth century, among whom Rudolf Jhering was particularly prominent. Russian jurisprudence took shape within the academic environment of universities under the influence of German legal science, which continued to nurture Russian legal thought and ultimately gave rise to its own schools and ideals.[22]

During the nineteenth century, the German Historical School of Law played a significant role in the drafting and promulgation of the *Digest of Laws of the Russian Empire* (Russian: *Svod zakonov Rossiiskoi Imperii*). At that time, the School's primary object of study—Roman law—corresponded closely to the needs of the development of Russian legal science. This Digest was not a codification completed at a single moment in time, but rather a systematically updated and supplemented codification project. Its dynamic character was reflected in two comprehensive editions published in 1842 and 1857, as well as in subsequent additions in the form of appendices. Scholarly assessments of the codification technique employed in this Digest remain divided. For instance, because it consolidated approximately 150,000 individual legal provisions applicable throughout the Russian Empire, some authors regard it as an unprecedented and highly significant codification, whereas others view this very feature as its principal shortcoming.*Second, the modern period,* beginning after 1991, when Russia entered a new phase of "openness" following the previous cycle. During this period, codification developed both theoretically and practically, closely linked to the urgent need to reconstruct the legal system in accordance with the new political, economic, and social context of post-Soviet Russia. Major codification projects—such as the Criminal Code of 1996,[23] the Civil Code of 1994,[24] the Family Code of 1995,[25] and the Labour Code of 2001[26]—constitute significant achievements of Russian codification in this era.In the modern period, the fundamental objectives of codification have remained unchanged, namely the streamlining and ordering of the legal system. Various codification models have been studied in Russia over many years, among which *continuous codification* has emerged as a contemporary trend in legal development not only in Russia but also in Europe. From a practical perspective, the Code of Administrative Offences of the Russian Federation of 2001[27] and the Tax Code of 1998 are among the most frequently amended statutes. In particular, the Code of Administrative Offences has undergone 813 amendments. The most recent amendments were adopted on 31 July 2025 and entered into force on 6 September 2025. The continuous and extensive revision of this Code can be attributed to multiple factors, including objective reasons such as socio-economic conditions and policy changes aimed at the modernization of public administration.The practice of frequent amendments combined with codification within this Code reveals several distinctive features of legislative technique. For example, Russian law does not provide for a separate statute governing the promulgation of normative legal acts, nor does it establish a fixed and unified set of formal drafting standards. As a result, lawmakers enjoy considerable flexibility in structuring codes and statutes. Within one code, the traditional hierarchical formula of "chapters, sections, articles, paragraphs, and subparagraphs" may be employed, whereas another code—such as the Code of Administrative Offences—does not follow the conventional structure of statutory provisions. This approach facilitates the amendment of normative legal acts without completely disrupting the internal structure of the legislative text.

3.2. The Influence of the French Civil Code and the German Civil Code on Codification Techniques in Japan and China

During the ancient and medieval periods, Japanese law was deeply influenced by Chinese law,[28] in a historical context in which China functioned as the central power of East Asia. Over time, however, feudal Chinese law became increasingly outdated and served to constrain national development. In their 2018 study entitled *The Influence of Western Law on Japanese Law in History and Its Referential Value for Vietnam in the*

[19] Shershenevich, G. F. (1899). *The latest codification of civil law in Germany*. Kazan: Imperial University Printing House.

[20] Cabrillac, R. C. (2007). *Codifications* (L. V. Golovko, Trans.). Moscow: Statut, p. 58.
[21] Dynovsky, K. (1896). *The tasks of civil law education and its significance for civil justice*. Odessa: Slavianskaia Publishing House.
[22] Klyuchevsky, V. O. (2007). Russian history: A complete course (pp. 538–539). Moscow.
[23] Russian Federation. (1996). *Criminal Code of the Russian Federation* No. 63-FZ of 13 June 1996 (as amended on 17 November 2025, with amendments of 17 December 2025). Retrieved December 19, 2025, from https://www.consultant.ru/document/cons_doc_LAW_10699/
[24] Russian Federation. (1994). *Civil Code of the Russian Federation* No. 51-FZ of 30 November 1994. Retrieved December 19, 2025, from https://www.consultant.ru/document/cons_doc_LAW_5142/
[25] Russian Federation. (1995). *Family Code of the Russian Federation* No. 223-FZ of 29 December 1995 (as amended on 23 November 2024, with amendments of 30 October 2025, effective from 5 February 2025). Retrieved December 19, 2025, from https://www.consultant.ru/document/cons_doc_LAW_8982/
[26] Russian Federation. (2001). *Labour Code of the Russian Federation* No. 197-FZ of 30 December 2001 (as amended on 29 September 2025). Retrieved December 19, 2025, from https://www.consultant.ru/document/cons_doc_LAW_34683/
[27] ussian Federation. (2001). *Code of Administrative Offences of the Russian Federation* No. 195-FZ of 30 December 2001 (as amended on 31 July 2025, with amendments effective from 6 September 2025). Retrieved October 14, 2025, from https://www.consultant.ru/document/cons_doc_LAW_34661/
[28] Nguyen Van Quang. (2014). *Japanese legal culture: The combination of tradition and modernity*. Journal of Legal Studies, (8), 48.

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Contemporary Context, Hoang Van Doan and Mai Van Thang analyze the legal system of this period as being characterized by the "imposition of theocratic ideology, rigidity, severity, a lack of democratic elements, underdevelopment in the field of private law and civil transactions, and the absence of comparative reference to or learning from the legal systems of other countries."[29]

In the proto-modern and modern periods, Japan actively received Western law in the construction of its legal system, thereby "building a distinctive civilization that was neither European nor Asian in character."[30] French and German law influenced Japan primarily through foreign legal advisers invited by the Japanese government, such as Bousquet, Benet, and Rudolf von Gneist,[31] as well as through Japan's broader policy of openness and reception of Western law following the reforms initiated in 1868, when Japan opened itself to international exchange.

During this period, the French jurist Georges Hilaire Bousquet was invited to Japan in 1872 to teach and to assist with legal affairs, including participation in the translation of the French Civil Code into Japanese as reference material for Japanese judges and lawmakers. However, the Japanese Civil Code that was subsequently drafted faced substantial criticism for having relied too heavily on the French Civil Code as its model and for being insufficiently adapted to Japanese social and legal realities. As a result, its promulgation was postponed until 1896 and was accompanied by major revisions intended to ensure its compatibility with Japanese practice.[32]

During this period, the jurist Gustave Boissonade focused on drafting a civil code bill starting in 1879. The drafting process was based on the French Napoleonic Code of 1804, "while also employing comparative methods in order to adapt it to the specific conditions of Japan."[33] The first draft of the Japanese Civil Code, commonly referred to as the Old Civil Code (Japanese: *Kyū-minpō*), although heavily influenced by French law, was never put into force due to prolonged controversy. Subsequently, the code was redrafted in the 1890s with significant reference to German law.[34]

Explaining the reasons for the failure of the Boissonade Code, Nguyen Van Quan, in his 2015 study *The Influence of the French Civil Code on the First Civil Code of Japan*, argues that the primary causes were political rather than purely legal in nature. The Japanese Civil Code was later officially promulgated in 1896 and entered into force in 1898. In the early stage, under strong French influence in the late nineteenth century during the Meiji era, Japan adopted a French-style model of codification, emphasizing a unified written code with a clear structure and language that was easy to understand and apply. While the formal presentation of the new Civil Code followed the German legislative style, its substantive content was not entirely German in nature, as many provisions drafted earlier by Boissonade were retained.

For example, among the eight provisions from Articles 415 to 422 concerning compensation for damage caused by non-performance of obligations, six articles were revised versions of provisions already contained in Boissonade's draft. Notably, Article 420 stipulates that penalty clauses do not allow courts to increase or reduce the amount agreed upon by the parties, a rule consistent with Article 1152 of the French Civil Code.[35]

The Japanese Penal Code of 1880 was likewise influenced by the French model, followed later by the Penal Code modeled on German law in 1907. Japan promulgated its first penal code, also known as the Old Penal Code, in 1880, which entered into force on 1 January 1882.[36] This code bore a strong imprint of French law and was drafted with the assistance of the French scholar Gustave Boissonade.[37] It reflected a limitation on judicial discretion in sentencing, a characteristic feature of modern French criminal law at that time. This code remained in force for just over twenty years, partly because Japan's legal system was undergoing profound reform during the Meiji period, and partly because Japan gradually shifted toward referencing German law.At that time, Japan increasingly adopted the German civil and criminal law system in terms of structure, legal reasoning, and principles of criminal liability. Similar to Russia, Japan's reception of German law stemmed from the perception of German law as a paradigmatic model within the civil law tradition.In summary, the codification style in Japan during this period, from a technical perspective, was characterized by enumerative techniques, a high degree of abstraction, and an aspiration to "exhaustively regulate matters through statutory law," rather than relying on case law as in common law systems. While civil law thinking typically formulates legal norms at a general and comprehensive level, it aims to resolve legal issues within the framework of statutory provisions rather than through judicial precedents, as is common in common law systems.

CONCLUSIONS

Based on the foregoing analysis, several conclusions can be drawn regarding the influence of Western European law in general, and codification techniques in particular, on Russia and Japan.First, although both countries belong to the Civil Law legal tradition, the reception of Western law in Russia was relatively more favorable than in Japan. This difference can be explained by several factors, including geographical location—Japan, as an Asian country, was relatively isolated—as well as legal tradition, since Russia, in its early stages, showed greater openness toward European law. In addition, Confucian thought had existed in Japan for many centuries and exerted a profound influence on its political, socio-economic, and cultural life. Nevertheless, the progressive development of Western ideas exerted a strong attraction not only on Russia and Japan but also on many other countries.

Second, the reception and application of Western law, particularly the learning and adaptation of codification techniques, brought significant benefits to both Russia and Japan. This process helped shorten the time required to develop their own legal systems and to overcome the limitations of outdated feudal law, which had hindered national development. In Russia, this reception did not take the form of direct transplantation of the French or German Civil Codes, but rather involved learning legislative methods and techniques. At the same time, continuous scholarly research contributed to strengthening the theoretical foundations of law, eventually shaping Russia into a country with a strong tradition of codification. In Japan, which can be regarded as the most successful Asian country in applying Western law, the legal system evolved from a position of inequality vis-à-vis Western legal systems to one of parity, and in some respects even greater suitability for domestic conditions. Japan's approach was characterized by selective reception, careful evaluation of appropriate values, and the ability to "leapfrog" development stages, seize opportunities, and avoid missing critical moments of reform.From these experiences, several important implications can be drawn for Vietnam in meeting the current demands of legal system improvement and legislative technique reform.First, further research

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is required to develop both the theoretical and practical foundations of legal thinking, methodology, and codification techniques. Russia's experience demonstrates that only by grounding the reception of Western law in profound theoretical research and closely linking it to domestic conditions can a legal system achieve sustainable development while preserving its distinctive identity.Second, the experiences of Russia and Japan are particularly relevant to Vietnam as an Asian country with a legal history closely associated with the tradition of written law. In the context of deep international integration and rapid advances in new scientific fields, the ability to reconcile international legal standards with domestic realities has become a crucial task. Accordingly, the capacity for selection, adaptation, and creative innovation on the part of legislators in law-making activities deserves greater attention than ever before.

Third, an emphasis on codification techniques is of particular significance in the context of Vietnam's ongoing efforts to improve the socialist rule-of-law state. Codification is not only aimed at systematizing legal norms that still suffer from inconsistencies and overlaps, but also contributes to enhancing transparency, accessibility, and legal stability, thereby improving the effectiveness of law enforcement in practice. Successful codification requires a close combination of a solid theoretical foundation and a high level of professional expertise on the part of legislators.Fourth, contemporary trends in the development of codification techniques worldwide indicate the increasing prevalence of both centralized codification and continuous codification models, which are being applied concurrently in Russia. In Vietnam, codification has traditionally been inclined toward centralized models and emphasized systematization. Therefore, further in-depth research, reinforcement of theoretical foundations, and consideration of the relationship between codification and the development of legal technologies are of great importance.Finally, in the context of increasingly deep international integration, Vietnam needs to proactively engage with advanced global legal standards while maintaining a development orientation consistent with its socio-economic conditions and national development goals. Learning from the experiences of Russia and Japan is not only of historical significance but also provides an important basis for Vietnam to shape a long-term legal development strategy, gradually building a modern, coherent legal system with its own distinct identity.

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