

[DOI: 10.20472/BMC.2015.002.014](https://doi.org/10.20472/BMC.2015.002.014)

ELVAN SÜTKEN

Anadolu University, Faculty of Law, Türkiye

EFFECTS OF IUS GENTIUM ON ROMAN ECONOMIC SYSTEM AND LEGAL PROCESS

Abstract:

In the course of time, Roman demographical structure had substantially altered as a result of Roman territorial expansionist policy. During the expansion of the Roman boundaries, at the beginning, law of conquered nations remained unchanged as a result of Roman state policy. Each conquered land's community was allowed to sustain its own peculiar law system. However by the passage of time, Roman state had required to regulate the commercial and contractual relationships between Roman citizens and conquered lands' communities. Furthermore, legal unity had to be ensured between different conquered nations which were gathered under Roman sovereignty.

□Considering the scope of application, Roman law was assorted as *Ius Civile* and *Ius Gentium*. *Ius Civile* was the law of Roman citizens. *Ius Civile* was the positive law of Romans. Chronologically, *Ius Civile* had priority to *Ius Gentium*. As the Romans required putting legal principles into practice that could be both enforced for Roman citizens and foreigners, then it was the time for *Ius Gentium* to arise. *Ius Gentium* had flexible and informal judicial conception although *Ius Civile* had strict and formal judicial conception.

Coming to mention about the effects of *Ius Gentium*; in accordance with the movement in the field of law and business relationships, legal principles which had been unique to Roman citizens had to be changed and renovated according to daily needs of both native population and conquered lands' communities; who were also called as foreigners. Furthermore, new types of legal transactions and contracts as hire (*locatio conductio rei*), partnership (*societas*), etc. had been put into practice as a result of flourishing business relationships among Roman citizens and foreigners. The classification in Roman Law as *Ius Civile* - *Ius Gentium* is an obscene and noticeable fact of Roman law's evolution in time according to modifying conditions.

Keywords:

Roman economic system, effects of *Ius Gentium* on Roman economy

JEL Classification: A13, A12, B00