Common Law versus Statutory Law

[Common law](http://www.diffen.com/difference/Civil_Law_vs_Common_Law) is defined as law that has been developed on the basis of preceding rulings by judges. Statutory laws are written laws passed by legislature and government of a country and those which have been accepted by the society.

**Basis for common law and statutory law**

[Common law](http://www.diffen.com/difference/Civil_Law_vs_Common_Law) is by far and wide based on judgments made in the past over hundreds of years. Statutory laws have statutes as their basis.

**Decisions and New Laws**

A judge refers to similar cases in the past and uses the judgments rendered then as a basis for deciding the current case. Thus, the judges while presiding over a case are referring to decisions based on previous cases to come to their final decision. In the event of unique circumstances presented in the specific case, the judgment passed by the judge becomes the new law.

**Common law** is also known as case law and is of two types – one where judgments passed become new laws where there are no statutes and the other where judges interpret the existing law and determines new boundaries and distinctions. Apart from common law and statutory law, there are also the regulatory laws framed by various government agencies that have the authorization to do so once statutes are created by the legislature.

**Statutory laws** can be passed by various government agencies of a country. Thus, there are [laws passed by federal and state governments](http://www.diffen.com/difference/Federal_Law_vs_State_Law), ordinances passed by towns and cities all having the power of law. New laws are issued to meet the needs of the citizens, to resolve outstanding issues, and to formalize an existing law.

**Legal Process**

Determination of common law for a particular case is a process that begins with research analysis, location of previous relevant cases, extraction of statements and sentences passed in order to finally determine the common law applicable. Decisions of higher courts rule over lower courts and earlier cases. Statutory laws are already written and need just to be applied to a specific case.

Common law is being developed on an everyday basis without causing any fractionalization of society or creating any expense to the state. Statutory laws are developed by government of a state or nation and these are organized and codified into law codes. They cover all areas regulated by statutory laws exclusively as well as those areas where common law is not applicable.