

CONTENTS

FOREWARD V

CONTENTS VII

1 THE STATE AND THE LAW 1

1.1 The Characteristics of the State 1

1.2 The Functions of the State 2

1.3 The Law and the State 3

1.3.1 Natural and Positive Law 3

1.3.2 The Law in an Objective and Subjective Sense 4

1.4 World Legal Culture 4

1.4.1 The Continental System 4

1.4.2 The Anglo-American System 4

1.4.3 The Islamic System 4

1.5 The Sources of Law 5

1.5.1 The Sources of Law in the Czech Republic 6

2 NORMS OF LAW 7

2.1 Structure of Norm of Law 7

2.2 Kinds of Norms of Law 7

2.3 The Scope of a Norm of Law 8

2.3.1 Temporal Sphere 8

2.3.2 Spatial Sphere of a Norm of Law 8

2.3.3 The Personal Sphere of a Norm of Law 9

2.3.4 The Substantive Sphere of a Norm of Law 9

2.4 Legislation 9

3 LEGAL RELATIONS 11

3.1 Legal Relations and Legal Facts 11

3.1.1 Legal Declarations 11

3.1.2 Infringements 12

3.1.3 Individual Legal Acts 12

3.2 The Subject of Legal Relations 12

3.2.1 A Legal Personality and the Legal Capacity of a Natural Person 13

3.2.2 Legal Persons and their Legal Personality 13

3.2.3 The State 13

3.3 The Contents of Legal Relations 13

3.4 The Object of Legal Relations 14

4	THE LEGAL SYSTEM.....	15
	4.1.1 Legal Branches.....	15
	4.2 International and national law	15
	4.3 Public and Private Law	16
	4.3.1 Regulation Methods	16
	4.3.2 Legal Facts	16
	4.3.3 Subjective Rights and Obligations.....	17
	4.3.4 Legal Guarantees	17
	4.4 Substantive and Procedural Law.....	18
5	SOURCES OF LAW VALID IN THE CZECH REPUBLIC	19
	5.1 National Law.....	19
	5.2 International Treaties	20
	5.3 EU Law	21
6	CONSTITUTIONAL LAW	23
	6.1 The Constitution of the Czech Republic	23
	6.2 Charter of Basic Rights and Freedoms.....	25
7	INTERNATIONAL LAW AND EUROPEAN UNION LAW.....	29
	7.1 The Subject of Public International Law.....	29
	7.2 The Subjects of Public International Law	29
	7.2.1 States.....	29
	7.2.2 International Organizations.....	29
	7.2.3 Individuals.....	30
	7.2.4 Basic Human Rights	30
	7.2.5 Humanitarian Law	30
	7.2.6 International Criminal Law.....	30
	7.3 Sources of Public International Law	30
	7.3.1 International Treaties	30
	7.3.2 International Tradition	31
	7.3.3 Auxiliary Sources.....	31
	7.4 Liability in Public International Law.....	31
	7.4.1 Liability and Coercion	31
	7.4.2 Retaliatory Provisions.....	31
	7.4.3 Reprisals.....	32
	7.4.4 Self Protection Provisions.....	32
	7.5 International Trade Law	32
	7.5.1 International Economic Law.....	32

7.5.2	Foreign Trade Law	32
7.5.3	The Law Regulating Trading Transactions with an International Element	33
7.6	EU Law	33
7.6.1	The European Union	33
7.6.2	EU Law	34
7.6.3	A Common and Unified Market	34
7.6.4	Free Movement of Goods	34
7.6.5	Free Movement of Persons	34
7.6.6	Free Movement of Services	35
7.6.7	Free Flow of Capital	35
8	PRIVATE LAW	37
8.1	The Basic Principles of Private Law	38
8.2	Civil Law	40
8.2.1	Concept, Subject, System, Sources	40
8.2.2	Persons and Personality Rights	41
8.2.3	Substantive Rights	42
8.2.4	Inheritance Law	43
8.2.5	Relative property rights (liabilities)	43
8.3	Intellectual Property Rights	44
8.4	Commercial Law	45
8.5	Family Law	46
8.6	Labour Law	46
8.7	Private International Law	47
9	PUBLIC LAW	49
9.1	The Legal Branches of Public Law	49
9.2	Administrative Law	49
9.2.1	Organizational Administrative Law	50
9.2.2	Substantive Administrative Law	50
9.2.3	Procedural Administrative Law	50
9.2.4	Criminal Administrative Law	51
9.2.5	State Administration and Public Authority	51
9.2.6	Local Governments	52
9.2.7	A Specific Part of Administration Law	54
9.3	Financial Law	55
9.3.1	Public Financial Law	55
9.3.2	Financial Law System	55

	9.3.3	Budgetary Law	55
	9.3.4	Tax Law	56
	9.3.5	Legal Regulation of Budgetary Expenses - the Law on Subsidies	57
	9.3.6	Accounting Law	57
	9.3.7	The Non-fiscal Part of Financial Law and the Czech National Bank	57
	9.3.8	Monetary Law	58
	9.3.9	Foreign Currency Law	59
	9.3.10	Financial Market Law	60
	9.3.11	Financial Procedural Law and Financial Criminal Law	60
	9.4	Social Security Law	60
	9.4.1	Concept, Topics and Subjects	60
	9.4.2	Social Insurance	61
	9.4.3	Sickness Insurance	62
	9.4.4	Pension Insurance	62
	9.4.5	State Social Support	63
	9.4.6	Social Support	63
	9.5	Criminal Law	63
	9.5.1	The Concept of Substantive Criminal Law and Procedural Criminal Law	63
	9.5.2	The Basics of Criminal Responsibility	64
	9.5.3	The Concept and Purpose of Punishment	65
	9.5.4	The Concept and Purpose of Protective Measures	66
	9.5.5	Special Part of the Criminal Law Code	67
10		PROCEDURAL LAW	69
	10.1	Civil Proceedings	69
	10.1.1	Concepts, Sources	69
	10.1.2	Kinds of Civil Processes	69
	10.1.3	The Subjects of Civil Proceedings	70
	10.1.4	Procedural Acts	71
	10.1.5	Discovery Processes in the First Degree	72
	10.1.6	Decisions	72
	10.1.7	Legal Remedies	73
	10.2	Arbitrary Proceedings	73
	10.3	Recovery Proceedings	74
	10.4	Insolvency Proceedings	75
	10.5	Administrative Proceedings	76
	10.5.1	The Basic Principles of Administrative Body Activities	76

10.5.2 The Subjects of Administrative Proceedings 77

10.5.3 The Course of Administrative Proceedings 77

10.6 The Tax Process..... 78

10.7 Criminal Proceedings 79

10.7.1 Legislation and the Concept of Criminal Proceedings 79

10.7.2 The Basic Principles of Criminal Proceedings 79

10.7.3 Legal Remedies in Criminal Proceedings 80

REFERENCES..... 81