**LAW AS A SYSTEM**

**Society and the law** – a well functioning society requires the will of people to live together according to certain rules. The rules were formed based on habits and traditions (creating the social norms).

**Social norms** – rules of human activities that determine how humans should behave under certain circumstances. The known norms are: moral, law, religious, political, aesthetic, etc.

**Morality** – body of rules, norms, habits, that the people of a certain period of time and society accepted as obligatory for their behaviour.

**Features of moral norms:**

* Moral norms are not bound to the official power of the state power body.
* Moral norms are general; they apply to all human activities.
* Breaking the moral norms is punishable by twinges of conscience and public opinion.
* The scope of moral norms is unlimited.

**Features of legal norms:**

* The law is bound to the state – law is created by the state power body.
* The law provides for some specific areas of social relations.
* In the case of lawbreaking sanctions are being used through the state power body.
* The scope of legal norms is time limited.

Symbol of law – ***Iustitia (Lady Justice)*** – Roman goddess of justice – holding a sword in her right hand – symbol of punishment; with scales in her left hand – representing the weighing of guilt and innocence; with a blindfold – symbol of impartiality, standing on a money pouch – symbol of incorruptibility.

**Law** – the body of legal norms valid in a specific country.

**Features of law:**

* **Monism –** one legal system is valid that is mandatory for all;
* **State coercion –** law is created by the state power body that uses sanctions in case of their breaking
* **Form set by the state –** the law has the form of an act, regulation or decree

**Legal norm – it is the basic unit of law;** it is the mandatory and general rule of conduct that is expressed in a distinctive state form and its abidance can be coerced by the state power.

**Features of legal norms:**

* **Obligatory effect** – each legal norm that came into force is obligatory for everyone ;
* **Universality** – a legal norm is not addressed to a specific subject but to unlimited number of subjects;
* **Effectivity** – minimal rate of its usage and respecting of those for whom it was intended for (should infringe the privacy only minimally);
* **Normativeness** – the legal norm represents the rules of conduct using restrictions, orders, and permissions;
* **State coercion** - the protection of an individual and the society from the consequences of lawbreaking can be:

A/ indirect state coercion – preventive forms of influencing the subject

B/ direct state coercion – enforcing the legal duty, conducted by the state power body and courts of law.

Structure of the legal norm:

* *Hypothesis –* setting the conditions for the norm implementation;
* *Disposition* – the rule of conduct that delimits the rights and duties;
* *Sanction* – the consequences of legal norm violation.

**The legal norms can be:**

* **Normative** – general, addressed to unlimited number of individual subjects;
* **Individual** – solving specific problems – particularly focusing on a special event, specific problem;
* **Constitutive** – creating the laws – they can be responsible for formation, change and termination of legal relations;
* **Declaratory** – concluding the existence or non-existence of legal relations (e.g. in debtor – creditor relation).

**Validity of a legal norm** – arises on the day of its public announcement – published in the body of norms.

**Effectiveness of a legal norm** – means putting the legal norm into practice (beginning of its usage in practice); arises with the validation of the legal norm or determination of the exact date in the legal norm.

**The scope of the legal norm is limited:**

* **By time** – time in which the legal norm has to be abided and used;
* **By area** – the area where the legal norm is being used (state or county);
* **Personally** – circle of people the legal norm is meant for, e.g. all citizens of the country, entrepreneurs, graduating students, etc.

The body of valid legal norms in a state creates **larger units** – **legal regulations**.

Legal regulations are hierarchically arranged; they are distinguished by different degrees of legal force.

**Legal force** – the capacity of the legal regulation that enables it to determine its subordination or superiority in the hierarchy of legal regulations; it reflects the mutual relation of the legal regulations and their place in the legal structure.

**Legal system –** it comprises valid legal normsarranged to legal regulations that form the individual **legal branches.** The legal branches according to their territorial scope are **domestic law** and **international law**.

1. **International law –** adjusts the relations between the states, the states and the international organizations and the international organizations reciprocally.It is superior to the domestic law, which means if the state accepts certain legal norms they cannot interfere with the norms of international law.
2. **Domestic law** – deals with the relations between the subjects of the given state. The norms of the international law are transferred into the law and order of a given state through treaties and legal norms. The international legal norms have to be in accordance with the domestic law where the international law is superior to the domestic law. In legislative processes the legislators always respect the international law and the treaties accepted by the state.

***The domestic law is divided into:***

* **Public law** – adjusts the relations between the state and the citizen that are based on the principle of subordination – superiority and subordination; the legal norms are formulated in the form of orders and bans.

To the branches of domestic law belong:

1. **Constitutional law** – it is the basic state law that provides for the system of government and the position of the citizens within the state. The main sources of the law are the Constitution and the Bill of Rights.
2. **Administrative law** – it is the body of principles and norms that serve for the running and functioning of the public administration. This law comprises many activities and fields of practice that is why it doesn't have a single source of law but several. The basic document to this law is the *Administrative Order*.
3. **Financial law** – comprised by the norms that adjust the financial-legal relations, i.e. relations at acquisition, gathering and using of finances if the state is involved (taxation, budget, stock exchange, banking, etc.).

* **Criminal law** – total of norms that delimit criminal offences and punishments that the offenders are sentenced for; the basic source of this law is the *Penal Law* (substantive law) and the *Penal Order* (procedural law).
* **Private law –** adjusts the relations between the citizens to each other that are based on the principle of equality; the legal forms are defined in the form of an appeal.

Among the branches of domestic private law belong:

1. **Business law**– adjusts the relations that arise in the field of business (Exchange of goods and services), the legal status and activities of the traders (entrepreneurs); the main source of the law is the *Commercial Code*.
2. **Civil law** – adjusts the property relations, ownership relations, patrimony, contractual relations and obligations, the right for personal protection, copyright and patent law; the basic document of the law is the *Civil Code*.
3. **Family law** – the legal norms adjust the relations between the married couples, children and other family members; between parents, children and other family members and relatives, foster family; the basic document to this law is the *Family Code*.
4. **Labour law**– the law that is a part of the Private as well as the Civil law; it adjusts the relations between the employer and the employee; (employment contract – Private law; minimum wage – Civil law); the source of this law is the *Labour Code.*
   1. **Substantive law** – it is the law that sets mandatory and enforceable behaviour from the state; defines the individual adjusted relations in the society; (in Criminal Law it defines what is criminal offence, misdemeanour, etc.).
   2. **Procedural law** – it is the law that determines how the state power body and the individuals should proceed in cases of violation of legal norms and regulations. It provides instructions on how to proceed in such cases (describes the processes when investigating criminal offences, etc.).