

Course description

Course abbreviation:	KTP/TP3R	Page:	1 / 3
Course name:	Theory of Law 3		
Academic Year:	2023/2024	Printed:	03.06.2024 08:23

Department/Unit /	KTP / TP3R			Academic Year	2023/2024
Title	Theory of Law 3			Type of completion	Pre-Exam Credit
Long Title	Theory of Law 3 - History of Legal Thinking				
Accredited/Credits	Yes, 7 Cred.			Type of completion	Combined
Number of hours	Lecture 2 [Hours/Week] Seminar 2 [Hours/Week]				
Occ/max	Status A	Status B	Status C	Course credit prior to	NO
Summer semester	0 / -	0 / -	0 / -	Counted into average	NO
Winter semester	236 / -	0 / -	0 / -	Min. (B+C) students	10
Timetable	Yes			Repeated registration	NO
Language of instruction	Czech			Semester taught	Winter, Summer
Optional course	No			Internship duration	0
Evaluation scale	S N				
No. of hours of on-premise					
Auto acc. of credit	Yes in the case of a previous evaluation 4 nebo nic.				
Periodicity	K				
Substituted course	KTP/TP3N				
Preclusive courses	KTP/TP3 and KTP/TP3N				
Prerequisite courses	N/A				
Informally recommended courses	N/A				
Courses depending on this Course	N/A				

Course objectives:

To provide students with knowledge of cultivated legal thinking, both analytical and contextual. Familiarity with basic lines of philosophy of law past and present.

Requirements on student

essay

Content

1. Dualism of natural and positive law, legal authority
2. Development of naturalist thinking: antiquity, theological conceptions, rationalism of the enlightenment, renaissance of naturalist thinking in 20 th century.
3. Legal positivism of 19 th century. Analytical legal positivism (Bentham, Austin). Modern codifications, schools of exegesis
4. Legal positivism in 20.th century, normativism
5. Criticism of legal positivism after World War II., Radbruch`s formula. Constitutional review
6. Historic development of a `state governed by law` ? `Rechtsstaat`, `rule of law`
7. Regal realism (U.S., Scandinavian)
8. Application of law and values ? instrumentalism, moralism, formalism. Rules and principles of law
9. Precision in law, legal certainty, effectivity of law
10. Freedom ? positive, negative, equality and discrimination
11. Theories of justice: distributive, corrective, retributive
12. Concepts of legitimacy and legality ? past and present
13. Present-day democratic state governed by law. Human rights. Legal and extralegal normative systems, formality and formalism in law

Fields of study

Guarantors and lecturers

- **Guarantors:** Doc. JUDr. František Cvrček, CSc. (100%)
- **Lecturer:** JUDr. et Bc. Peter Brezina, Ph.D. (10%), Doc. JUDr. František Cvrček, CSc. (60%), JUDr. Michal Šejvl, Ph.D. (30%)
- **Seminar lecturer:** JUDr. et Bc. Peter Brezina, Ph.D. (100%), Doc. JUDr. František Cvrček, CSc. (100%), JUDr. Michal Šejvl, Ph.D. (100%)

Literature

- **Basic:** Hrdina, Ignác Antonín; Masopust, Zdeněk. *Chrestomatie ke studiu filosofie práva*. Praha : Leges, 2011. ISBN 978-80-87212-71-4.
- **Recommended:** Holländer, Pavel. *Filosofie práva*. 1. vyd. Plzeň : Aleš Čeněk, 2006. ISBN 80-86898-96-2.
- **Recommended:** Weinberger, Ota. *Filosofie, právo, morálka : problémy praktické filosofie*. Brno : Masarykova univerzita, 1993. ISBN 80-210-0613-7.
- **Recommended:** Prusák, Jozef. *Teória práva*. Bratislava : Vydavateľské oddelenie PF Bratislava, 1999. ISBN 80-7160-113-6.
- **Recommended:** Gerloch, Aleš. *Teorie práva*. 3., rozšíř. vyd. Plzeň : Aleš Čeněk, 2004. ISBN 80-86473-85-6.
- **Recommended:** Knapp, V. *Teorie práva*. Praha, 2004.
- **Recommended:** Boguszak, Jiří; Čapek, Jiří; Gerloch, Aleš. *Teorie práva*. Praha : ASPI, 2004. ISBN 80-7357-030-0.
- **Recommended:** Knapp, Viktor. *Teorie práva*. 1. vydání. Plzeň : ZČU, 1994. ISBN 80-7082-140-X.
- **Recommended:** Gerloch, Aleš. *Základy teorie práva a právního státu*. 3. vyd. Praha : Policejní akademie ČR, 1995. ISBN 80-85981-16-5(3).

Time requirements

All forms of study

Activities	Time requirements for activity [h]
Contact hours	52
Preparation for comprehensive test (10-40)	40
Individual project (40)	40
Graduate study programme term essay (40-50)	50
Total:	182

assessment methods

Knowledge - knowledge achieved by taking this course are verified by the following means:

Seminar work

prerequisite

Knowledge - students are expected to possess the following knowledge before the course commences to finish it successfully:

Knowledge of a legal reasoning.

znalosť vývoje a súčasného stavu právneho myšlení

Skills - students are expected to possess the following skills before the course commences to finish it successfully:

Znalosť súčasných smérů filozofie práva: právní naturalismus, právní pozitivismus, právní normativismus, právní realismus.
Hodnotově orientovaná metodologie aplikace práva.

Competences - students are expected to possess the following competences before the course commences to finish it successfully:

N/A

teaching methods

Knowledge - the following training methods are used to achieve the required knowledge:

Lecture

Seminar

learning outcomes**Knowledge - knowledge resulting from the course:**

Students have to gain knowledge of a more precise and subtle legal reasoning and distinguishing, being sensitive to a logical correctness of their arguments, and taking into account relevant historical, social, political, economic and ethical contexts of legal arguments.

Orientace v hodnotově orientované metodologie aplikace práva.

Skills - skills resulting from the course:

Porozumění vztahu práva a státu a v soudobé koncepci právního státu.

Competences - competences resulting from the course:

N/A

Course is included in study programmes:

Study Programme	Type of	Form of	Branch	Stage	St. plan	v.	Year	Block	Status	R.year	R.
Law and Legal Science	Undergraduate Master	Full-time	Law	1	19		2023	Obligatory subjects - 2nd grade	A	2	ZS
Law and Legal Science	Undergraduate Master	Full-time	Law	1	17		2023	Obligatory subjects - 2nd grade	A	2	ZS
Law and Legal Science	Undergraduate Master	Full-time	Law	1	18		2023	Obligatory subjects - 2nd grade	A	2	ZS
Law and Legal Science	Undergraduate Master	Full-time	Law	1	16		2023	Obligatory subjects - 2nd grade	A	2	ZS