

# **THEORETIC LEGAL REFLEXIES OF THE FORMATION OF ECONOMICS LAW**

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## **Key words**

Economic law, economy-law relations, socialist organizations, acts of economic control, socialist economy, Economic Code, economic system

Special regulations had been needed in the most of economic questions in the realm of the legal adjustment of economic relations since 1950. Extensive authorization for releasing of the implementary regulations led to the expansion of the chaotic system of legislation and later to the idea and doctrine of the Economics Law. The core of the doctrine of Economics Law was the thesis that in socialism were brewed up qualitatively absolutely new relations with specific features and they were set apart into specific category. The Economics Law couldn't be subordinated to either The Administrative Law or to The Civil Law. The reason for that should have been that relations in the Economics Law were administrated by the two-ply system of the legal adjustment they comprised doubled different and the same time inseparable constituents. There were vertical and horizontal relations. Horizontal relations among equal organizations were born on the bases of the agreements and contracts as the common or ordinary relationships but their changes, termination and also their content were influenced by vertical interferences of controlling organs called Acts of Economics Governance. It was possible to set up, change and cancel obligational relations, to determinate the content and the issue of those relations by the Acts of Economics Governance. The property relations among socialistic organizations were assumed to be completely different to the relations among citizens because they were implemented under the state plan.

The legislation in the Economics Law tried to frame comprehensive legal regulation which would have included not only the contractual system but also the system of controlling and planning. It was then when the dispute over the being the Economics Law as an independent legal section. The administrative interference of The Central Committee of the Czechoslovak Communist Party (eventually untimely ended the entire discussion. The resolution of the Central Committee of Czechoslovak Communist Party determined that the adjustment of the Civil Code was needed to aim to quotidian relations of citizens. Further, it was decided that the adjustment of the relations among the socialistic organizations didn't belong to the Civil Code. The relations in the foreign trade were adjusted in isolation. The resolution of the Central Committee of Czechoslovak Communist Party denoted the effort to solve the basic scientific problems politically.

While preparing new codes the old ones weren't examined why they hadn't been convenient. The further discussion to this point was reduced to the silence after the political decision of the codification of the civil relations and the preparatory work on the codification of Civil Code, Code of the Economic Law and Foreign trade Code had started. The structure of the commission was restricted to devotees of the accepted concept. The commissions were created only by those who had had no objections. The creating work had run with elimination of any opposition and the results of the work which had been done within two years plans were known as the three codes:

The Civil Code – law No 40/1964 Zb, Code of the Economic Law – law No 109/1964 Zb. and The Foreign Trade Code – law No 101/1963 Zb.

All the three codes adjusted private-law relations and neither of them was taken as general. Their self-reliance was so conspicuous that some regulations were repeated or overlapped. Each of these codes was applied for a certain sphere of relations independently. The border between the legal amendment of the civil law and the economic law was very sharp and on principle inviolable. Production sphere adjusted by the Code of the Economic Law was legally separated from the consumer's sphere, which was adjusted by the Civil Code.

The codifications from the years 1963-65 should have contributed mainly to simplification of the rule of law. It had been reached but only in the task of the number of the legal regulations. The Code of the Economic Law itself had banned 101 laws,

executive orders, ordinances and the basic terms of delivery. In certain respects the codifications complicated the rule of law in a manner that some of the law institutions which had been adjusted before only by the one legal regulation were then adjusted in more legal regulations. The disintegration of the rule of law was visible in the constituent legal institutions which were without any special reasons differently adjusted in separate codes. The nonintegrated adjustment was very difficult to understand even for lawyers. The adjustment of The Code of the Economic Law was a product of its time but it contained some rational items as e.g. a lot of advantages had the adjustment of the close-door and quick arbitration court.

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