

System and hierarchy of legal norms

Kateřina Vachov

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Vocabulary

- **injunctive norms** - příkazující normy
- **prohibitive norms** - zakazující normy
- **entitling norms** - opravňující normy
- **mandatory, non-mandatory** - kogentní, dispozitivní
- **activity of the norm** - působnost normy
- **validity** - platnost
- **effectivity** - účinnost
- **derogation** - zrušení, zánik

Definition of legal norms

- legal norms are generally binding rules of behavior
- they are issued by the state authority
- the abidance of legal norms is guaranteed by the state

Types of legal norms

- **injunctive norms** - they determine duties of the legal subjects
- **prohibitive norms** - they contain a ban of specific behavior
- **entitling norms** - they allow some type of behavior
- **mandatory** - imperatives, that must be followed by subjects, subject can not behave in different way
- **non-mandatory** - subjects can arrange their own rights and duties, but in case they do not, they have to follow the rule

Hierarchy of the norms

➤ primary legislation

- all the law, which is created through the Parliament (Constitution, Constitutional Acts, Legislative measure of the Senate)

➤ secondary legislation

- all the law, which is created by another body than Parliament
 - Parliament delegated the legislative power to this body
- (Regulations, Decree of the Government)

Activity of legal norms

➤ temporal activity

- validity, vacatio legis, effectivity, lapse of time, derogation, retroactivity

➤ territorial activity

- the norm is binding on the territory of the state

➤ personal activity

- the norm can be binding on all people in the state or just for some of them (soldiers, officers)

➤ subject-matter activity

- complex of objects the norm is binding on

Structure of the law

Czech Republic

- část, hlava, oddíl
- paragrafy (§)
- odstavce
- písmena
- věty/body

USA, UK

- part, title, chapter
- sections
- subsections
- paragraphs
- subparagraphs

Summary

- The legal norm is generally binding rule of behavior and we can differ many types of them.
- Each norm has its own „life“ from the publishing to the derogation and there are a few important points like validity, effectivity, retroactivity, etc.
- Norms are usually published as a statutes of all kinds and we have to be careful, because there are differences in terminology between Czech Republic and English speaking countries.

Thanks for your attention.

Sources

- Chromá, M. *New Introduction to legal English*. Prague: The Carolinum Press, 2008.
- Harvánek, J. a kol. *Teorie práva*. Plzeň: Aleš Čeněk, 2008.