

# System and hierarchy of legal norms



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# Legal norm



- **Norm**= rule, enactment, pattern that has binding force
  - binds individual to certain type of behaviour such as morality, customs and laws
- **Legal norm**= generally binding rule of people's behaviour that is issued by state in a prescribed form and that's compliance is enforceable by state power
- **Norma**= pravidlo, předpis, vzor které má závaznou platnost
  - zavazuje jedince k určitému typu chování jako je morálka, obyčeje, zákony
- **Právní norma**= všeobecně závazné pravidlo pro chování lidí vydané státem v předepsané formě, jehož dodržování je vynutitelné státní mocí

# Legal force



- Every legal norm has a certain legal force.
- Legal force= legal norm 's ability to legally bind on their addressees.
- Legal force makes norms superior to other legal norms. Inferior legal norms mustn 't contradict superior legal norms.
- We have two views at legal force: - absolute  
- relative

# In according to absolute legal force



It depends on who has the legislative authority to issue.

1. **primary legal acts**- public authorities (*org. státní moci*)
  - Constitution
  - The Declaration of Basic right and Liberties (*l. zákl. práv a sv.*)
  - Constitutional law (article 39)
  - Laws (39)
  - Legal measures of Senate (33) (*zák. opatření sen.*)
  - Normative contract
  - Generally binding notice issued by- town council, superior self-government unit (104) (*obecně závaz. vyhláš., zastup. obcí a vyš. samospráv. celků*)

# Constitucion



- Basic law
- Highest legal material force
- The Declaration of Basic right and Liberties
- The Constitucional laws
- Qualified majority in both chambers

# Law



- Law sovereignty
- The most important legal act
- The primary position
- Liberty, equality and equity  
(*svoboda, rovnost, spravedlnost*)

# Legal measures



- specific type of legal enactment
- safeguard of democracy
- If the parliament will be dissolved...
- measures have as legal power and effect as law
- must be re-approve
- Constitution, state budget, final state accounts, election law and international treaties
- government's propose



## 2. Secondary legal acts

- The decisions of the President
- Statutory rules(78) (*naříz. vlády*)
- Legal enactments of ministries and administrative bodies (*práv. předpisy min.a správ.org.*)
- Acts of local government bodies (*org. územní samosprávy*)
  - authorized by law





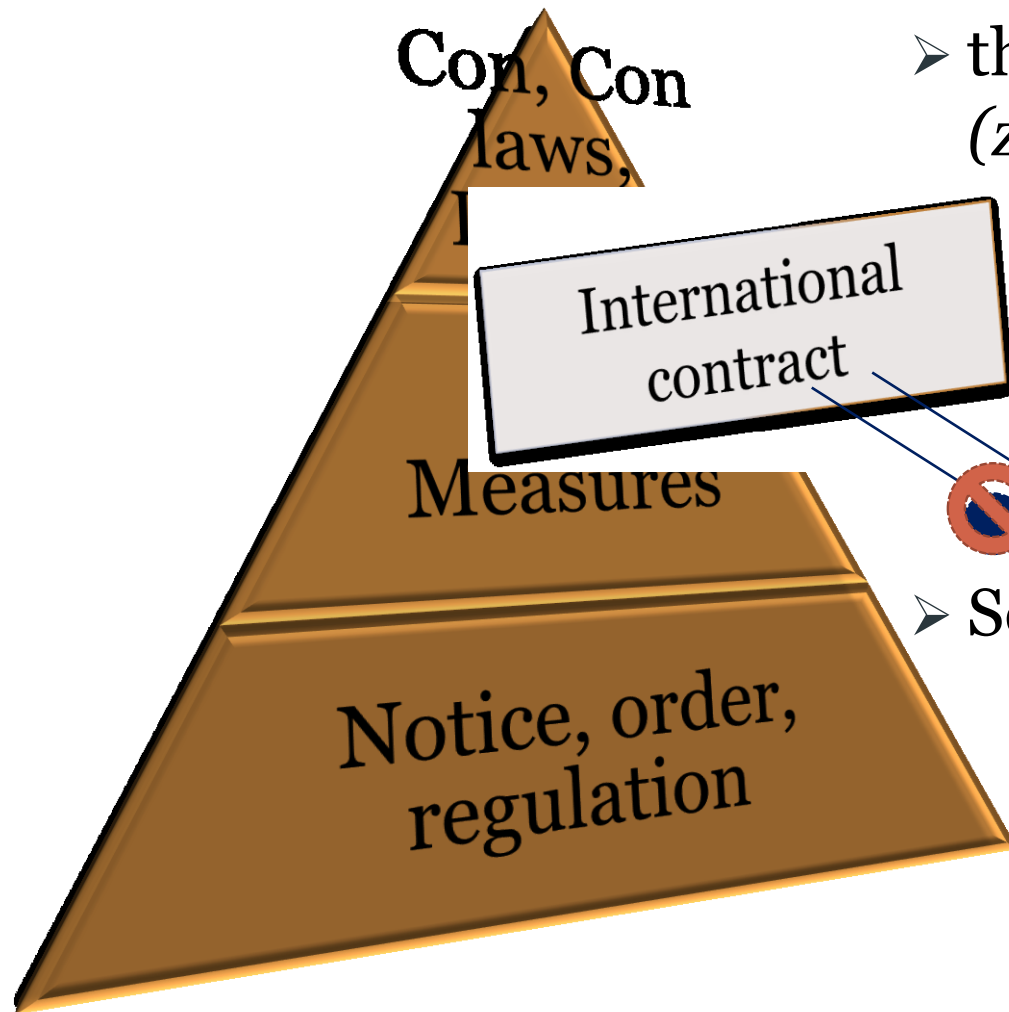
- Government has constitutional delegation.  
*„K provedení zákona a v jeho mezích je vláda oprávněna vydávat nařízení.“*
- Ministries and administrative authorities have a statutory delegation. (*správ. orgány, zákonná delegace*)  
*„mohou na základě a v mezích zákona vydávat právní předpisy, jsouli k tomu zákonem zmocněny“*
- The creating of secondary acts is based on the primary acts.

# Relative force law



- Original acts- primary
- Derivated acts- secondary

# Constitutional order



➤ the highest legal force  
(*zákonné*) primary

➤ Secondary (*podzákonné*)

# Division of normative acts in accordance with agency

## legislative power

- Parliament- Constitutional law
  - Laws
  - Legal measures of Senate

## executive power

- The Government of the Czech Republic- order (*nařízení*)
- Ministries and other central administrative authorities- notice (*vyhláška*)
- Czech National Bank- notice
- Council of European Municipalities and Regions- order
- President of the Republic- some decisions of a general nature

## local government

- Municipalities (obce)
  - Region
- generally binding regulation  
(*obecně závazná vyhláška*)



# Resources



- Teorie práva- Knapp
- Teorie práva- Gerloch
- Zápisky ze seminářů
- Wikipedie

*Thank you for your attention*

*That's all Folks!*