

Abstrakt a 5 klíčových slov v anglickém jazyce

Anglo-American, European, Islamic legal culture (comparative study)

Abstract

The aim of the J.D. qualification thesis is to describe the large legal systems and to analyze them in the form of a comparative study. The J.D. qualification thesis consists of six chapters. The first chapter contains the characteristics of large legal systems and their differentiation and, in addition to the compared legal cultures, it also briefly discusses African customary law, the customary law of the Indian subcontinent (based on the religious tradition of Hinduism and Buddhism) and Sino-Japanese legal culture. The second chapter focuses on the description of Anglo-American legal culture and its subsystems, especially English law, US law, Canadian law, legal systems of Australia and New Zealand. The third chapter deals with continental legal culture and its subsystems, specifically the French, Austrian, German, Swiss, Scandinavian, Latin American and European Union legal cultures. At the same time, this chapter briefly summarizes other important civil law codifications of European countries, such as the Netherlands, Romania and Russia. The fourth chapter is focused on the Islamic legal culture and the importance of religion in society. The main part of the J.D. qualification theses lies in the fifth chapter, which compares the legal systems in terms of historical development, sources of law, the basic concepts of law, organization of the judiciary and exertion of its powers, and selected civil law institutes (marriage, inheritance). The sixth chapter deals with the role of the European Union, taking into account the current withdrawal of Great Britain from the European Union, the convergence of continental European and Anglo-American legal culture in European Union's legal system, types of legal acts and definition of its competences over the Member States, as well as its successful endeavour to establish de facto global legal standards in certain areas (GDPR is given as an example of such legislation). At the same time, this chapter deals with the issue of European structural and investment funds contributing to the unification of procedures under European law (through the national implementation structure and their management and control activities). The conclusion of the J.D. qualification thesis contains a brief summary of the outcomes of the comparison of the legal cultures in terms of established benchmarks and certain reflection on the future trends and developments in the foreseeable convergence of the large legal systems.

Keywords:

- legal culture
- legal system
- statute
- common law
- precedent