

Abstract

Legal Culture of the State of Israel

Keywords: Israel, legal culture

The present legal system of the State of Israel is unique because of its mixing of different legal sources. The legal environment is characterized by interfacing of principles arising out of common law and continental law as well as religious law.

The object of this thesis is to analyze how these different legal sources are mixing in modern Israeli legal system. The main question to be answered by this analysis is whether the Israeli legal system can be qualified as the member of one from basic legal cultures of the world (i.e. common law or continental law). Eventually whether the combination of legal aspects is specific so much it is necessary to speak about absolutely unique legal culture category.

The thesis analyzes the legal system of Israel in basic branches of law. It is focused on constitutional questions, the way how the state power is established and how is enforced in day-to-day experience. There is parliamentary democracy with principles similar to many European countries but there are some distinctions as well. Peculiar for Israeli political system is strong influence of religious political parties. The very specific for Israel is the construction of Basic laws replacing standard constitution.

The great part of the thesis deals with the relationship between the state and an individuality. It is represented by legal question about human rights and nationality. For a long time there was no legislative framework of human rights in Israel and the protection of human rights was executed only through actions of the Supreme Court. The appropriate legal regulation was not executed until 1990's when two Basic laws concerning human rights were passed by parliament.

The final section is dedicated to justice and court system that is built on the principle of stare decisis, especially to detailed analysis of functions of the Supreme Court. The Supreme Court is the most important decisive authority in many important legal, political and social disputes. The position of the Supreme Court is absolutely crucial for the whole Israeli legal system. Its function can be compared with the Supreme Court of the United States of America in many ways.