

ABSTRACT

The objective of the PhD-thesis is analytical and comparative description of the main theoretical and philosophical approaches to the issue of legal interpretation, focusing on practical application. Initially, attention is paid to explanation of the concept of legal interpretation itself, focusing also on the practical meaning of differentiation between each designatum of the concept of legal interpretation as well as the reflection thereof in the applicable law. Other parts of the thesis include an introduction to the general typology of the theories of legal interpretation followed by a more detailed analysis of the three basic contemporary theories (philosophies) of legal interpretation, namely analytical approach (both the so-called horse-shoe analysis and soft-shoe analysis), hermeneutic approach (attention is paid to the traditional as well as modern hermeneutics, both the phenomenological and methodological branch), and discursive approach (represented by the rhetorical-topical view of discourse as well as the procedural concept of discourse). The PhD-thesis results in the pronouncement of a syncretic opinion that the different theories of interpretation of law should be explained and taught in mutual context because this dialogic approach provides a guarantee that their conclusions and methodological guidelines will be properly used by exegetes in practical application.