

ABSTRACT

The aim of this paper is to provide the identification and the analysis of the major factors which affect the answer to the question: What is found legal [i.e. according to law] in the particular case? Primarily analytical - descriptive method in association with the multidisciplinary approach is chosen to illuminate the complex nature of this issue. In other words, the diverse pieces of knowledge stemming from the various social science sub-disciplines such as psychology, sociology, jurisprudence, ethnology and anthropology are brought together to reveal frequently hidden constituents of the response to the question '*quid iuris?*'

The paper consists of 6 chapters. The introductory chapter, which offers a preliminary insight into the problem, is followed by the four major parts that gradually, as a whole, give a steadily more accurate picture of different variables reflecting in the answer, what is legal. More precisely, in Chapter 2 the mutual relation between the law on the one side and human culture and human instincts on the other side is investigated. A dissection of an extensive body of the anthropologically oriented literature leads to the deduction that the appearance of law is mostly influenced by the human culture and that universal instincts have an effect just on the resemblance of so-called 'minimum content of natural law' [H. L. A. Hart]. These assumptions are subsequently developed in Chapter 3, in which the attention is mainly focused on the specification of these of concurrently valid rules, which could [should] be considered as a law in particular situation. The task is solved from the two basic points of view. Namely, employing partly normative approach, it is separately answered for the so-called strong concept of legal pluralism and the soft concept legal pluralism. Chapter 4 deals with the key aspects of the law-making process, *i. e.* it attempts to establish crucial factors, which influence the legislature's decision, what pattern should law have. [*Inter alia* the processes of socialization, the importance of social roles, the division of powers and the principles for making good law are mentioned.] Chapter 5 offers completely different approach to this subject. Perspective is oriented entirely on the individual, who is authoritatively solving a legal dispute. The immersement into the inner feelings of the decisive subject enables to uncover not only the attitudinal variables affecting the judgment,

but also to some extent always irrational nature of the law decision process. The paper is finished by the conclusion chapter and two supplements involving the classification of the basic cognitive thinking errors [known also as cognitive distortions] and eristic tricks, respectively, are added.

The main points of this paper are that the question *quid iuris* could be properly answered just in relation to the particular culture and time and is always affected by various partly unforeseeable factors. Besides that, the paper shows that pure descriptive approach does not occur in practice. Authors always remain captured by some normative ideas.