

The Czech legal system in the time of the coronavirus in the light of Fuller's principles of good law

Trust in law-making institutions

Abstract

This thesis deals with the issue of how the Czech legal system changed during the coronavirus crisis in the light of Fuller's principles of good law. The aim of the thesis was to find out how this change affected people's trust in law-making institutions.

The thesis is divided into four parts. The first part introduces Lon L. Fuller as a philosopher of law, who significantly influenced the view of legal theory and provoked many responses to his views from both his critics and supporters. The second part of the thesis is a theoretical background to the specific features of the legal system in the situation that arose due to the spread of the Covid-19 disease in the Czech Republic.

In the next part of the thesis I subject the legislation issued during the coronavirus crisis to Fuller's requirements of what law should look like. By analyzing the case law of administrative courts, especially the reasoning for their judgments, I found cases of violations of Fuller's principles that occurred during the coronavirus period. I have outlined other violations of some of these principles by means of the Public Opinion Research Centre's special research on measures to prevent the spread of the Covid-19 disease. It should be kept in mind that Fuller's principles are, even according to Fuller himself, an ideal to which legal systems should aspire, but it is not possible in all situations. This view has been confirmed by the Supreme Administrative Court in a number of its judgments, when it has expressed its understanding of the complexity and novelty of the situation and, therefore, certain benevolence towards violations of these and other requirements imposed on legal regulations.

The last part of the thesis deals with how people's trust in law-making institutions, especially the government and the Ministry of Health under it, has changed. Using research by the Public Opinion Research Centre, I have observed a decline in people's trust in the government, and at the same time an increase in the number of people who believed that the Czech state was doing little in relation to the emergency measures against the spread of the Covid-19 disease. It cannot be clearly established that there is a direct link between the violation of the Fuller principles and the decline in trust, but it can be assumed that the lack of clarity, contradictions in legislation and the constancy of the law that the Supreme Administrative Court most frequently criticized had something to do with the decline in citizens' trust in law-making institutions.

Key words: Fuller, coronavirus, trust in institutions