

Selected Conceptual Deviations, Synonyms, and Homonyms in the Czech Legal System

Abstract

This work addresses selected conceptual deviations, specifically legal terms whose meaning cannot be derived through simple linguistic interpretation. These include terms sharing the same meaning (synonyms), terms having multiple meanings (homonyms), and phrases forming provisions in legal regulations, which, in their entirety, acquire a meaning different from their common understanding in general language. The study focuses on a group of selected concepts, examining and building a theory around their origin and characteristics. The acquired insights are presented coherently, and relevant conceptual deviations, forming the basis for the author's conclusions, are provided as examples for better understanding and clarity of the subject matter.

The initial step involves dealing with different theoretical approaches concerning the evaluation of law. A comparison is made between the iusnaturalist perspective, which is highly open to legal evaluation, and the positivist approach, where evaluation is fundamentally irrelevant and is to be understood only in a practical sense as a proposal for changing the interpretation of legal norms.

Furthermore, the study establishes criteria for such evaluation, i.e., criteria for identifying conceptual deviations. In other words, it explores how one can infer that a deviation from the norm has occurred. These criteria stem from general requirements for legal language, influenced both by general language and the rules set by the legal system itself. These criteria are further developed.

The study observes the reasons why legal concepts fall short of these requirements and classifies them based on common characteristics into overarching categories. The result is a compact overview of both common and unique causes for legal language to become increasingly incomprehensible for laypersons.

Subsequently, these causes undergo analysis, primarily focusing on legislative activities and then on the phase of interpreting legal concepts by the executive authorities. This observation is made to answer the question of whether it is possible to avoid the creation of conceptual deviations concerning the requirement for legal clarity and whether their occurrence is legitimate.

Key words: Legal Language, Synonyms, Homonyms