

Cannons and Principles of Construction of Law in the Case Law of the Constitutional Court and the Supreme Court of the Slovak Republic

Abstract

The presented work analyses the topic of legal interpretation and the use of cannons and principles of construction of law in the case law of Slovak high courts. The methodology of the work is based on Wintr's classification of cannons of interpretations into textual, systematic, historical, and teleological, and on further division of these cannons into principles of construction.

The scope of individual chapters and subchapters varies according to importance of the respective cannons and principles, as well as to quantity of decisions where these were applied. A smaller space is dedicated to historical cannon of interpretation, which is being applied less frequently and with less legal argumentation by the courts. On the other hand, the subchapter regarding the use of analogy is much broader, given the voluminous and interesting case law of the high courts.

The presented work analyses primarily the case law of the Constitutional Court and the Supreme Court of the Slovak Republic; namely it analyses 92 decisions of the Constitutional Court, 72 decisions of the Supreme Court, and 3 decisions of other courts.

It was the fact that currently there is no jurisprudence in Slovak Republic that would clearly and completely analyse the topic of legal interpretation in the case law of Slovak high court, that has driven the author to write the presented work. Currently there is, unfortunately, no parallel work to Wintr's *Cannons and Principles of Legal Construction* in the Slovak jurisprudence.

The aim of the presented work is to analyse in detail the case law of the abovementioned courts in the field of legal interpretation and to critically evaluate its problematic aspects. Where fundamental decisions are analysed, the author often quotes extensive parts of legal reasoning of the court, in order to emphasize an important aspect of the respective principle of construction. In case of questionable reasoning by the court, the author presents his own reservations against the court's argumentation.

Keywords

Legal interpretation, construction of law, legal methodology