

## Abstract - Handling the problem of deconstruction of the law in perspective of the interpretation of the law methodology

The target of this thesis is firstly to describe the concept of the deconstruction of the law – the phenomenon of the last and probably also future decades. Secondly, the thesis describes the influence of the deconstruction of the law on the interpretation of the law. The thesis is divided into the three main parts and the conclusion.

The concept of the deconstruction of the law and its causes are described in the first part. The deconstruction of the law is a process changing quality of legal order. As a consequence of that interpretational difficulties come in specific situations (or more precisely – it is not sufficient to infer a legal rule from regulatory legislation just by standard interpretative methods). This process has its several causes. Decomposition of religion and ethics (as the two significant social regulatory systems) and perception of the law as a technical instrument guiding the society, they both caused the extension of the law. If the law is now understood as the technical instrument guiding the society, then an acceleration of social development results in the acceleration of changes in legal rules. The extension and dynamics of the law they both negatively influence consistency, stability and methodology of the law and also the legal language.

Second part of my thesis is dedicated to the description of individual interpretative methods and also to how the expression of decomposition of the law has its influence on these individual interpretative methods. There are mentioned problems such as inconsistent usage of terms, excessive use of legal definitions, creation of new legal branches standing on the border of traditional division or the changing the value of the legal order.

In the third part of this thesis I am pointing out partial kind of ways how the Czech courts are dealing with consequences of the deconstruction of the law during the application of the law. That means problems with the nonexistence of temporary clauses, difficulties with the application of the principle *lex specialis derogat legi generali*. Last mentioned problem is the impossibility to interpret in constitutionally conform way already abrogated law, which was not in its time of effectiveness subjected to the constitutional review. In this part of thesis there is also demonstrated the significance of so called above-standard interpretative methods, especially teleological interpretation and proportionality method. As these two methods are perceived as possible solutions either in the case of impossibility to deduce the legal rule from

the regulatory legislation or in the case that the consequences of so already deduced legal rule would be unacceptable for some reason.

The conclusion captures my attempt on a general solution regarding the problem of deconstruction of the law in the phase of the interpretation of the regulatory legislation. The application of so called above-standard interpretative methods I consider as that solution of the problem. Leading to the refinement of the interpretation results while meeting the conditions also for the completion of the law.