

Law

is commonly understood as a system of rules that are created and enforced through social or governmental institutions to regulate conduct. It has been described as a science and the art of justice. State-enforced laws can be made by a collective legislature or by a single legislator, resulting in statutes, by the executive through decrees and regulations, or established by judges through precedent in common law jurisdictions. Private individuals can create legally binding contracts, including arbitration agreements that may elect to accept alternative arbitration to the normal court process. The formation of laws themselves may be influenced by a constitution, written or tacit, and the rights encoded therein. The law shapes politics, economics, history and society in various ways and serves as a mediator of relations between people.

Legal systems vary between countries, with their differences analysed in comparative law. In civil law jurisdictions (continental legal cultures), a legislature or other central body codifies the law. In common law systems, judges make binding case law through precedent, although on occasion case law may be overturned by a higher court or the legislature. Historically, religious law influenced secular matters, and is still used in some religious communities. Sharia law based on Islamic principles is used as the primary legal system in several countries, including Iran and Saudi Arabia

Law's scope can be divided into two domains. Public law concerns government and society, including constitutional law, administrative law, and criminal law. Private law deals with legal disputes between individuals and/or organisations in areas such as contracts, property, torts/delicts and commercial law. This distinction is stronger in civil law countries; by contrast, the public-private law divide is less pronounced in common law jurisdictions.

Legal institutions

The main institutions of law are independent courts, parliaments, an accountable executive, the military and police, bureaucratic organisation, the legal profession and civil society itself.

Judiciary

A judiciary is a number of judges mediating disputes to determine outcome. Most countries have systems of appeal courts, with the Supreme Court as the ultimate judicial authority. For most European countries the European Court of Justice in Luxembourg can overrule national law, when EU law is relevant. The European Court of Human Rights in Strasbourg allows citizens of the Council of Europe member states to bring cases relating to human rights issues before it.

A judiciary is bound by the constitution, just as all other government bodies are. In most countries judges may only interpret the constitution and all other laws. But in common law

countries, where matters are not constitutional, the judiciary may also create law under the doctrine of precedent.

In communist states, such as China, the courts are often regarded as parts of the executive, or subservient to the legislature; governmental institutions and actors exert thus various forms of influence on the judiciary. In Muslim countries, courts often examine whether state laws adhere to the Sharia.

Legislature

Prominent examples of legislatures are the Houses of Parliament in London, the Congress in Washington D.C., the Bundestag in Berlin or the Duma in Moscow. By the principle of representative government people vote for politicians to carry out their wishes. Although some countries are unicameral, most countries are bicameral, meaning they have two separately appointed legislative houses.

In the 'lower house' politicians are elected to represent smaller constituencies. The 'upper house' is usually elected to represent states in a federal system (as in Australia, Germany or the United States) or is based on different voting configuration in a unitary system (as in France). One criticism of bicameral systems with two elected chambers is that the upper and lower houses may simply mirror one another. The traditional justification of bicameralism is that an upper chamber acts as a house of review.

To pass legislation, a majority of the members of a legislature must vote for a bill (proposed law) in each house. Normally there will be several readings and amendments proposed by the different political factions. A special majority for changes to the constitution may be required, making changes to the law more difficult. A government usually leads the process, which can be formed from Members of Parliament (e.g. the Czech Republic). However, in a presidential system, the government is usually formed by an executive and his or her appointed cabinet officials (e.g. the United States).

Czech law

is often referred to as the **legal order of the Czech Republic**. The system of law and justice in the Czech Republic has been in constant development since the 1989 regime change. In 1993, the Constitution of the Czech Republic has been enacted, which postulates the rule of law, outlines the structure and principles of democratic government, and declares human rights and rights of the citizen. Since 2004, the membership in the EU means the priority of European Union law over Czech law in some areas. Major areas of Czech law are codified in a systematic manner. A several years ago, a new the Civil Code entered into force in 2014.

Civil law

The Civil Code codifies core areas of private law. It has five parts. The first part is dedicated to a legal status of a person as an individual. The second regulates family law – e.g. the institute of marriage and the rights and obligations of husband and wife, parents and children. Although the Code does include registered partnership, it explicitly prohibits adoption to a person in a registered partnership. The rest is concerned mainly with property rights and contract law.

The civil code regulation effective since 1 January 2014 constitutes a recodification of private law in the Czech Republic. It brings new and modern regulation of relations governed by civil law, with emphasis on personality rights, free will / more choice when writing a will or unified regulation of obligation laws.