

## Introduction

Over the past fifteen years, the Czech legal system has undergone substantial changes. The new social situation after 1989 called for an immediate recodification of the entire system. Moreover, a significant role in this process was played, on the one hand, by the need to harmonize Czech law with the legislation of the European Union and its institutions, and, on the other, by some other European and worldwide trends towards legal unification. Numerous acts were drafted very quickly and often became grounded in past traditions or based upon only a cursory comparison with the legal systems of other countries. So far, it has been only the Constitution and the Commercial Code that have seen an entire makeover; the new Labour Code is ready to come into effect, while the legislation of other branches of law has been merely updated by means of amendments of existing legal regulations. However, such amended acts are no longer sufficient, particularly when one takes into consideration the fast development in the fields of technology and information systems, the changing paradigms in economy, and the new social tasks and global dimensions that modern law needs to increasingly address.

There is thus a growing need to react to the new trends. The general theoretical and methodological points of departure for the modern legal practice have to be addressed, with a focus on legal values treated as individual topics and the uniform conception of all such changes.

Jurisprudence has not, however, dealt with any of these issues on the level of needs. Even such a topical issue as the effect of the entrance of the Czech Republic into the European Union on the Czech legal system and its individual segments has received only a very insufficient treatment in Czech jurisprudence – from both the complex point of view of the entire system and the point of view of the particular disciplines of law. While major legislative changes and the related research mostly focused on the process of the harmonization of Czech law with the law of the European Community, the accession of the Czech Republic to the EU marked the end of this stage, thus opening the space for assessing the resulting state and preparing a higher, more systematic and complex level of functional integration of Czech law with European Community law.

So far, the research in the field of law has been mostly oriented to current and practical issues concerned with the harmonization of the Czech legal system with European Community law as a precondition for the entry of the Czech Republic into the European Union. The pressure exerted by the immediate

practical tasks connected with the harmonization has, however, resulted in a lesser attention being paid to a number of issues, such as the complex processing of conditions necessary for the further development of Czech law on the level of basic research and in the long run, as well as its theoretical foundations, the delimitation of general principles and fundamental institutes of law and its systemic parts, their content, and a compatible processing of their linguistic expression on the level of legal communication in the European context.

These issues became particularly acute upon the entry of the Czech Republic into the European Union in May 2004.

In order to seek answers to these problems, the Faculty of Law of Masaryk University in Brno has prepared and, since 2005, has been implementing a five-year research project entitled „The European Context of the Development of Czech Law after 2004“, which has been one of the few basic research projects carried out in the field of law after 1989 and based on an extensive team work with partners cooperating both within the Czech Republic and internationally.

The research project – both as a whole and in its particular subtopics – relates to previous research supported by numerous significant grants and carried out at the Faculty of Law of Masaryk University in Brno in the previous years. It thus significantly falls within the scope of the research orientation of the institution.

The aims of the current stage of the research project include, above all, the following:

- to carry out an analysis (both on the general level and within the individual branches of law) of the present situation in Czech law which has arisen as a consequence of the accession of the Czech Republic to the European Union;
- to draft a theoretical and methodological conception of dealing with the effects of the accession of the Czech Republic to the European Union on the Czech law as a whole;
- to prepare a systematic framework for dealing with the effects of the accession of the Czech Republic to the European Union with respect of the particular subtopics.

It is obvious that such tasks may not be approached individually without respecting the current general trends of development of law in the globalizing world. One should disregard neither the development of modern technologies (primarily communication technologies) nor the conditions for seeking the

ways in which law may adequately react to the development of the society in the third millennium. That is why these general preoccupations became a part of the scholarly interest of researchers participating in the project.

This special issue of *Časopis pro právní vědu a praxi*, edited at the Faculty of Law of Masaryk University in Brno, aims to present a substantial part of the research results obtained from 2005 to 2006 and is intended for the wider public of legal practitioners. Other results are gradually being published annually in the form of proceedings of the research project by the Faculty of Law of Masaryk University in Brno, as well as in other proceedings, monographs and journal articles written by individual research groups and particular researchers.

The results which the team has obtained so far represent, above all, the fundamental points of departure and tendencies in Czech law as a whole and in its individual branches. The results pay attention to the needs of the further development of Czech law within ongoing European integration as well as the wider framework provided by both the needs of the actual completion of the modern legal system of the Czech Republic and the changing role of the Czech legal system in the globalizing world of new technologies and changing social relations.

Brno, 15 October 2006

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