

REVIEWS AND ANNOTATIONS

Jermanová, H., Cvrček, F. (eds.). Quo Vadis střední Evropa? Metamorfózy práva III. Praha: Ústav státu a práva AV ČR, 2012, 454 s. [Quo Vadis Central Europe? Metamorphosis of Law III. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2012, 454 pp.]

The book under review is based upon outcomes and conclusions drawn during the International Conference (Znojmo 27. 6.–29. 6. 2012). Organizers of this international scientific conference were the Institute of State and Law of the Academy of Sciences of the Czech Republic and the Faculty of Law of the University of West Bohemia in cooperation with the scientific institutes for legal studies and Universities from Visegrad Four Countries i. e. Czech Republic, Hungary, Poland and Slovak Republic.

The reviewed book has been written by a team of 44 authors. These authors have various professional backgrounds. Not only are they researchers and professors of scientific institutes for legal studies and universities, but also practicing lawyers and experts in various branches of law. The book, though it was written by several authors, is very consistent both substantively and stylistically which should be credited primarily to the editors and the organizer of the conference JUDr. Lenka Vostrá, Ph.D. Given such a numerous group of authors on the one hand and space limitations provided for this review on the other, this text contains general remarks without broad reference to single part of the book written by particular author. The book consists of nine parts and 43 contributions (chapters).

In the center of our interest (conformably to the scientific qualification of the reviewer) will be: a) Common problems of legal theory (part I.), b) Constitutional Law and Constitutional Judicial Review (part II.), c) Human Rights and European Union (part III.) and d) Elections and Electoral Law (part IV.). The other parts are devoted to Recodification (part V.), Judiciary and State Administration (part VI.), Labor Law (part VII.), Racism and Xenophobia (part VIII.) and Legal Education (part IX.).

I. The first contribution of the part I. by JUDr. Eduard Bárány, DrSc. (Institute of State and Law, Slovak Academy of Sciences, Bratislava) Change of Law in State according to the Rule of Law (Rechtsstaat) represented an elaborate scientific introduction to the topic of the book under review. According to the author “The growing number and frequency of changes of law are caused by the combination of the categorical requirement of legal base for the existence and by public activity with the democratic changes of government in regular four or five years period after general elections. A new government wanting to change policies of its predecessor have to start with the changes of multiple laws. Ideological support of changes of legal system is offered by almost mystical power of the word reform” (p. 16). The second contribution Protection and Modification of the Primary Legislation in the Countries V 4 and the Austria (JUDr. František Cvrček, CSc., Faculty of Law, University of West Bohemia, Pilsen, Institute of State and Law of the Academy of Sciences of the Czech Republic) touched the principal question of the book under review. Cvrček states: “We can observe the extreme increase in the protection of modification in the countries V 4 after 1990. Especially, the development in the Czech Republic and the Slovak Republic represent detergent example. The situation described on the level of simple graphs shows very dangerous trends in the countries V 4, which head for the decline of legal orders in these countries” (p. 27).

The next contribution Quo Vadis, Czech Legislation – Laws of the Czech Republic since 1993 and Factually Subject Characteristic from JUDr. František Novák, CSc. (Faculty of Law, University of West Bohemia Pilsen, Institute of State and Law of the Academy of Sciences of the Czech Republic), is devoted to very important problems of the legislative theory and practice.

Following contributions dealing with the problems of Hypernormativismus (JUDr. Petr Čechák, Ph.D., The University of Finance and Administration, Prague) and Legislative Process (JUDr. Ing. Rostislav Senjuk (politician, Prague).

II. The second part of the book contains studies from hungarian, slovak and czech authors namely Historical Elements in the Fundamental Law of Hungary (Dr. Gábor Schweitzer, Ph.D., Institute for

Legal Studies of the HAS, Budapest), Nomination of Judges and Constitutional Developments in the Composition of the Constitutional Court of Hungary (Dr. Habil. Ivan Halász, Ph.D., Institute for Legal Studies of the HAS, Budapest), Constitutional Court between the Second and Third Decades of its Existence (JUDr. PhDr. Stanislav Balík, JUDr. Vlasta Formánková, Constitutional Court of the Czech Republic, Brno), Influence of the Decisions of the Constitutional Court of the Slovak Republic on Lawmaking Process (JUDr. Ludmila Gajdošíková, CSc., Constitutional Court of the Slovak Republic, Institute of State and Law, Slovak Academy of Sciences, Bratislava).

III. The first contribution of the third part of the book under review from prof. JUDr. Pavel Šturma, DrSc. (Law School, Charles University of Prague, Institute of State and Law of the Czech Academy of Sciences), is dedicated to the European Protection of Human Rights: The European Protection of Human Rights – Quo Vadis? On (not only) the EU Charter of Fundamental Rights and the so-called Czech Opt – Out. In this very interesting and valuable contribution prof. Šturma states: “... The Czech diplomacy had have no objection during the negotiation of the Lisbon Treaty which incorporated the Charter into EU primary law, the requirement to extend Protocol concerning Poland and the UK also to the Czech Republic came at the moment of the ratification in 2009. Irrespective of the final outcome, the legal analyses seems to prove that the Protocol does not mean a real exception (opt-out) from the Charter but just an interpretative Protocol.” (p. 142). The other contributions of the part III are devoted to the Global Economic Crisis and its impacts on the Visegrad four Countries (Ing. Aleš Vostrý, Faculty of Economy of the University of West Bohemia), Fiscal Compact and V 4 countries (Mgr. Adrián Tokár, LL.M., Ph.D., Institute of State and Law Slovak Academy of Sciences), The Position of the Member States of the European Union to the Legislative „Activity“ of the European Union (Mgr. Zuzana Štefánková, LL.M., Faculty of Law, Paneuropean University, Bratislava), Space and (Semi-shadows) of the Europeanization (JUDr. Peter Colotka, CSc., LL.M., Institute of State and Law, Slovak Academy of Sciences).

IV. Part IV. is a critical comparative study of Elections and Electoral Law in Poland, Slovakia, Hungary and Czech Republic. For researcher who wants to analyse and study Elections and Electoral Law in Visegrad countries the contributions to part IV as well as the bibliography is highly useful. Part IV has four contributions: Polish Electoral Code: Gender Quotas (Ewa Poplawska, Ph.D., Institute of Legal Studies of the Polish Academy of Sciences, Warszawa), Electoral Corruption and its Legal Regulation in Slovak Republic (JUDr. Marcela Tóthová, Faculty of Law Paneuropean University, Bratislava), Hungarian Electoral Law and its Reform – from Bad to Worse? (PhDr. Mgr. Jan Šmíd, The University of Finance and Administration, Prague), Development of Czech Municipal Policy 1990 – 2010 – Case Studies of Selected Towns of the Pilsen Region (doc. PhDr. Lukáš Valeš, Ph.D., Faculty of Law, University of West Bohemia, Pilsen). The titles of the contributions are quite attractive. The authors has undertaken considerable labour to present in a systematic style the various facts of Elections and Electoral Law. Part IV. contains descriptive analytical – observation studies of Elections and Electoral Law. We should like highly appreciate namely the contributon written by Ewa Poplawska.

The reviewed book is undoubtedly an interesting analyses of Law, Legislation and Application of Law within the framework of Visegrad countries. It is quite informative and fact – oriented. Almost every significant aspect of Law, Legislative policy, Legislation and Application of law has been portrayed. Both in respect of analysis and evaluation, the book breaks a new ground and is welcome addition to our existing knowledge of Law, Legal policy, Legislation and function of law in Czech Republic, Hungary, Poland and Slovak Republic. For the researchers and teachers engaged in the study of legal culture in Visegrad countries, this concise publication is extremely useful and interesting. I believe that this book will attract the attention of the wider legal public.

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