

Legal Environment of Business

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Lectures, course materials available at: www.polcak.com

Course outline:

Introduction – the concept of law

International law – sources, principles

EC law – sources, institutions, procedures

Business Contracts – contracting, clauses, sales contracts

- **midterm assignment out (written, electronic submission)**

Legal Environment of Business - introduction

Course outline:

Dispute resolution

Business units – types, set-up

Selected issues – data protection, intellectual property

Final exam – written part

Final exam - colloquium

Bibliography:

August, R. International Business Law (lib.)

On-line resources:

Business Law Today - www.abanet.org/buslaw/blt/index.html

Centre of Business Research, Oxford - <http://www.cbr.cam.ac.uk/publications/>

How does the law work

- 1) Legal rule**
- 2) Normative expression (source of law)**
- 3) Interpretation (understanding)**
- 4) Imperative (motivating factor)**
- 5) Behaviour**
- 6) Argument**

Sources of law

- **Statute (legal normative act)**
- **Normative treaty (international, national)**
- **Precedent**
- **Custom**
- **Legal principles**
- **Principles of fairness (Equity)**
- **Teachings of reputable lawyers**
- **Non-legal sources**

Basic questions - abstract

Rule of law – rule of men

Statutory non-law, supra-statutory law

Protective against irrationality

Equality – criteria of distinction

Proportionality of basic principles

Methods of interpretation

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Legal culture

History

Sources of law

Institutions

Politics

Economy, technology

Religion

Continental law

- Positivist (objective)
- Main sources – statutes, normative treaties
- Supplementary source – case-law, principles
- Formal, rigid, rigorous (code as an excuse)
- Objective, predictable
- International public law (incl. EU)
- Territoriality (but collision laws, agreements)
- Law – academic discipline, art

Common law

- Pragmatic (realist)
- Main sources – precedents
- Supplementary sources – all
- Flexible, subjective, less predictable
- Transparency, politics (USA)
- Strong territoriality
- Law – craft

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Islamic law • Natural (fair)

- Islamic law (shari'a) x muslim law (fikh)
- Main source – Qu'ran (rarely used)
- Supplementary sources – Sunnah (Hadith), Ijma', Qijas
- Main measure – fatwa (mufti)
- Flexible, rational
- Personality of law
- Very particularized, internal tensions
- Law – articulation of God's will