

**State Exam in Law**  
**Bachelor study programme Management and Law, academic year 2023/2024**

The exam is not conducted using uncommented legal regulations.

**1. Legal norm**

- Concept and types of legal norms, social norms, structure of legal norms, scope of legal norms.
- Legal norm in private law (dispositive and mandatory norms).
- Specifics of criminal law norms and their structure.

**2. Time in law (theoretical aspects)**

- Retroactivity and intertemporality.
- Prescription, preclusion, deadlines and periods in private law.
- The effect of the passage of time on delictual liability in criminal law – substantive and procedural aspects.

**3. Creation of law (theoretical aspects)**

- Legislative process, including by-laws and internal regulations.
- Creation and importance of EU law and international law.
- Judicial creation of law and unification of jurisprudence, the court as positive and negative legislator. (Comparative Civil Procedure)

**4. Material and gnoseological sources of law**

- Definition of material and gnoseological sources of law and their influence on formal sources of law.
- Basic principles of the Constitution of the Slovak Republic, the material core of the constitution.

**5. Formal sources of law**

- Definition of formal sources of law and the system of formal sources of law in the legal order of the Slovak Republic.
- Sources of EU law and international law.
- The nature of the decisions of the bodies of commercial companies, internal standards.

**6. Structure of branches of law**

- Branches of private law and their characteristics, private law in comparative perspective.
- Branches of public law and their characteristics, public law in comparative perspective.
- Mixed branches of law and their characteristics.

**7. Freedom in law**

- Catalog of fundamental rights and freedoms (generations and sources), absolute and relative rights.
- Restrictions on individual freedom by public authorities in constitutional and criminal law.
- Contractual freedom in individual areas of private law.

## **8. Sanctions in law (theoretical concept)**

- Concept and purpose of sanctions in law and in society, constitutional sanctions.
- Types of sanctions in private law.
- Punishment and sanctions in criminal law from comparative point of view.

## **9. Scope, authority (competence) and jurisdiction of law enforcement authorities**

- Definition of the terms scope, authority and jurisdiction and their types. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)
- Scope, authority and jurisdiction of public authorities, competence conflict. Jurisdiction in civil proceedings. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)
- Competence of EU institutions.

## **10. Substantive law and procedural law**

- Substantive law and procedural law in public law and the relationship between them. (Introduction to Civil and Criminal Process)
- Substantive law and procedural law in private law and the relationship between them.
- The right to a fair trial.

## **11. Validity and effectiveness in law**

- Validity and effectiveness of normative legal acts.
- Validity, finality and enforceability of individual legal acts (civil process, criminal process). (Introduction to Civil and Criminal Process)
- Proceedings on the compliance of legal acts before the Constitutional Court of the Slovak Republic and the impact of the results of these proceedings on the validity and effectiveness of normative legal acts.

## **12. Concept and types of legal facts**

- Definition and types of legal facts.
- Concept of deed and unity of deed in criminal law (permanent, continuing and collective delict), repetition of delict.

## **13. Legal act**

- Definition and conceptual features of a legal act. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)
- Proposal and motion to initiate proceedings and ex officio proceedings. (Introduction to Civil and Criminal Process)

## **14. Legal relationship and its prerequisites**

- Prerequisites for the formation of a legal relationship and its elements.
- Public relations with a focus mainly on criminal law relations.

## **15. Implementation and application of law**

- Implementation of law. Stages of law application and individual legal acts.
- Implementation of law in commercial relations by the bodies of commercial companies and cooperatives.

## **16. Entities in law and Entities of proceedings**

- Legal personality – natural persons and legal entities, capacity for legal acts and acting on behalf of entities, entities and bodies of public authority.
- Concept of entities of proceedings, participants in proceedings and parties in proceedings. (Introduction to Civil and Criminal Process)
- Entities of civil dispute proceedings and civil non-dispute proceedings, parties to the dispute, participants in non-dispute proceedings, parties in criminal proceedings. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)

## **17. Remedial proceedings**

- Ordinary and extraordinary remedies (concept and purpose).
- Remedies according to the Code of Civil Procedure. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)
- Remedies according to the Criminal Procedure Code.

## **18. World legal systems and differences between them**

- Civil law and Common law legal systems.
- Hybrid legal systems and legal systems of the Far East.
- Globalization, convergence and unification of law – attempts to unify law at regional and international level.

## **19. Interpretation of law**

- Defining the interpretation of law, types of interpretation of legal norms.
- Interpretation of mandatory and dispositive provisions in private law codes and public law codes, interpretation of EU law.
- Legal definitions and vague legal terms. (Introduction to Civil and Criminal Process)

## **20. Argumentation and analogy in law**

- Concept of argumentation in law and types of argumentation methods in law. The concept of analogy in law and its types. Prohibition of denegatio iustitiae.
- Analogy in public law. (Introduction to Civil and Criminal Process)
- Analogy in private law. Innominate contracts.

## **21. Law and morality**

- Definition of the relationship between law and morality. The concept of the right to good administration.
- Right of resistance, civil disobedience and conscientious objection.

## **22. Justice in law**

- The concept of justice. The importance of principles in the interpretation and application of law.
- Principles of substantive criminal law and principles of criminal procedure. The right to a fair trial, the right to defense in criminal proceedings.
- Eliminating the unreasonable harshness of the law. Moderator powers of courts in private law.

### **23. Liability in law and related terms**

- Definition of liability and types of legal liability, differences between public liability and private liability.
- Prerequisites for the inception of liability relationships and features of the factual nature of the public law offense.
- Objective and subjective responsibility in private law.

### **24. Public liability and private liability**

- Definition of liability and types of legal liability in individual legal areas.
- The difference between the term administrative delict and criminal offense. Types of crimes and administrative offenses.
- Liability for damage and liability for unjust enrichment.

### **25. Private obligations in international and comparative perspective**

- Definition of the term obligation, reasons for the emergence of obligations in private law, an overview of the regulation of contract law in selected legal systems.
- Contractual obligations in international trade; Rome I Regulation.
- Vienna Convention on Contracts for the International Sale of Goods, INCOTERMS clauses.

### **26. Protection of subjective rights**

- Bodies for the protection of subjective rights in general (in the Constitution of the Slovak Republic and in comparative perspective).
- The action and the proceedings before the court of first instance in civil proceedings, Court decision and its characteristics. (Introduction to Civil and Criminal Process + Comparative Civil Procedure)
- Out-of-court settlement of disputes. (Alternative Dispute Resolution)

### **27. Democracy**

- The concept of democracy and its types. Direct and indirect democracy.
- Legislative power in comparative perspective; Role of political parties, political extremism.

### **28. Law as a tool to protect the weak**

- Prohibition of discrimination and positive discrimination, EU anti-discrimination law.
- Weaker side in civil and labor law.
- Collective labour law and social dialogue.

### **29. Company Law**

- Company Law and sources of company law; Mandatory and default rules in company law.
- Conducting business activity; Business name; Trade secret.
- Legal personality of companies; Creation of company and purpose of its creation; Defining characteristics of a company.
- Partnership, limited liability partnership, limited partnership; Limited liability company – description and company bodies; Company limited by shares – description and company bodies.

### **30. Evidence procedure**

- Evidence tools in criminal/administrative proceedings.
- Evidence tools in civil proceedings.
- Stages of evidence procedure.
- The burden of evidence in civil and criminal proceedings.

### **31. Administrative Law**

- Sources of the EU Administrative Law.
- Right to Good Administration in the EU.
- The mandate of the EU Ombudsman.
- Decentralized and executive agencies in the system of the EU institutions.
- EU Administrative Justice.

## Selection of recommended literature:

- BRAND, Jeffrey. Philosophy of Law: Introducing Jurisprudence. London: Bloomsbury, 2013, 312 s. ISBN 9781441141897.
- ELLIS, E., WATSON, P.: EU Anti-Discrimination Law (5th edition). Oxford: Oxford University Press, 2012.
- FLEINER, Thomas, BASTA FLEINER L. R. Constitutional democracy in a multicultural and globalised world. Berlin: Springer, 2009, 670 s., ISBN 978-3-540-76411-3.
- HUSA, J. Introduction to Comparative Law. Oxford: Hart Publishing, 2023.
- CHASE, O.G., HERSCHKOFF, H., SILBERMAN, L., TANIGUCHI, Y. AND VARANO V. Civil Litigation in Comparative Context. 2nd edition. St Paul: Thomson West, 2017.
- JALČ, A. a kol.: Fundamentals of Procedural Criminal Law. Praha : Aleš Čenek, 2011.
- JANSEN, N., ZIMMERMANN, R. (eds.): Commentaries on European Contract Laws. Oxford: University Press, 2018.
- KROŠLÁK, Daniel. Introduction to the Slovak constitutional system. Praha: Leges, 2013. 192 s. ISBN 978-80-87576-97-7 6.
- KROŠLÁK, Daniel. Theory of State and Law. Trnava: Trnavská univerzita v Trnave, Právnická fakulta, 2013. 104 s. ISBN 978-80-8082-705-2.
- MARMOR, Andrei. The Routledge Companion to Philosophy of Law. New York and London: Routledge, 2012. 629 s. ISBN 978-0-203-12435-2.
- OSINA, Petr. Legal Theory. Praha: Leges, 2017. 128 s., ISBN 9788075022233.
- PATAKYOVÁ et al. Company Law and Law on Cooperatives – General introduction to the topic and definition of basic terms, Bratislava: Univerzita Komenského v Bratislave, Právnická fakulta, 2019 – available at:  
[https://www.flaw.uniba.sk/fileadmin/praf/Pracoviska/Katedry/KOPHP/rozne/KEGA\\_Ucebница\\_AJ\\_web.pdf](https://www.flaw.uniba.sk/fileadmin/praf/Pracoviska/Katedry/KOPHP/rozne/KEGA_Ucebница_AJ_web.pdf)
- SHAW, N. Malcolm. International law. New York: Cambridge University Press, 2017. 1033 s., ISBN 978-1-316-63853-8.
- ŠKRINÁR, NEVOLNÁ, KVOKAČKA: Fundamentals of Slovak Commercial Law (Slovak Company law), Aleš Čeněk, 2009.
- VARGA, Csaba. Theory of Law. Budapest: Szent István Társulat, 2012. 371 s. ISBN 978-963-277-392-6.
- ZAJADŁO, Jerzy, MALCOLM, David. Philosophy of Law (Law: The Basic Concepts). Gdańsk: Gdańsk University Press, 2016, 337 s. ISBN 978-83-7865-420-9.
- Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain laws (anti-discrimination law).
- Act No. 311/2001 Coll. Labour Code.
- Act No. 2/1991 Coll. on social dialogue.