

Name of university, Name of faculty: Trnava University
Faculty of Law

INFORMATION SHEET OF THE SUBJECT

Code: YNDPm510

Name: Legal Methodology

Cover: Department of Historical Law and Legal Methodology

Type of educational activity: Lecture, Practise

Scope of educational activity (in hours):

Weekly: 1/0

For term of study: LS 30/,12

Method of educational activity: Combined

Number of credits: 2

Recommended semester: ST

Study grade: Master

Recommended semester

Study programme

1.year ST

Law (YDŠMgr-PR)
Law (YEŠMgr-PR-23)

Underlie subjects:

Conditions for passing the course:

Method of evaluation: Completion by taking an examination

Continuous evaluation:

Final evaluation: The condition for completing the course is participation in lectures, which are mandatory (possible non-participation in compulsory education is governed by the relevant provisions of the Study Regulations of the faculty).

Final evaluation: oral examination in the form of answering two questions from the list of questions published on the website of the Department of the History of Law;

evaluation: A: 50-46; B: 45-40; C: 39-35; D: 34-30; E: 29-27; FX: less than 27 points.

Finished: By exam.

Learning outcomes:

After completing the course Legal Methodology, the student can define the relevant differences between private and public law methodology, can identify the philosophical basis of normative thinking, can explain and classify - taking into account their changing importance - individual sources of law in legal post-positivism (especially with regard to case law, the position of case law, the position of established practice and the so - called judicial law).

The student is able to define, identify and analyse argumentation tools and interpretative guidelines in applied legal practice. On the basis of practical examples, they are able to apply them and draw relevant legal conclusions in an interdisciplinary context.

The student is able to use and apply individual interpretive techniques necessary for legal practice. At a higher abstract level, they can evaluate the problem of retroactivity, the relationship between the law and the legal act and the interpretation of legal acts. They can formulate ethical attitudes relevant to legal practice. The student is able to practically apply the requirements for the creation of legal professional texts and apply ethical principles in academic writing. The student is able to take and formulate a professional and ethical attitude to the problem and present it in writing or orally at the appropriate level. The student forms the analytical and synthetic thinking necessary for the practice of legal practice.

Schedule of subject:

1. Methodology of law, philosophy of law and theory of law - definition of the subject. Methodology of private and public law.
2. Methodology of law making and philosophical basis of normative thinking.
3. Post-positivism in the philosophy of science and in law. Sources of law in legal post-positivism. Case law, jurisprudence, established practice, common law and judicial law.
4. Legal writing - creation of a legal text.
5. Law application methodology: Legal interpretation - interpretative instructions in application practice.
6. Law application methodology: Legal argumentation - argumentation tools in application practice.
7. Law application methodology: Between interpretation and argumentation - gaps in law and analogy in application practice.
8. Law application methodology: Teleological reduction (dissociation), measuring and proportionality in application practice.
9. Legal writing - creation of legal texts.
10. Legal writing and ethics of interpretation and argumentation.
11. Methodology of law implementation: Relationship between law and legal act, retroactivity.
12. Methodology of law implementation: Interpretation of legal acts.

Recommended reading:

Basic recommended literature:

GÁBRIŠ, T.: Preskriptívna teória práva. Bratislava: VEDA, 2020.

Other recommended literature:

MELZER, F.: Metodologie nalézání práva. Úvod do právní argumentace. 2nd ed. Praha: C.H. Beck, 2011.

HLOUCH, L.: Teorie a realita právní interpretace. Plzeň: Aleš Čeněk, 2011.

MACHALOVÁ, T. et al.: Aktuální otázky metodologie právního myšlení. Praha: Leges, 2015.

WINTR, J.: Metody a zásady interpretace práva. 2nd ed. Praha: Auditorium, 2019.

Language requirements: Slovak

Notes:

Student's workload: 50 hours

Combined study (lectures, consultations): 12 hours

Preparation for lectures, individual study, seminars, interpretation of a provision of a legal text, study of materials in LS Moodle: 38 hours

Teaching takes into account the requirements of applied practice in the field of judiciary, prosecution, and legal professions, supervised by the Ministry of Justice of the Slovak Republic.

Course evaluation:

Assessed students in total: 588

A	B	C	D	E	FX
60%	13%	9%	3%	3%	11%

Lecturers:

prof. PhDr. JUDr. Tomáš Gábriš, PhD., LL.M., MA, lecturer, examiner

prof. JUDr. Bc. Miriam Laclavíková, PhD., lecturer, examiner

Date of last change: 01.09.2026

Approved by: prof. PhDr. JUDr. Tomáš Gábriš, PhD., LL.M., MA