

Conceptual clarification and practical application on commercial law concepts

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ABSTRACT

The concept of commercial law is inseparable from the thinking of commercial law, and the concept of commercial law is the core spirit of the operation of commercial law thinking. Its contents include profit-making thinking, businessmen's autonomy, prioritizing efficiency and guaranteeing safety. Compared with civil law norms, commercial law concept has a comparative advantage for the application of rules of commercial practice, in terms of company law, the establishment of the company and the goodwill of the company is not effectively protected in the traditional civil law. The teaching practice of business law concepts is currently structurally deficient and needs to be optimized in the design of future teaching reforms. At the practical level, the overall work of optimizing the business environment cannot be separated from the support of the rule of law, and the value guidance of the concept of business law is even more indispensable.

KEYWORDS

Commercial law concepts; Business law thinking; Business teaching; Business environment

1. DEFINITION OF COMMERCIAL LAW CONCEPTS

1.1. The Relationship Between Business Law Thinking And Business Law Concepts

Commercial legal thinking is inextricably linked to commercial concepts, which are the centralized expression of commercial thinking. The manifestation of commercial law thinking in its underlying content is a "resource pool and organism" composed of many aspects such as commercial customs, commercial concepts, commercial beliefs and convictions, commercial purposes, commercial values, and commercial ideas. What "substantive commercial law" reveals is the "objective law" and "reason" of the respective existence and operation of commercial law facts, norms, etc., and is the objective attributes contained in the reality of commercial law and its practice itself and presented piecemeal. It is the objective attributes and the organic connection between these attributes which are presented in fragments, and one of the tasks of the researcher of commercial law theory is to systematize and rationalize these attributes and connections through continuous understanding, summarizing, inducting and refining. The internal system of substantive commercial law is the scientific understanding of the essence of commercial law and its internal objective law, which exists after the system of positive law such as rules and principles of commercial law, and is the soul and spirit of commercial law and sectoral law, and also the fundamental driving force of commercial law research [1].

At the formal level, commercial thinking refers to the concepts of commercial law, its rules and institutions, its principles, and the framework of an internally harmonized body of knowledge that follows the logic of commercial law itself. The concepts of commercial law are the "cornerstones" for understanding the rules and systems of commercial law. The norms of commercial law are the

Concepts In Law Concepts In Law

Corsin Bisaz



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Legal Method and the Rule of Law Sebastián Urbina, 2002-08-31 We cannot see the world as it is because we face it in a contaminated vein That is our conceptual scheme and biological constitution condition our world view The legal normative world we are dealing with has some special features like the primacy of practical reason over theoretical reason and the primacy of the internal point of view over the external point of view Although it is not a feature of all legal traditions legal dogmatics is a privileged way of knowing legal normative object that is our legal orders But we are not undertaking as legal scholars an empiricist enterprise because among other reasons we are not interested in the reality in itself but in the relevant reality at least for us In this respect we do not only depend on theories like physicists but also on legal authoritative sources that is power and legitimacy Legal scholars and other participants in the legal life are not neutral observers of their own world trying to discover some hidden truth They are committed experts trying to describe justify and improve the legal order

The Concept of Law HLA Hart, 2012-10-25 Fifty years on from its original publication HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century and remains the starting point for most students coming to the subject for the first time In this third edition Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work

The Concept of Group Rights in International Law Corsin Bisaz, 2012-08-28 *The Concept of Group Rights in International Law* offers a critical appraisal of the concept of group rights in international law on the basis of an extensive survey of existing group rights in contemporary international law Among some of its findings is the observation that an ideological way of arguing about this legal category is widespread among scholars as well as practitioners it sees this ideological framing as one of the main reasons why international law has so far been very reluctant to provide group rights and to call them by their name Accordingly the book re-evaluates the concept based on the experience with existing group rights in international law and pleads for a more pragmatic approach Despite limitations with the concept the overall thesis is that there is a role for group rights as a pragmatic tool allowing for a principled approach to substate groups through international law Such an approach could turn group rights into an arguably minor but nevertheless highly relevant legal category of international law

Legal Concepts Law and Human Behavior Senses Majid Khodabandeh, 2009-11

Law's Ideal Dimension Robert Alexy, 2021-07-16 *Law's Ideal Dimension* provides a comprehensive account in English of renowned legal theorist Robert Alexy's understanding of jurisprudence as expanded upon from his publications *A Theory of Legal Argumentation* OUP 1989 *A Theory of Constitutional Rights* OUP 1985 and *The Argument from Injustice* OUP 1992 The collection is divided into three parts Part One concerns the nature of law it explores its real and ideal dimensions and how the ideal dimension of law is sometimes employed but does not play a systematically important role Part Two discusses constitutional rights human rights and

proportionality It defends the construction of constitutional rights as principles against objections raised by the rule construction and elaborates on the nature of constitutional rights as well as the mathematical balancing of those rights Part Three concerns the relation between argumentation correctness and law The author concludes this volume with a biographical reflection The Fundamental Concepts of Public Law Westel Woodbury Willoughby, 1924 *Concepts in Law* Jaap C. Hage, Dietmar von der Pfordten, 2009-08-24 During the last decades legal theory has focused almost completely on norms rules and arguments as the constitutive elements of law Concepts were mostly neglected The contributions to this volume try to remedy this neglect by elucidating the role concepts play in law from different perspectives A main aim of this volume is to initiate a debate about concepts in law ke Fr ndberg gives an overview of the many different uses of concepts in law and shows amongst others that concepts in the law should not be confused with the role of concepts in descriptions of the law Dietmar von der Pfordten criticizes the restriction to norms as parts of the law in contemporary legal theory by questioning what concepts are and what their function is both in general and in legal conceptual schemes Giovanni Sartor assumes the inferential analysis of meaning proposed by Alf Ross in his ground breaking paper T t and addresses the question how possession of a concept including the rules defining it is possible without endorsing these rules Jaap Hage argues that 1 legal status words such as owner have a meaning because they denote things or relations in institutional reality 2 the meaning of these words consists in this denotation relation 3 knowledge of this meaning presupposes knowledge of the rules governing these words Torben Spaak contributes to this volume with an exemplary analysis of one of the most central concepts of the law namely that of a legal power Lorenz K hler discusses the role of concepts in determining the scope of application of legal rules and raises from this perspective the question to what extent legal concept formation can be arbitrary Ralf Poscher argues that as soon as a concept is used in stating the law the precise scope of application of this concept has become a legal matter This means that the use of moral concepts in the law does not automatically lead to a moral import into the law Dennis Patterson holds that Hart s concept of law can be understood as a so called practice theory and provides an overview of such a theory *Dictionary of Theories, Laws, and Concepts in Psychology* Jon Roekelein, 1998-10-28 Fully cross referenced and source referenced this dictionary contains over 1200 entries consisting of terms concerning laws theories hypotheses doctrines principles and effects in early and contemporary psychological literature Each entry consists of the definition description of the term with commentary followed by a number of cross referenced related terms and by chronologically ordered source references to indicate the evolution of the term An appendix provides supplementary material on many laws and theories not included in the dictionary itself and will be helpful to students and scholars concerned with specialty areas in psychology *Basics of Legal Awareness* Mr. Rohit Manglik, 2023-06-23 In this book we will study about fundamental legal rights duties and laws that every citizen should be aware of The Cambridge Companion to the Rule of Law Jens Meierhenrich, Martin Loughlin, 2021-08-12 The Cambridge

Companion to the Rule of Law introduces students scholars and practitioners to the theory and history of the rule of law one of the most frequently invoked and least understood ideas of legal and political thought and policy practice It offers a comprehensive re assessment by leading scholars of one of the world s most cherished traditions This high profile collection provides the first global and interdisciplinary account of the histories moralities pathologies and trajectories of the rule of law Unique in conception and critical in its approach it evaluates breaks down and subverts conventional wisdom about the rule of law for the twenty first century

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