

Dear reader,

These days, changes in the law are the rule rather than an exception. This is particularly true when it comes to countries in transition, of which Estonia is one. Social reality in Estonia has been characterised by major and extensive changes for a little more than a decade. In fact, the entire social system has changed. Law has naturally taken on an entirely new quality as part of this process. The change in the political, economic, and social environment in Estonia brought about changes in law as the authority of the state and a regulatory mechanism protected under state authority. The national legal reality has reached such a degree of maturity that as of 1 May 2004, Estonia belongs to the family of European Union member states. This means, among other things, that the Estonian state has grown up.

Thus, it is probably the right time to ask how legislative drafting has developed in Estonia. What have we taken as our role models here? It is most essential to address the question addressed in this issue of the journal: does Estonia already have something that could serve as an example for the EU legal order or the national legal orders of European countries? The European Union is a judicial area that has gone beyond interstate relations and is now seeking an institutional form consistent with its legal and political reality. Several possible solutions can be found in the Treaty establishing a Constitution for Europe. At the same time, the Treaty establishing a Constitution for Europe must still be furnished with actual content. In Estonia, we say that our capital, Tallinn, will never be complete. The legal order of a country or a union of countries can never be complete either. Therefore, all the steps taken to introduce the achievements of European national legal orders are important not merely from the point of view of dissemination of information; they can also serve as a bridge to implementing both precedented and rationally developed forms elsewhere.

Different authors tackle different areas that are of interest to them. However, besides examining past developments in the shaping of the legal order, all approaches here focus on the potential *de lege ferenda* meanings of *de lege lata* solutions. To be more specific, is there anything in the Estonian national legal order that could serve as a broader legal regulatory information and communication medium than it already is in the Estonian context today?

Thus, Prof. Raul Narits analyses the conformity of Estonian legislative drafting with good law-making practice in his article, *Dr. iur.* Julia Laffranque suggests that the institution of presenting a judge's dissenting opinion be introduced in the European Court of Justice similarly to its application in the Estonian legal order, Docent Irene Kull investigates the issue of transposition of law or mutual influence as exemplified by the law of obligations applicable in the European Union and that of Estonia, the article by Prof. Kalle Merusk examines one of the underpinnings of good regulatory practice — increasing of political decisiveness — in the implementation of administrative law reform in Estonia, Research Fellow Rodolphe Laffranque discusses the options for the Estonian parliament as regards parliamentary supervision of the government's EU policy, internationally distinguished author Prof. Peter Schlechtriem writes about the Europeanisation of private law, Prof. Paul Varul deals with the topic of restriction of active legal capacity in the development of civil law, and *Mag. iur.* Meris Sillaots focuses on the important aspects of settlement proceedings — admission and confession of guilt.

As usual, the journal includes articles in several languages. The articles have been written in English, German, and French. This is no coincidence. One of the major public figures of the Estonian Enlightenment era, C. R. Jakobson, has said that language and reason go hand in hand, because language is reason that has become public. Thus, it is natural for the journal to contain rational observations concerning various aspects of law, written in three languages.

From the point of view of contemporary jurisprudence, besides serving as objective and subjective law, law also has a clear role as a regulatory information and communication system. This means that in the end, societies organised as states have no more formal law than there is law 'formulated' by the behaviour of the subjects of law. The contributors to this issue hope that in addition to participation in communication through reading the articles in the journal, the reader will develop an interest in active participation in such communication.



Raul Narits