

Table of contents

Acknowledgements	9
Introduction	11
 Chapter I	
Financial market law as an example of a complex social phenomenon – on the need for an instrumentalist approach to law	19
1. Introduction	19
2. Law as an instrument regulating social relationships – on the need to reach to the sources	21
2.1. On the instrumentalist approach to the understanding of law	26
2.2. Thinking of law as a psychological phenomenon	39
2.3. Economy and law – symbiosis or competition?	44
2.3.1. The economic analysis of law – a concept	45
2.3.2. Economic analysis of law and an instrumentalist approach to law	49
3. Financial market law as an answer to the process of the economisation of law	60
3.1. Financial market law – concept	60
3.2. Financial market law (<i>sensu stricto</i>) as part of financial law	66
4. Summary	79
 Chapter II	
Regulation of the financial market at a time of globalisation	81
1. Introduction	81
2. Financial market – concept and importance	84
3. The financial market as an element of the social system	91
3.1. Trust as the fundamental value of the financial market	95
3.2. The stability and security of the financial market as protected goods ..	100
3.2.1. Risk	102
3.2.2. Stability	104
3.3. Information as a guarantee of the values and goods of the financial market	109
4. On the need of financial market regulation	119
4.1. Regulation – its essence	120

4.1.1. A broad approach to regulation	122
4.1.2. A narrow approach to regulation	125
4.2. Regulation of the financial market – rationale	129
5. The financial market of the European Union as an example of contemporary trends in financial market regulation – a synthesis	133
5.1. The Basel consensus on as an element of the new regulatory and supervisory paradigm of The European Union	135
5.2. The financial market of the European Union – a historical and structural perspective	138
6. Summary	152
Chapter III	
The behavioural concept of law as a new paradigm of financial market law?	155
1. Introduction	155
2. Behavioural finance – the beginning of the road towards a behavioural concept of law	158
3. The consumer in the financial market – rational or conscious (prudent)? ..	173
3.1. The model of rational consumer protection as an optimal model?	175
3.2. The consumer in the financial market	181
4. The behavioural concept of law – an analysis	196
5. Summary	205
Final remarks	209
Bibliography	219
Legislative acts	252
Cases	254
Other	255
Index	256