

Federal State Autonomous
educational institution of higher education
RUSSIAN PEOPLES FRIENDSHIP UNIVERSITY
Institute of Law
Department of Theory of Law and State

Recommended by ISSC

THE WORKING PROGRAM OF THE DISCIPLINE
PHILOSOPHY OF LAW

Specialty: *40.04.01 «Law»*

1. Aims and objectives:

The aims of the discipline are to familiarize the students with the categorical apparatus that allows to describe the basic issues of philosophy of law, to introduce various approaches to philosophical interpreting of law, classical and contemporary doctrines of law suggested by famous philosophers, to give an idea about the philosophical interpretation of basic legal concepts. The course is based on doctrinal works on philosophy of law of well-known classical and modern authors.

Each unit of the course is organized around a controversial issue that raises important questions for which there are often more than one good answer. Indeed, each segment raises more questions than it answers. This is not intended to frustrate but to provoke thought, and to encourage anyone who chooses to pursue a career in Law to develop a clearer idea of their own values and beliefs and to provide them with the means and the confidence to articulate and defend those beliefs.

The course syllabus was designed to optimize the learning process, improve the efficiency of acquisition of knowledge by students, assist in the organization of students' self-study.

Students will extend their ability to:

- formulate and justify their own arguments and conclusions in seminar discussions;
- communicate ideas and arguments effectively, with supporting evidence, in class discussion and in writing;
- modify as well and defend their own position;
- think critically and challenge assumptions;
- use information technology for research and assignment presentation;
- manage their time and organize their own study methods and workload;
- work effectively with others as part of a team or group in seminar.

The course syllabus comprises:

- study guide;
- course content, which comprises the theme and structure of lectures and seminars;
- course paper topics;
- sources for course studies;
- glossary;
- course studies recommendations;
- student assessment and course evaluation.

2. Course in academic programme structure

The Philosophy of Law is taught within the General Scientific Disciplines Compulsory Modules and intended for first year LLM students. The course examines the development and contemporary state of philosophy of law in the context of fundamental social and legal problems. The study of the course provides for students an opportunity to significantly expand the knowledge and, consequently, more deeply explore the controversial legal issues. The course is designed to reflect the latest achievements of science and practice in this area of expertise. The knowledge gained by students in this course can further be used in the study of the following courses: The History and Methodology of Legal Science, The Comparative Law Research, The History of Political and Legal Studies and the professional disciplines within different Master's Programs.

Mandatory discipline of the basic part of the professional cycle (B1.B.01); In order to successfully develop the discipline, the student must have the knowledge, skills and competencies formed by studying the following disciplines: social science, state theory and law.

3. Competence requirements on the course completion

On completion of the course the student will acquire the following universal (UC) and general professional competences (GPC).

As a result he or she:

- is able to carry out a critical analysis of problem situations based on a systematic approach, develop an action strategy (UC -1);
- is able to analyze non-standard situations of law enforcement practice and offer the most balanced options for their solution (GPC -1);
- is able to argue in writing and orally on the legal position in the case, including in adversarial procedures (GPC -4);
- is able to ensure compliance with the principles of legal ethics, including taking measures to prevent corruption and suppress corruption (other offenses) (GPC-6).

Preceding and subsequent disciplines aimed at the formation of competencies

№	Code and name of competence	Preceding disciplines	Subsequent disciplines
Universal competences			
1.	UC -1 able to carry out a critical analysis of problem situations based on a systematic approach, develop an action strategy		Research Work; Educational Internship (Teaching).
General professional competences			
2.	GPC -1 able to analyze non-standard situations of law enforcement practice and offer the most balanced options for their solution		Academic Practice and Legal Consulting and Scientific Research Internship.
3.	GPC -4 able to argue in writing and orally on the legal position in the case, including in adversarial procedures		Academic Practice and Legal Consulting and Scientific Research Internship.
4.	GPC-6 able to ensure compliance with the principles of legal ethics, including taking measures to prevent corruption and suppress corruption (other offenses)		

As an outcome of the course the student:

knows:

- the basic philosophical categorical apparatus,
- philosophical methods of interpretation of law,
- the basic philosophical approaches towards understanding of law,
- the basic philosophical approaches to various theoretical problems of modern law,
- the significant concepts of law and state;

can:

- operate the basic philosophical categorical apparatus,
- analyze the concepts of law and state,
- participate in discussions, articulate and defend their positions,
- specify philosophical ways to resolve the modern legal issues;

masters:

- techniques of working with original texts by famous philosophers of law,
- techniques of analysis of classical and modern concepts of law and state,

- techniques of interpretation of legal categories within various types of understanding of law.

4. The course workload and academic activities

The course is aimed at master 's students studying in Law.

The course curriculum is designed in accordance with the curriculum, which provides 72 hours of study, including self-employment, to master 's students to study the curriculum "Jurisprudence." Of these, 36 hours of classroom classes, 18 hours of lectures, 18 hours of seminar (practical) sessions (including seminars held in interactive forms - 6 hours).

The course is based on lectures, seminar classes and independent work of students. Students 'knowledge is monitored at seminar classes, as well as during the first and final assessment.

For each topic, students are offered a list of mandatory and additional literature recommended for study.

The innovation of the course is evident in the following:

- Special attention was paid to the dynamics of the law, issues of the conditionality of legal development to the level of development of society and state structures, the general cultural aspects of legal regulation,

- The course is aimed at students 'independent study of normative material, with one of the objectives of the course being to train students to relate the obtained theoretical knowledge to specific legal norms in which theoretical and legal constructs are embodied,

- the technique of teaching assumes wide use of interactive forms of education during which interaction in educational process happens on the following basic of the direction: the teacher student, the teacher group, the student student, the student group, in connection with the main form of knowledge acquisition chosen as a teaching technique, besides lectures, is a discussion with a support on standard, analytical and law-enforcement material.

Total workload - 2 credits, 72 hours.

Academic Activities	Total workload	Semester			
		1	2	3	4
Sessions	36	36			
Including:	-	-			
Lectures	18	18			
Seminars/Tutorials/Workshops	18	18			
Independent Learning:	36	36			
Total Workload - Academic Hours:	72	72			
	2	2			

5. Course content and sequencing

5.1 Course Units (Topics).

№	Название разделов дисциплины	Краткое содержание разделов дисциплины
1	Topic 1. Introduction to the Philosophy of Law.	Philosophy of law as the branch of philosophy and jurisprudence. Philosophical methods of law interpretation. The system of philosophy of law: epistemology of law; ontology of law; axiology of law. Classical and non-classical scientific paradigms. The basic philosophical approaches towards understanding of law.
2	Topic 2. Legal Positivism.	Philosophical basis for legal positivism (A. Comte). Different ways for distinguishing law as a system of norms from other systems of norms. Classical legal positivism (J. Bentham, J. Austin). Modern legal positivism (H. Kelsen,

		H.L.A. Hart). Exclusive and inclusive legal positivism. Scandinavian and American legal realism. Psychological concept of law by L.I. Petrażycki.
3	Topic 3. Natural Law Theory.	Epistemology of Natural Law Theory: metaphysics as the method of knowing the law. Ontology of Natural Law Theory: dualism of natural law and positive law. Axiology of Natural Law Theory: Overlap Thesis – there is a necessary relation between the concepts of law and morality. Natural law’s concepts of equity. Plurality of Natural Law’s concepts: Classical Naturalism and the Revived Natural Law.
4	Topic 4. Human Rights.	Positivist concepts of human rights. Ideology of natural rights. Classifications of human rights. Generations of human rights (K. Vasak). Status negativus, status positivus, status activus (G. Jellinek). Human rights protection.

5.2. Course Units and Academic Activities

No	Course Units	Lectures.	Practicums	Labwork	Seminars	Independent work	Total
1.	Topic 1. Introduction to the Philosophy of Law.	4,5			4,5	9	18
2.	Topic 2. Legal Positivism.	4,5			4,5	9	18
3.	Topic 3. Natural Law Theory.	4,5			4,5	9	18
4.	Topic 4. Human Rights.	4,5			4,5	9	18
		18			18	36	72

6. Seminars /Tutorials / Workshops

No	Seminars Units (Topics) Number	Seminars/Tutorials/Workshops Topics	Total Workload (hours)
1.	Topic 1. Introduction to the Philosophy of Law.	Philosophy of law as the branch of philosophy and jurisprudence. Philosophical methods of law interpretation. The system of philosophy of law: epistemology of law; ontology of law; axiology of law. Classical and non-classical scientific paradigms. The basic philosophical approaches towards understanding of law.	4,5
2.	Topic 2. Legal Positivism.	Philosophical basis for legal positivism (A. Comte). Different ways for distinguishing law as a system of norms from other systems of norms. Classical legal positivism (J. Bentham, J. Austin). Modern legal positivism (H. Kelsen, H.L.A. Hart). Exclusive and inclusive legal positivism. Scandinavian and American legal realism. Psychological concept of law by L.I. Petrażycki.	4,5
3.	Topic 3. Natural Law Theory.	Epistemology of Natural Law Theory: metaphysics as the method of knowing the law. Ontology of Natural Law Theory: dualism of natural law and positive law. Axiology of Natural Law Theory: Overlap Thesis – there is a necessary relation between the concepts of law and morality. Natural law’s concepts of equity. Plurality of Natural Law’s concepts: Classical Naturalism and the Revived Natural Law.	4,5
4.	Topic 4. Human Rights.	Positivist concepts of human rights. Ideology of natural rights. Classifications of human rights. Generations of human rights (K. Vasak). Status negativus, status positivus, status activus (G. Jellinek). Human rights protection.	4,5

7. Material support of discipline:

Computer, projector, audio system, internet access, magnetic whiteboard / whiteboard, markers / crayons. Optional: flipchart, interactive whiteboard, audi torium with round / oval table, copier.

8. Information support of the discipline

Software: System Garant, System Consultant +

Databases, information reference and search systems : UN Audiovisual Library (<http://legal.un.org/avl/>), UN Digital Library (<http://digitallibrary.un.org/>), Eurasian Economic Commission Library (<http://eec.eaeunion.org/ru/Pages/library.aspx>).

Databases, reference and search systems

1. Electronic library system RUDN - EBS RUDN <http://lib.rudn.ru/MegaPro/Web>
2. University library online <http://www.biblioclub.ru>
3. EBS Yurayt <http://www.biblio-online.ru>
4. NEB Elibrary <http://elibrary.ru>
5. Student [advisor www.studentlibrary.ru](http://www.studentlibrary.ru)
6. EBS "Doe" <http://e.lanbook.com/>
7. EBS Yurayt <http://www.biblio-online.ru>

9. Educational and methodological support of the discipline.

Main literature:

1. Marchenko Mikhail Nikolayevich. Comparative Law [Text/Electronic Resource]: Textbook/M.N. Marchenko. And additional; Electronic text data. - Moscow: Prospect, 2017, 2018. - 784 p.
2. Osakwe Christopher. Comparative Jurisprudence in Schemes: General and Special Parts [Text]: Educational and Practical Manual/K. Osakwe. And additional - M.: Case, 2002. - 464 p.
3. Pavlova Natalia Georgievna. Comparative Law: Educational and Methodological Manual for Masters/N.G. Pavlova. - 2nd Ed., Re-Work - M.: Ed. Rudn, 2018. - 126 p.
4. Saidov Akmal Holmatovich. Comparative Law and Legal Geography of the World [Text]/A.H. Saidov. - M., 1993. 148 p.
5. Saidov Akmal Holmatovich. Comparative law. Basic legal systems of modern times [text]: Textbook/A.H. Saidov; Under ed. V.A.Tumanov. - M.: Lawyer, 2005. - 442 p.

10. Course studies recommendations

Lectures: Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia: audiovisual, and presentation.

Seminars/Tutorials/Workshops: Seminars give students the opportunity to examine the topic in more detail. During this form of training students with the assistance of their instructor discuss questions raised in lectures, reports, essays.

Tutorials and workshops combine theory with practical implications and help students to enhance their own practice in the field of comparative law research through case studies and quizzes on every topic under study.

Individual writing: Students' writing (essays, article reviews, course paper, and thesis) or presentations should independently identify an appropriate research topic, critically select and apply appropriate research methodology and data collection methods to their chosen research topic, and demonstrate a rigorous understanding of the theory and literature relevant to the issues under investigation.

11. Fund of assessment tools for intermediate certification of students in the discipline

The fund of assessment tools, formed for the current monitoring of progress and intermediate certification of students in the discipline " Philosophy of law" is presented in Appendix 1 to the work program of the discipline and includes:

- a list of competencies formed in the course of internship;
- description of indicators and criteria for assessing competencies, description of assessment scales;
- typical control tasks or other materials necessary to assess knowledge, skills, skills and (or) experience of activities, characterizing the level of competence formation;
- methodological materials that determine the procedures for assessing knowledge, skills, skills and (or) experience of activities, characterizing the level of competence formation.

Materials for assessing the level of mastering the educational material of the discipline (evaluation materials), including questions on the topics of the discipline, examples of test items, topics of reports / abstracts / term papers are developed in full and are available for students on the discipline page in TUIS RUDN.

The program was drawn up in accordance with the requirements of the OS VO RUDN.

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