

Документ подписан простой электронной подписью
Информация о владельце:
ФИО: Ястребов Олег Александрович
Должность: Ректор
Дата подписания: 01.06.2024 13:38:50
Уникальный программный ключ:
ca953a0120d891083f939673078ef1a989dae18a

**Federal State Autonomous Educational Institution for Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
NAMED AFTER PATRICE LUMUMBA**

LAW INSTITUTE

educational division (faculty/institute/academy) as higher education programme developer

COURSE SYLLABUS

COMPARATIVE LAW STUDIES

course title

Recommended by the Didactic Council for the Education Field of:

40.03.01 JURISPRUDENCE

field of studies / speciality code and title

The course instruction is implemented within the professional education programme of higher education:

BACHELOR OF LAWS (LLB)

higher education programme profile/specialisation title

2024

1. COURSE GOAL(s)

The goal of the course «Comparative law studies» is to familiarize the students with the categorical apparatus that allows to describe the basic issues of Comparative law, to introduce various approaches to comparative interpreting of law, classical and contemporary doctrines of law suggested by famous scientists, to give an idea about the comparative interpretation of basic legal concepts, norms, institutions, legal systems.

The course is based on doctrinal works on Comparative law research of well-known classical and modern authors.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course is aimed at the Bachelor's students' formation of the following competencies (part of competencies):

Table 2.1. List of target competencies (parts of competencies)

Competence code	Competence descriptor	Competence formation indicators (within this course)
GPC-2	GPC-2. Can apply the norms of substantive and procedural law to solve professional problems.	GPC-2.1. Knows the system of branches, institutions and sources of law, understands the specifics of implementation and interaction of norms of substantive and procedural law; GPC-2.2. Identifies and analyzes facts of law, legally significant facts and circumstances to apply specific norms of substantive and procedural law; GPC-2.3. Makes legally relevant decisions and formalizes them in strict accordance with the norms of substantive and procedural law.
PC-5	PC-5. Is able to apply the comparative legal method and use the knowledge of foreign legal systems in practice.	PC-5.1. Knows the specifics of the comparative legal method and the features of its use in legal practice; PC-5.2. Knows the specifics of the legal systems, judicial systems, the legal profession structure in the major countries and the main trends of law development in the modern world; PC-5.3. Can use the comparative legal method to identify general and specific features of the compared objects and search for unified legal solutions; PC-5.4. Masters the skills of using the comparative legal method and the results of comparative legal research when comparing various legal solutions and deciding on best practice, considering the international experience.

3. COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the core component of (B1) block of the higher educational programme curriculum.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results

Competence code	Competence descriptor	Previous courses/modules, internships*	Subsequent courses/modules, internships*
GPC-2	GPC-2. Can apply the norms of substantive and procedural law to solve professional problems.	History of State and Law of Foreign Countries History of Russian State and Law Administrative Law Civil Law Basic Provisions of Civil Law Implementation and Protection of Civil Rights. Right of Ownership and Other in Rem Rights Law of Obligations. Tort Law Contract Law Intellectual Property Law. Inheritance Law Наследственное право Family Law Civil and Commercial Procedure Financial Law and Tax Law International Public Law Labor Law International Private Law Commercial Law and Corporations	Comparative Constitutional Law and Justice Comparative Criminal Law Comparative Administrative Law and Justice Comparative Civil and Commercial Law Comparative Criminal Procedure Comparative Civil Procedure Comparative Financial and Tax Law Work Experience (Investigation-Prosecution) Internship Work Experience (Judicial) Internship
PC-5	PC-5. Is able to apply the comparative legal method and use the knowledge of foreign legal systems in practice.	Russian Legal System and Legal Traditions	Comparing Legal Techniques Comparative Constitutional Law and Justice Comparative Criminal Law Comparative Administrative Law and Justice Comparative Civil and Commercial Law Comparative Criminal Procedure

Competence code	Competence descriptor	Previous courses/modules, internships*	Subsequent courses/modules, internships*
			Comparative Civil Procedure Comparative Financial and Tax Law Critical Approaches to Current Legal Issues Communications and Internet Law and Policy Work Experience (Pre-graduation) Internship

* To be filled in according to the competence matrix of the higher education programme.

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 5 credits (180 academic hours).

Table 4.1. Types of academic activities during the periods of higher education programme mastering (**full-time training**) *

Type of academic activities	Total academic hours	Semesters/training modules			
		3/1	3/2	3/3	3/4
<i>Classroom learning, academic hours</i>	72	72			
Lectures (LC)	36	36			
Lab work (LW)					
Seminars (workshops/tutorials) (S)	36	36			
<i>Self-studies</i>	90	90			
<i>Evaluation and assessment (exam/passing/failing grade)</i>	18	18			
Course workload	academic hours_	180	180		
	credits	5	5		

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
1. Nature of comparative jurisprudence.	Concept of comparative law. Comparative law: method or science. Goals and objectives of comparative law. Value of comparison of legal studies. Use of comparison results.	LC / S
2. Legal worldview (legal geography).	Law is a combination of "national," world "and self-development aspects. General legal trends in development. Global world imperatives. National-state differences in law (source, structural-normative, specificity of systems of	LC / S

Course module title	Course module contents (topics)	Academic activities types
	national legislation, specificity of concepts of terms, normative language, style, etc.).	
3. Objects of comparative jurisprudence.	Legal reality as an object of comparative law (processes of development of foreign states, their policy in the legal sphere, relations to the law as a phenomenon of legal life, law-making and role of the law; The state of justice; The state itself through the lens of law). Legal systems of States as a structured and organized normative body. National legislation (origins, industry classification criteria). Laws and legal acts. Legal technique. Legal arrays and complexes forming in interstate associations.	LC / S
4. Methodology of comparative jurisprudence.	Main categories and concepts of comparative jurisprudence. Diachronic and synchronous comparison. Internally and external comparison. Comparison at the microlevel and macrolevel. Normative and functional comparison. Problems of classifications of legal families	LC / S
5. Levels of comparative jurisprudence.	The legal space of the world, as a single right with unified historical roots, embodied in the legal consciousness, legal customs and traditions. World law theory. Legal families as groups and communities, driven by the general historical roots, structural-functional and stylistic features of law. Processes for the formation of new groups and communities of national legal systems. Law of the international community. Impact of international law on the legal space of the world and national legal systems.	LC / S
6. Comparative jurisprudence in the conditions of globalization.	The notion of globalization. Universality of European values. Demands of globalization. Leveling State and legal systems, expanding the range of Western-style democracies; The establishment of the rule of law on all continents; Strengthening the protection of human rights, especially the right to property. The problems of the truth of European values as universal. Legal pluralism.	LC / S
7. Problems of comparative jurisprudence in the solution of problems of the European legal space.	Levels of analysis of the European legal space: legal family, legal state. Comparative study of European legal systems as a way to identify common and manageable differences between them. Development of criteria for the rule of law through comparative analysis of the experience of European countries. Establishment of legal standards to distinguish	LC / S

Course module title	Course module contents (topics)	Academic activities types
	between the rule of law and non-law. Specifying pan-European human rights standards.	
8. Erasing the borders between the civil law and common law legal systems.	Relative nature of classifications of national legal systems. Interinterpretation of traditional sources of law (narrative law, judicial precedent). Commonality of a legal culture based on unified liberal values. Reducing the relevance of issues to the division of the right to public and private, substantive and procedural. Convergence in the systematization and codification of law, methods of legal education.	LC / S
9. A role of comparative and legal researches in the course of unification of the right.	Mechanisms for bringing national legal systems closer together. Conflict of law rules. Recipe right: technology, volumes. Harmonization of legislation. Use of independent arbitration procedures. Legal means of bringing legislation closer together. Model legislation. Model law (concept, subjects of adoption, nature, content). Unification of legal norms. International legal assistance.	LC / S
10. Scientific and practical importance of comparative jurisprudence.	Enrichment of national legal science through the use of comparative legal research. Cognitive, scientific-information, academic, research nature of comparative-legal works. Expansion of the outlook of students receiving legal education, allowing them to compare different versions of legal solutions and choose the best, taking into account foreign experience. Use of comparative jurisprudence in the law-making process. Preparation of information and analytical materials for legal project. Implementation of conclusions, results of comparative legal study in the process of interpretation of provisions of constitutions and laws. The role of comparative law in interstate construction, legal aid, offering various mechanisms for legal integration and convergence of legal systems.	LC / S

* - to be filled in only for **full**-time training: LC - lectures; LW - lab work; S - seminars.

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lecture	A lecture hall for lecture-type classes, equipped with a set of specialised furniture; board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Lab work	A classroom for laboratory work, individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and machinery.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Seminars	A classroom for conducting seminars, group and individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and technical means for multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Computer Lab	A classroom for conducting classes, group and individual consultations, current and mid-term assessment, equipped with personal computers (in the amount of 30 pcs), a board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Self-studies	A classroom for independent work of students (can be used for seminars and consultations), equipped with a set of specialised furniture and computers with access to the electronic information and educational environment.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Courtroom	A classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome

* It is necessary to specify a classroom for self-study of students

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Nikodimov, I. Yu. (2020) Theory of State and Law : A Course of Lectures / I. Yu. Nikodimov. – 2-е издание. – Москва: Издательско-торговая корпорация "Дашков и К". – 360 p. – ISBN 978-5-394-03815-0.

2. Uwe Kischel. Comparative Law. Oxford University Press. 2019. URL: <https://doi.org/10.1093/oso/9780198791355.001.0001>

3. M. Adams & J. Griffiths, 'Against "Comparative Method": Explaining Similarities and Differences', in: M. Adams & J. Bomhoff, *Practice and Theory in Comparative Law*, Cambridge: Cambridge University Press 2012, p. 279-301.

4. M. Antokolskaja, 'Comparative Family Law: Moving with the Times?', in: E. Öricü & D. Nelken (eds.), *Comparative Law. A Handbook*, Oxford: Hart Publishing 2007, p. 241-262.

5. Mathias Reimann, Reinhard Zimmermann. *The Oxford Handbook of Comparative Law*. Oxford University Press. 2006. URL: <https://doi.org/10.1093/oxfordhb/9780199296064.001.0001>

6. *General Theory of Law and State*, Volume 1. Front Cover. Hans Kelsen. Transaction Publishers, 1945 - International law - 516 pages.

7. *Global Journal of Comparative Law*. URL: <https://brill.com/view/journals/gjcl/gjcl-overview.xml>

8. *ASCL Studies in Comparative Law*. URL: <https://www.cambridge.org/core/series/ascl-studies-in-comparative-law/0DBB1FE94EF77C5257AD93256E96FA69>

Additional (optional) reading (sources):

1. *General Reports of the XXth General Congress of the International Academy of Comparative Law : Ius Comparatum - Global Studies in Comparative Law*, Fukuoka, 22–28 июля 2018 года. Vol. 50. – Fukuoka: Springer Cham, 2021. – 709 p. – ISBN 978-3-030-48674-7. – DOI 10.1007/978-3-030-48675-4.

2. *Comparative Law and Multicultural Legal Classes: Challenge or Opportunity?*. – Cham : Springer Nature Switzerland AG, 2020. – 212 p. – (Ius Comparatum - Global Studies in Comparative Law ; 46). – ISBN 978-3-030-46897-2. – DOI 10.1007/978-3-030-46898-9.

3. J. Bomhoff, 'Comparing Legal Argument', in: M. Adams & J. Bomhoff (eds.), *Practice and Theory in Comparative Law*, Cambridge: Cambridge University Press 2012, p. 74-95.

4. Esin Öricü and David Nelken (eds), *Comparative Law: A Handbook* (2007)

5. James Gordley, *Foundations of Private Law: Property, Tort, Contract, Unjust Enrichment* (2007).

6. Mathias Reimann, Reinhard Zimmermann (eds), *The Oxford Handbook of Comparative Law* (2006).

7. Ralf Michaels, 'Two Paradigms of jurisdiction', (2006) 27 *Michigan Journal of International Law* 1003 ff.

8. Jan M. Smits (ed), *Elgar Encyclopedia of Comparative Law* (2006).

9. Pierre Legrand, Roderick Munday (eds), *Comparative Legal Studies: Traditions and Transitions* (2003).

10. Mathias Reimann, 'The Progress and Failure of Comparative Law in the Second Half of the Twentieth Century' (2002) 50 *AJCL* 671 pp.

11. Kerimov, D. (2001). *The methodology of law. Subject, functions, problems of philosophy of law*. Avanta, 560p.

12. John C. Reitz. *How to Do Comparative Law*. *The American Journal of Comparative Law*. Oxford University Press Vol. 46, No. 4 (Autumn, 1998), pp. 617-636

13. Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law* (3d edn, 1998).

14. *International Encyclopedia of Comparative Law*, 1971 pp.

Internet-(based) sources:

1. Electronic libraries with access for RUDN students

- RUDN Electronic Library System (RUDN ELS) <http://lib.rudn.ru/MegaPro/Web>

- EL "University Library Online" <http://www.biblioclub.ru>

- EL "Yurayt" <http://www.biblio-online.ru>

- EL "Student Consultant" www.studentlibrary.ru

- EL "Lan" <http://e.lanbook.com/>

- EL "Trinity Bridge"

2. Databases and search engines:

- electronic foundation of legal and normative-technical documentation <http://docs.cntd.ru/>
- Yandex search engine <https://www.yandex.ru/>
- Google search engine <https://www.google.ru/>
- Scopus abstract database <http://www.elsevierscience.ru/products/scopus>

A complete list of ELS, databases and search engines is provided on the website of the Educational and Scientific Information Library Center (Scientific Library) of RUDN University <https://lib.rudn.ru>

Training toolkit for self- studies to master the course *:

* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

8. ASSESSMENT TOOLKIT AND GRADING SYSTEM* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION

The assessment toolkit and the grading system* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

DEVELOPERS:

Associate Professor of the
Department of
Theory of Law and State

position, department

signature

Sergey B. Zinkovskiy

name and surname

HEAD OF EDUCATIONAL DEPARTMENT:

Head of the Department of
Theory of Law and State

position, department

signature

Andrei A. Klishas

name and surname

HEAD OF HIGHER EDUCATION PROGRAMMME:

Head of Director of the Law
Institute

position, department

signature

Sergey B. Zinkovskiy

name and surname