

Документ подписан простой электронной подписью
Информация о владельце:
ФИО: Ястребов Олег Александрович
Должность: Ректор
Дата подписания: 01.06.2024 15:43:30
Уникальный программный ключ:
ca953a0120d891083f939673078ef1a989dae18a

Federal State Autonomous Educational Institution of Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
NAMED AFTER PATRICE LUMUMBA
RUDN University

LAW INSTITUTE

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

COURSE SYLLABUS

PHILOSOPHY OF LAW

course title

Recommended by the Didactic Council for the Education Field of:

40.04.01 JURISPRUDENCE

field of studies / speciality code and title

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

International Protection of Human Rights

higher education programme profile/specialisation title

1. COURSE GOAL(s)

The goal of the course «Philosophy of Law» is 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.

2. REQUIREMENTS FOR LEARNING OUTCOMES

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

Table 2.1. List of competences that students acquire through the course study

Competence code	Competence descriptor	Competence formation indicators (within this course)
GC-1	GC-1. Able to critically analyse problematic situations using a systematic approach to develop a strategy of action.	GC-1.1. Analyses the problem situation as a system, identifying its components and the connections between them; GC-1.2. Identifies gaps in information which is needed to solve the problem situation and designs processes to address them; GC-1.3. Critically assesses the reliability of information sources, works with conflicting information from different sources; GC-1.4. Develops and substantiates a problem-solving strategy based on systemic and interdisciplinary approaches, and presents an assessment of the prospects and risks of implementing this strategy; GC-1.5. Uses logical-methodological tools to critically evaluate contemporary concepts of a philosophical and social nature in their subject area
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	GPC-1.1. Possesses general and special knowledge to identify and resolve non-standard situations (situations in which uniform approaches to the application of the law have not been formed) in law enforcement practice; GPC-1.2. Analyzes non-standard situations in law enforcement practice, including identifying legal and other causes and/or conditions for their occurrence; GPC-1.3. Develops optimal options for solving non-standard situations of law enforcement practice, taking into account possible legal consequences and draws up these decisions in the form prescribed by law.
GPC-3	GPC-3. Able to interpret legal acts in a competent manner, including	GPC-3.1. Knows the essence and specifics of methods and methods of interpreting legal

Competence code	Competence descriptor	Competence formation indicators (within this course)
	in situations where there are gaps and conflicts of law norms.	acts, ways to eliminate gaps and conflicts in law; GPC-3.2. Has skills in interpreting legal acts, including in situations where there are gaps and conflicts in the law; GPC-3.3. Provides qualified explanations of the content and application of legal norms.
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	GPC-4.1. Knows the content of basic and specific legal concepts, terms and definitions, is able to use them to build an oral and written position on a specific legal problem; GPC-4.2. Able to argue in writing and orally the legal position on the case, including taking into account the principle of adversarial proceedings; GPC-4.3. Possesses the skills of drafting legal documents on the case and the skills of public speaking with the argumentation of the position for the professional conduct of polemics in the trial.
GPC-6	GPC-6. Able to ensure compliance with the principles of ethics of a lawyer, including taking measures to prevent corruption and suppress corruption (other) offenses	GPC-6.1. Knows the specifics of ethical standards in professional legal activity; GPC-6.2. Ensures compliance with the principles of ethics in specific types of legal activities, including taking measures to prevent corruption and suppress corruption (other) offenses; GPC-6.3. Possesses systematic skills in ensuring compliance with the principles of ethics of a lawyer, including in taking measures to prevent corruption and suppress corruption (other) offenses.

3. COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

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

* - Underline whatever applicable.

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*	Subsequent courses/modules*
GC-1	GC-1. Able to carry out a critical analysis of problem situations based on a		Comparative law research Research work Externship and Pre-Degree Internship

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
	systematic approach, develop an action strategy		
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution		History and Methodology of Legal Science Comparative law research International Law and Development Research work Educational Internship (Teaching) Externship and Pre-Degree Internship
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law		Protection of Human Rights in the UN System Research work Externship and Pre-Degree Internship
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes		African System of Human Rights Educational Internship (Teaching) Externship and Pre-Degree Internship
GPC-6	GPC-6. Able to ensure compliance with the principles of ethics of a lawyer, including taking measures to prevent corruption and suppress corruption (other) offenses		Human Rights Treaty Bodies Educational Internship (Teaching) Externship and Pre-Degree 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 2 credits (72 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			
		1	2	3	4
<i>Contact academic hours</i>	36	36			
Lectures (LC)	18	18			
Lab work (LW)	-	-			
Seminars (workshops/tutorials) (S)	18	18			
<i>Self-studies</i>	18	18			
<i>Evaluation and assessment (exam/passing/failing grade)</i>	18	18			

Type of academic activities		Total academic hours	Semesters/training modules			
			1	2	3	4
Course workload	academic hours	72	72			
	credits	2	2			

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
Module 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.	LC, S
Module 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.	LC, S
Module 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.	LC, S
Module 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.	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

* The premises for students' self-studies are subject to **MANDATORY** mention

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Andrei MARMOR, 2011: Philosophy of Law. Princeton: Princeton University Press. DOI : [10.23943/princeton/9780691141671.001.0001](https://doi.org/10.23943/princeton/9780691141671.001.0001)
2. Tebbit, Mark, (2005) Philosophy of law : an introduction / Mark Tebbit.-- 2nd ed. 262 p. URL: <https://layan.hukum.uns.ac.id/data/PDIH%20File/e-book/Mark%20Tebbit%2C%20Philosophy%20of%20Law.%20An%20Introduction%2C%202nd%20edition.pdf>

Additional (optional) reading (sources):

1. Gerald POSTEMA, 2015: Jurisprudence, the Sociable Science. Virginia Law Review 101 (2015) 4. 869-901.

2. Roger COTTERRELL, 2014: Why Jurisprudence is not Legal Philosophy. *Jurisprudence: An International Journal of Legal and Political Thought* 5 (2014) 1. 41-55. DOI : [10.5235/20403313.5.1.41](https://doi.org/10.5235/20403313.5.1.41)
3. Jeremy WALDRON, 2010: Normative (or Ethical) Positivism. *Hart's Postscript. Essays on the Postscript to The Concept of Law*. Ed. Jules Coleman. Oxford: Oxford University Press. 410-433.
4. Josep RAZ, 1995: *Ethics in the Public Domain. Essays in the Morality of Law and Politics*. Oxford: Clarendon Press.
5. Josep RAZ, 2009: *Between Authority and Interpretation. On the Theory of Law and Practical Reason*. New York: Oxford University Press. DOI: [10.1093/acprof:oso/9780199562688.001.0001](https://doi.org/10.1093/acprof:oso/9780199562688.001.0001)
6. Alf ROSS, 1959: *On Law and Justice*. Berkeley: University of California Press. DOI : [10.1093/oso/9780198716105.001.0001](https://doi.org/10.1093/oso/9780198716105.001.0001)
7. Josep RAZ, 1990: *Practical Reason and Norms*. New York: Oxford University Press. DOI : [10.1093/acprof:oso/9780198268345.001.0001](https://doi.org/10.1093/acprof:oso/9780198268345.001.0001)
8. Herbert L. A. HART, 1987: Comment. *Issues in Contemporary Legal Philosophy*. Ed. R. Gavison. Oxford: Clarendon Press. 35-42.
9. Thomas NAGEL, 1997: *The Last Word*. New York: Oxford University Press. DOI : [10.1177/153100359500800203](https://doi.org/10.1177/153100359500800203)
10. Michael OAKESHOTT, 2007: *The Concept of a Philosophical Jurisprudence [1938]. The Concept of a Philosophical Jurisprudence: Essays and Reviews 1926-51. [Selected Writings. Vol. III]. Ed. L. O'Sullivan, Exeter: Imprint Academic. 154-183.*
11. Gerald POSTEMA, 1998: *Jurisprudence as Practical Philosophy*. *Legal Theory* 4 (1998). 329-357. DOI : [10.1017/S1352325200001051](https://doi.org/10.1017/S1352325200001051)

Resources of the information and telecommunications network "Internet":

1. Electronic libraries with access for RUDN students
 - RUDN Electronic library system <http://lib.rudn.ru/MegaPro/Web>
 - Electronic library system «University Library online» <http://www.biblioclub.ru>
 - Electronic Library «URAIT» <http://www.biblio-online.ru>
 - Electronic library system «Student. Consultant» www.studentlibrary.ru
 - Electronic library system «Lan» <http://e.lanbook.com/>
 - Electronic library system "Troitskyi most"
2. Databases and search engines:
 - Electronic Legal and Regulatory Documentation Fund <http://docs.cntd.ru/>
 - Search system Yandex <https://www.yandex.ru/>
 - Search system Google <https://www.google.ru/>
 - SCOPUS <http://www.elsevierscience.ru/products/scopus/>
 - Garant <http://www.garant.ru/>
 - Consultant Plus <http://www.consultant.ru/>
 - eLibrary.ru. <http://www.elibrary.ru/>
 - LexisNexis <http://academic.lexisnexis.eu>
 - CambridgeJournals <https://www.cambridge.org/core>
 - JSTOR – Arts & Sciences I and VII Collections. <http://www.jstor.org/>
 - OxfordJournals <https://academic.oup.com/journals/>
 - SPRINGER. Springer <https://rd.springer.com>

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 *:

1. The set of lectures on the course «Philosophy of Law».
2. The guidelines for writing a course paper / project (if any) on the course «Philosophy of Law».

* 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

S.B. Zinkovskiy

name and surname

HEAD OF EDUCATIONAL DEPARTMENT:

Department of Theory of Law
and State

name of department

signature

A.A. Klishas

name and surname

HEAD OF HIGHER EDUCATION PROGRAMME:

Associate professor of the
Department of International Law,
Candidate of Legal Sciences

Position, Name of the Department

Signature

S.M. Kopylov

Full name