

**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

**Department of Theory of Law and State / Department of Public Policy and
History of State and Law**

(educational department as higher education programme developer)

COURSE SYLLABUS

Specialty discipline
Theoretical and historical legal sciences

course title

Research Speciality:

5.1.1. Theoretical and historical legal sciences

field of studies / speciality code and title

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

Theoretical and historical legal sciences

higher education programme profile/specialisation title

2024

1. COURSE GOAL

The purpose of mastering the discipline "Theoretical and historical legal sciences" is to prepare for the candidate's examinations.

The emphasis is on problematic and topical issues of the theory of law and the state, the history of law and the state, the history of legal doctrines, which is determined by the peculiarities of training specialists of the relevant scientific profile. At the same time, attention is paid to the most common features and characteristic features of the emergence, functioning and subsequent changes in state-legal phenomena.

The objectives are to develop the skills of scientific research and increase interest in the study of state-legal phenomena and political-legal concepts of the past and present.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the discipline " Theoretical and historical legal sciences" is aimed at preparing for the candidate's examinations, as well as:

- the formation of students' knowledge that allows them to effectively carry out research activities in the field of theory and history of law and the state, the history of political and legal doctrines, as well as teaching activities in educational programs of higher education;
- development of the ability to independently carry out research activities related to solving complex professional problems in modern conditions.

As a result of studying the discipline, the graduate student must:

know:

- trends in the development of legal science and, in particular, the theory and history of law and the state;
- the main approaches used in modern jurisprudence;
- the main research methods used in jurisprudence (both general scientific and special legal);
- actual problems of jurisprudence requiring scientific development;
- algorithm for conducting legal research.

be able to:

- determine the relevance of scientific research;
- identify the degree of scientific development of a scientific problem;
- formulate goals and objectives of scientific research;
- substantiate the theoretical, normative and empirical base of the study;
- apply methods corresponding to the content, goals and objectives of the study.
- to put forward, substantiate and test scientific hypotheses;
- justify and defend their own scientific position.

own

- the main approaches used in modern jurisprudence;
- the main categories used in jurisprudence, in particular, in the theory and history of law and the state, comparative law;
- both general scientific and special-legal research methods;
- the skills of conducting research in the field of law, in particular, in theoretical and historical-legal sciences;
- skills in conducting comparative legal research.

3. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total complexity of the discipline is 3 credit units, and the complexity of the intermediate certification in the discipline is 1 credit unit.

Table 3.1. Types of educational work by periods of mastering the postgraduate program

| View educational work | | Total academic hours | Semesters/training modules | | | |
|---|----------------|----------------------|----------------------------|-----------|---|---|
| | | | 1 | 2 | 3 | 4 |
| <i>Contact academic hours</i> | | 60 | 60 | | | |
| Including: | | | | | | |
| Lectures (LC) | | 30 | 30 | | | |
| Lab work (LW) | | | | | | |
| Seminars (workshops/tutorials) (S) | | 30 | 30 | | | |
| <i>Self-studies</i> | | 48 | 48 | | | |
| <i>Evaluation and assessment (exam/passing/failing grade)</i> | | 36 | | 36 | | |
| Course workload | academic hours | 144 | 108 | 36 | | |
| | credits. | 4 | 3 | 1 | | |

4. COURSE CONTENTS

Table 4.1. Course contents and academic activities types

| Course module title | Course module contents (topics) | Academic activities types |
|--|--|---------------------------|
| Module 1: Theory of state and law | Topic 1.1. Legal science: problems of object, structure, functions. | LC, S |
| | Topic 1.2. Methodology and history of legal science. | |
| | Topic 1.3. Subject, methodology and history of the theory of state and law. | |
| | Topic 1.4. The structure of the theory of state and law: dogma of law, sociology of law, philosophy of law. | |
| | Topic 1.5. Source study and interdisciplinary interaction of the theory of state and law and other sciences. | |
| | Topic 1.6. The concept and genesis of the state. | |
| | Topic 1.7. State form. | |
| | Topic 1.8. Government. Forms of its implementation. | |
| | Topic 1.9. Interaction between society and the state. | |
| | Topic 1.10. Tasks, place and functions of the state in the political system of society. | |
| | Topic 1.11. Development and limitation of human rights and freedoms. legal obligations. | |
| | Topic 1.12. The mechanism and functions of the state. | |
| | Topic 1.13. Digitalization in the state and legal sphere | |
| | Topic 1.14. Legal understanding in modern legal science. | |
| | Topic 1.15. Social role, value and functions of law in modern society. | |

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|---|---|-------|
| | Topic 1.16. Law principles. Legal axioms, fictions, presumptions, prejudices. | |
| | Topic 1.17. Legal consciousness, legal culture and legal education. | |
| | Topic 1.18. Law and other social regulators | |
| | Topic 1.19. Sources of law. Forms of law. | |
| | Topic 1.20. Lawmaking and lawmaking. Forecasting in law. | |
| | Topic 1.21. Legal system, system of law, system of legislation. | |
| | Topic 1.22. Legal technology. | |
| | Topic 1.23. Legal regulation. | |
| | Topic 1.24. Concept, structure and classification of legal norms. | |
| | Topic 1.25. Theory of legal relations. | |
| | Topic 1.26. Realization of the right. Application of law. Self-regulation in law. | |
| | Topic 1.27. Law interpretation. | |
| | Topic 1.28. legal behavior. Law and order in modern society. | |
| | Topic 1.29. Offense. Legal liability. | |
| | Topic 1.30. Law and socio-economic development of society. Legal policy. | |
| | Topic 1.31. modern legal systems. | |
| | Topic 1.32. Relationship between state and law. | |
| | Topic 1.33. State, law and scientific and technological progress. | |
| Module 2. History of the state and law of Russia | Topic 2.1. Subject, methodology, historiography, source study and periodization of the history of the state and law of Russia. | LC, S |
| | Topic 2.2. State and law of Ancient Russia. | |
| | Topic 2.3. State and law of medieval Russia. | |
| | Topic 2.4. Moscow state and law in the XIV - XVI centuries. | |
| | Topic 2.5. Russian state and law in the 17th century. Formation of the Russian Empire. | |
| | Topic 2.6. Russian state and law in the XVIII - early XIX centuries. | |
| | Topic 2.7. Formation and registration of the imperial state-legal system. | |
| | Topic 2.8. The development of the state and law of the Russian Empire in the first half of the 19th century. | |
| | Topic 2.9. State and legal reforms in the second half of the XIX century. | |
| | Topic 2.10. State and legal reforms at the beginning of the 20th century. Changes in the system of state power, administration and law. | |
| | Topic 2.11. State and law of Russia in the period of February - October 1917. | |

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|--|---|-------|
| | <p>Topic 2.12. Soviet state and law: October 1917 - mid-80s of the twentieth century. 46. The state and law of Russia in the transitional period: the second half of the 80s - the beginning of the 90s of the twentieth century.</p> <p>Topic 2.13. Historical and legal aspects of the development of state and law in Russia in the 90s - early 2000s.</p> | |
| Module 3. History of the state and law of foreign countries | Topic 3.1. Subject, methodology, historiography and source study of the history of the state and law of foreign countries. | LC, S |
| | Topic 3.2. Law at the pre-state and early state stages. | |
| | Topic 3.3. State and law of the countries of the Ancient East. Ancient Egypt. Mesopotamia. | |
| | Topic 3.4. Ancient states of Asia: Judea, India, China, etc. | |
| | Topic 3.5. The oldest statehood in Asia, Africa and Latin America. | |
| | Topic 3.6. State and law of the ancient world. The emergence and development of the state and law in ancient Greece and ancient Rome. | |
| | Topic 3.7. State and law of the Middle Ages in Europe and Asia Minor. Reception of Roman law. | |
| | Topic 3.8. State and law of the medieval East. | |
| | Topic 3.9. State and Law of Modern Times (XVII century - XIX century). | |
| | Topic 3.10. State and law of modern times (XX century). | |
| Module 4. History of doctrines about the state and law | Topic 4.1. Subject, methodology, historiography and source study of the history of doctrines about the state and law. | LC, S |
| | Topic 4.2. Legal doctrines in the ancient world. Legal teachings of the Ancient East. | |
| | Topic 4.3. Legal doctrines of Ancient Greece, Ancient Rome. | |
| | Topic 4.4. Doctrines about the state and the right of the Middle Ages. | |
| | Topic 4.5. Legal teachings of Western and Eastern Europe during the crisis of feudalism. | |
| | Topic 4.6. Legal thought in Europe of the Renaissance and the formation of absolutist states. | |
| | Topic 4.7. State-legal ideas of reform movements. | |
| | Topic 4.8. Doctrines about the state and the right of New time. | |
| | Topic 4.9. Teachings about the state and law in Russia at various historical stages. | |
| | Topic 4.10. Teachings about the state and law in the second half of the 19th - early 20th centuries. | |
| | Topic 4.11. Teachings about the state and law in the XX century. | |
| | Topic 4.12. Modern doctrines of the state and law. | |

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

5. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 5.1. 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. | A set of specialized furniture; Computers, Multimedia projector Screen for projector Whiteboard WiFi |
| Seminar | 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. | Computers, Multimedia projector, Screen for projector, Whiteboard, WiFi |
| Computer Class | 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 | Computers, Multimedia projector, Screen for projector, Whiteboard, WiFi |
| For independent work students | 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. | Set of specialized furniture; whiteboard; devices: PCs/laptops, Internet connection (Wi-fi) |

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

6. RESOURCES RECOMMENDED FOR COURSE STUDY

Main readings:

1. Lazarev, V. V. Theory of state and law: a textbook for universities / V. V. Lazarev, S. V. Lipen. - 5th ed., Rev. and additional - Moscow: Yurayt Publishing House, 2024. - 521 p. - (Higher education). - ISBN 978-5-534-06539-8. — Text: electronic // Educational platform YuraytHistory of the domestic state and law: / M.V. Nemytina, Ts.Ts. Mikheev. - Saratov: Scientific book, 2017. - 193 p.

2. Malakhov, V.P. General theory of law and state. To the problem of legal understanding: a textbook / V.P. Malakhov. - M. : Unity-Dana, 2013.

3. Law - a phenomenon of civilization and culture Text = Law - a phenomenon of civilization and culture: collection / executive editor M. V. Nemytina Vyp. 2 / holes ed. Nemytina M.V. Moscow: RUDN University, 2020. 476 p.
http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=491192&idb=0

4. Law is a phenomenon of civilization and culture. Issue. I = Law – Phenomenon of Civilization and Culture. Vol. I / resp. ed. M. V. Nemytina. Moscow: RUDN Publ., 2019. 570 p. http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=481562&idb=0

5. Comparative studies of legal systems, legal cultures: Textbook / M.V. Nemytin; Ed. M.V. Nemytina. M.: Publishing House of RUDN University, 2016. 355 p. http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=453815&idb=0

6. Syrykh, V.M. Theory of state and law / V.M. Raw; ed. V.A. Waipan. - 6th ed., revised. and additional - M.: Legal House "Justitsinform", 2012.

7. Theory of state and law: textbook / Peoples' Friendship University of Russia, Institute of Law; ed. Doctor of Law, Prof. A.A. Klishas. - M.: Statute, 2019.

Additional readings:

1. Arkhipov S.S. Subject of law: theoretical study. SPb., 2004.
2. Baitin M.I. Essence of law (Modern normative legal understanding on the verge of two centuries). Ed. 2nd, add. M., 2005.
3. Bakhrakh D.N. Essays on the theory of Russian law. M., 2008.
4. Berman G.J. Western tradition of law: the era of formation. M., 1994.
5. Varlamova N.V. Typology of legal understanding and modern problems of the theory of law, St. Petersburg, 2010.
6. Vasiliev A.M. Legal categories. Methodological aspects of development of the system of categories of the theory of law. M., 1976.
7. Vlasenko N.A. Grineeva A.V. Judicial legal positions (basics of the theory). M., 2009.
8. Goiman V.I. Effect of Law (Methodological Analysis). M., 1992.
9. Gorban B.C. The concept, theory and problems of forming a general concept of the effectiveness of legislation. M., 2009.
10. David R. Joffre-Spinosi K. Basic legal systems of our time. M., 1996.
11. Lazarev L.V. Legal positions of the Constitutional Court of Russia. M., 2008.
12. Levchenko I.P. The mechanism of application of law (Experience of systemic research). Smolensk, 1997.
13. Leger R. Great legal systems of our time: a comparative legal approach. M., 2009.
14. Leist O.E. The essence of law. Problems of theory and philosophy of law. M., 2002.
15. Malakhov, V.P. General theory of law and state. To the problem of legal understanding: a textbook / V.P. Malakhov. - M. : Unity-Dana, 2013.
16. Marchenko M.N. Sources of law. M., 2009.
17. Marchenko M.N. Comparative Law Course. M., 2002.
18. Marchenko M.N. Judicial lawmaking and judicial law. M., 2007.
19. Noskova E.A. Positive legal responsibility. M., 2003.
20. Legal policy and ways to improve law-making activities in the Russian Federation. M., 2006.
21. Law and culture. M., 2009.
22. Problems of legal technique: Collection of articles. Nizhny Novgorod, 2000.
23. Skurko E.V. Principles of law: monograph. M., 2008.
24. Smirnov A.V., Manukyan A.G. Interpretation of the rules of law. M., 2008.
25. Syrykh, V.M. Theory of state and law / V.M. Raw; ed. V.A. Waipan. - 6th ed., revised. and additional - M.: Legal House "Justitsinform", 2012.
26. Hart G. The concept of law. SPb., 2007.
27. Zweigert K., Kötz X. Introduction to comparative law in the field of private law: In 2 vols. M., 1998-2000.
28. Law and society: evolution in interaction. Zhidkov's Readings [Electronic resource]: Proceedings of the International Scientific Conference. Moscow, March 28–29, 2014 / Ed. G.I. Muromtseva, M.V. Nemytina. - Electronic text data. - M. : Publishing House of RUDN University, 2015. - 552 p.: http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=445227&idb=0

29. Trends in the development of law in the socio-cultural space. Zhidkov's Readings [Electronic resource] = Tendencies of development of law in sociocultural space. Zhidkov's readings : Proceedings of the All-Russian Scientific Conference. Moscow, March 24–25, 2017 / Ed. ed. M.V. Nemytin. - Electronic text data. - M. : Publishing House of RUDN University, 2018. - 683 p. - http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=470350&idb=0

30. Reader on the history of state and law in Russia (post-Soviet period). Formation of the statehood of the Russian Federation [Text / electronic resource]: Textbook / Ed.-ed.: M.V. Nemytina, O.N. Gromova, Ts.Ts. Mikheev. - Electronic text data. M.: Publishing House of RUDN University, 2017. 105 p. http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=463217&idb=0

31. Reader on the history of the state and law of Russia (post-Soviet period): the formation of the system of rights and freedoms of man and citizen in the Russian Federation: teaching aid / M.V. Nemytina, O.N. Gromova, Ts.Ts. Mikheev. - Moscow: RUDN University, 2020. - 118 p.

Internet sources

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>

Educational and methodological materials for independent work of students in the development of the discipline/module:*

1. Course of lectures on the discipline "Theoretical and historical legal sciences"

* 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.

7. 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).

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