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**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

PHILOSOPHY OF LAW: FUNDAMENTAL COURSE

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 «Philosophy of Law: Fundamental Course» 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 by 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 competences (part of competences):

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

| Competence code | Competence descriptor | Competence formation indicators (within this course) |
|------------------------|---|--|
| PC-1 | PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity. | PC-1.1. Identifies the societal need for legal regulations of public relations in a particular area as well as gaps and conflicts in the current legislation and has the tools to overcome and eliminate them. |

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* |
|------------------------|---|---|--|
| PC-1 | PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity. | Theory of State and Law | Constitutional 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 |

| Competence code | Competence descriptor | Previous courses/modules, internships* | Subsequent courses/modules, internships* |
|-----------------|-----------------------|--|--|
| | | | Intellectual Property Law. Inheritance Law Family Law 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 Civil Liberties and Human Rights Law and Artificial Intelligence Law and Bioethics Data Regulation and Protection in Digital Age Communications and Internet Law and Policy Law and Neuroscience Educational 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 | | | |
|---|----------------------|----------------------------|-----------|-----|-----|
| | | 1/1 | 1/2 | 1/3 | 1/4 |
| <i>Classroom learning, 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 | | | |
| 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 |
|---|--|---------------------------|
| 1. Introduction to the Philosophy of Law. | Philosophy of law as a 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 law. | LC / S |
| 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 |
| 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 |
| 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 |

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

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Stanford Encyclopedia of Philosophy. URL: <https://plato.stanford.edu/entries/lawphil-nature/>
2. Mulvie, A. (2021). Philosophy and theories of learning and their application In book: Learning and Development for a Multigenerational Workforce, DOI: 10.4324/9780429293481-7
3. Baard, V., & Dumay, J. (2020). To Intervene – Integrating Philosophy and Theory In book: Interventionist Research in Accounting, DOI: 10.4324/9781351262644-6
4. Marmor, Andrei. “The Nature of Law.” In The Stanford Encyclopedia of Philosophy. Edited by Edward N. Zalta. Stanford, CA: Stanford University, 2019.
5. Philosophy of law: textbook / A.A. Golovina, M.V. Zaloilo, D.A. Pashentsev and others; resp. ed. N.N. Chernogor, O.Yu. Rybakov; Institute of Legislation and Comparative Law under the Government of the Russian Federation. - Moscow: Statute, 2018. - 224 p. - Bibliography. in book. - ISBN 978-5-9909636-3-4; The same [Electronic resource]. - URL: <http://biblioclub.ru/index.php?page=book&id=497359>
6. Wacks, Raymond. Philosophy of Law: A Very Short Introduction. Oxford: Oxford University Press, 2006. DOI: 10.1093/actrade/9780192806918.001.0001

Additional (optional) reading (sources):

1. Mulvie, A. (2021). Philosophy and theories of learning and their application In book: Learning and Development for a Multigenerational Workforce, DOI: 10.4324/9780429293481-7
2. Greenberg, Mark, 2014, “The Moral Impact Theory of Law”, *Yale Law Journal*, 123: 1118.
3. Kotsyubra, M. (2012). The relationship between philosophy and the general theory of law: history and modernity. Philosophy of law and the general theory of law, №1, 107 p.
4. Enoch, David, 2011, “Giving Practical Reasons”, *The Philosopher’s Imprint*, 11(4): 1–22.
5. Marmor, Andrei, 1992, *Interpretation and Legal Theory*, Oxford: Clarendon Press; revised 2nd edition, Hart Publishing, 2005.
6. Dickson, Julie, 2001, *Evaluation and Legal Theory*, Oxford: Hart Publishing.
7. Gardner, John, 2001, “Legal Positivism: 5 ½ Myths”, *American Journal of Jurisprudence*, 46: 199–227.
8. Kerimov, D. (2001). The methodology of law. Subject, functions, problems of philosophy of law. Avanta, 560p.
9. Nersesiants, V. (1999). Problems of the general theory of law and the state. NORMA - INFRA-M, 83/
10. Campbell, Tom D., 1996, *The Legal Theory of Ethical Positivism*, Aldershot: Dartmouth.
11. Green, Leslie, 1996, “The Concept of Law Revisited”, *Michigan Law Review*, 94(6): 1687–1717.
12. Berman Harold J. *Western Tradition of Law: Formation Era* / G.D. Berman. - M.: Publishing House of Moscow University, 1994. - 591 p.
13. Marmor, Andrei, 1992, *Interpretation and Legal Theory*, Oxford: Clarendon Press; revised 2nd edition, Hart Publishing, 2005.
14. Finnis, John, 1980, *Natural Law and Natural Rights*, Oxford: Clarendon Press.
15. Hart, H.L.A., 1961, *The Concept of Law*, Oxford: Clarendon Press; 2nd edition with postscript by J. Raz & P. Bulloch (eds.), Oxford: Oxford University Press, 1994.

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).

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