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

LAW INSTITUTE

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

COURSE SYLLABUS

THEORY OF STATE AND LAW

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

1. COURSE GOAL(s)

The goal of mastering the discipline «Theory of State and Law» is to facilitate studying and mastering the basic legal concepts and legal structures, the relationship between legal phenomena as well as mastering the skills of correlation of theoretical knowledge gained in the study of this course with the material that will subsequently be taught by them within the framework of branch legal academic disciplines, as well as with the practical needs of a practicing lawyer.

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)
GC-1	GC-1. Can search for information, perform its critical analysis and synthesis, apply systematic approach to complete the tasks.	GC-1.1. Analyzes the task while identifying its basic components; GC-1.2. Identifies and ranks the information required to complete the tasks; GC-1.3. Searches for information and performs its rational analysis to complete the task based on various types of requests; GC-1.4. Offers options for problem solving and analyzes the possible consequences of using them; GC-1.5. Analyzes various ways of solving worldview-related, moral and personal problems based on the use of fundamental philosophical ideas and categories in their historical development and sociocultural context.
GC-2	GC-2. Can specify the range of tasks within the goal and choose the best ways to complete them based on the current legal norms, available resources and restrictions.	GC-2.1. Identifies and formulates the solution to a problem directly related to achieving the project goal; GC-2.2. Identifies the connections between the tasks and the expected results of their completion; GC-2.3. Identifies the available resources, restrictions and the current legal norms based on the tasks given; GC-2.4. Develops and analyzes the project implementation schedule and chooses the best way to complete the tasks based on the current legal norms and the available resources and restrictions; GC-2.5. Controls the project implementation progress, adjusts the schedule according to the control results.
GC-12	GC-12. Can find the necessary information sources and data, comprehend, analyze, memorize and transfer information using digital devices and algorithms, use various types of information from different sources to solve problems in an	GC-12.1. Searches for the necessary information sources and data, comprehends, analyzes, memorizes and transfers information using digital devices and algorithms, uses various types of information from different sources to solve problems in an efficient way;

Competence code	Competence descriptor	Competence formation indicators (within this course)
	efficient way; evaluates the information, its authenticity, infer and deduct based on the input data and information.	GC-12.2. Evaluates the information, its authenticity, infers and deducts based on the input data and information.
GPC-1	GPC-1. Can analyze the main patterns of formation, implementation and development of law.	GPC-1.1. Knows the basics of the history of law, its nature and patterns; GPC-1.2. Uses legal methodology in order to analyze the main patterns of formation, implementation and development of law; GPC-1.3. Formulates and explains their position to complete professional tasks using relevant legal information.
GPC-5	GPC-5. Can use their speaking and writing skills in a cohesive, well-reasoned and logical way with a uniform and correct use of professional legal terminology.	GPC-5.1. Has mastered the main methods of formal logic and tactical methods of legal argumentation to express their oral and written position on a specific legal problem; GPC-5.2. Uses their speaking and writing skills in a cohesive, well-reasoned and logical way to set out the facts and circumstances, states their legal position; GPC-5.3. Correctly uses legal terminology in professional communication.
GPC-7	GPC-7. Can comply with the principles of legal ethics, doing so in terms of anti-corruption behavior standards.	GPC-7.1. Is ready to carry out professional duties in an honest way and good faith based on the principles of legality, impartiality and justice, with respect and dignity, protecting human and civil rights and freedoms; GPC-7.2. Demonstrates a high level of personal and legal culture, maintains high levels of professional expertise and qualifications; GPC-7.3. Identifies corruption risks, assesses and prevents corrupt behavior, develops and implements measures to identify and eliminate conflicts of interest.
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; PC-1.2. Understands the nature and levels of rulemaking, identifies the stages and actors in the rulemaking procedure; PC-1.3. Identifies the role and competence of rulemaking procedure actors, assesses the legitimacy of their decisions and actions; PC-1.4. Demonstrates the knowledge of the fundamental legislative techniques used in developing regulatory acts; PC-1.5. Understands the importance of legal review of regulatory acts, is able to take part in it.
PC-2	PC-2. Can apply legal norms in specific legal areas and use them in the way prescribed by law.	PC-2.2. Has mastered the skills of analyzing the facts of the case, qualifying the facts of law and legal relations that arise due to them, identifies legally significant circumstances;

Competence code	Competence descriptor	Competence formation indicators (within this course)
		PC-2.3. Carries out the correct choice of the legal norm to be applied and the method of its interpretation; PC-2.5. Develops options for legal actions in strict accordance with the legislation and makes decisions in the form prescribed by law.

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*
GC-1	GC-1. Can search for information, perform its critical analysis and synthesis, apply systematic approach to complete the tasks.	Philosophy	History of State and Law of Foreign Countries History of Russian State and Law Information Technologies in Legal Practice (Fundamentals of Legal Tech)
GC-2	GC-2. Can specify the range of tasks within the goal and choose the best ways to complete them based on the current legal norms, available resources and restrictions.	Philosophy	Administrative Law Constitutional Law Basic Provisions of Civil Law Law of Obligations. Tort Law Contract Law Environmental Law Family Law Criminal Law Civil and Arbitration Procedure Criminal Procedure and Forensic Science Financial Law and Tax Law International Public Law Environmental Law and Land Law Labor Law International Private Law Commercial Law and Corporations

Competence code	Competence descriptor	Previous courses/modules, internships*	Subsequent courses/modules, internships*
GC-12	GC-12. Can find the necessary information sources and data, comprehend, analyze, memorize and transfer information using digital devices and algorithms, use various types of information from different sources to solve problems in an efficient way; evaluates the information, its authenticity, infer and deduct based on the input data and information.	Foundations of Economics and Management	Information Technologies in Legal Practice (Fundamentals of Legal Tech) Law and Neuroscience Computer Science Logic for Lawyers Comparative Law Studies Comparative Constitutional Law and Justice Comparative Administrative Law and Justice Comparative Criminal Comparing Legal Techniques Comparative Civil and Commercial Law Comparative Criminal Procedure Comparative Civil Procedure Comparative Financial and Tax Law
GPC-1	GPC-1. Can analyze the main patterns of formation, implementation and development of law.		History of State and Law of Foreign Countries History of Russian State and Law Roman Law
GPC-5	GPC-5. Can use their speaking and writing skills in a cohesive, well-reasoned and logical way with a uniform and correct use of professional legal terminology.		Civil and Arbitration Procedure Criminal Procedure and Forensic Science International Private Law
GPC-7	GPC-7. Can comply with the principles of legal ethics, doing so in terms of anti-corruption behavior standards.		Administrative Law Constitutional Law Comparative Law Studies Civil and Arbitration Procedure Criminal Procedure and Forensic Science Financial Law and Tax Law
PC-1	PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity.		History of State and Law of Foreign Countries History of Russian State and Law Roman Law
PC-2	PC-2. Can apply legal norms in specific legal areas and use them in the way prescribed by law.		Civil and Arbitration Procedure Criminal Procedure and Forensic Science International Private Law

* 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 9 credits (324 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
Classroom learning, academic hours		*170*	*45*	*40*	*45*	*40*
including:						
Lectures (LC)		68	18	16	18	16
Lab work (LW)						
Seminars (workshops/tutorials) (S)		102	27	24	27	24
Self-studies		*100*	*24*	*14*	*21*	*41*
Evaluation and assessment (exam/passing/failing grade)		*54*	*3*	*18*	*6*	*27*
Course workload	academic hours_	**324**	**72**	**72**	**72**	**108**
	credits	**9**	**2**	**2**	**2**	**3**

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
1. Theory of state and law as a science and academic discipline. origin of the state and law. theories of the origin of the state and law.	The concept and subject of the theory of state and law. The place of the theory of state and law in the system of social and legal sciences. The system of the course of the theory of state and law. Functions of the theory of state and law. General scientific and private methods of research of state and law. The role of the theory of state and law in the formation of a lawyer. General characteristics of social regulation in primitive society. Patterns of the emergence of the state and law. Proto-state. early state. The difference between the state and the public power of primitive society. The difference between law and social norms of primitive society. The main theories of the origin of the state: theological, patriarchal, contractual, violence, organic, Marxist.	LC / S
2. The concept, features and essence of the state. typology of states.	Relationship between society and the state. The concept and features of the state. State power as a special kind of social power.	LC / S

Course module title	Course module contents (topics)	Academic activities types
	The evolution of ideas about the essence of the state. Class and general social in the essence of the state. Pluralism of approaches to the concept of the state. The concept of the typology of the state. Controversial problems of state typology in modern jurisprudence. formational approach. civilizational approach.	
3. Functions and mechanism of the state.	The concept of the function of the state. The correlation of functions with the goals, objectives and principles of the state. Classification of the functions of the state. The functions of the state and the functions of its individual bodies. Implementation of the functions of the state. The concept of the mechanism of the state. Correlation between the concepts of "mechanism of the state" and "apparatus of the state". Principles of organization and activity of the mechanism of the state. The principle of separation of powers. Elements of the mechanism of the state. The concept and features of a state body. Classification of state bodies.	LC / S
4. Form of State.	The concept of the form of the state. Form of government: concept and types. monarchical form of government. Republican form of government. The form of government in modern Russia. Form of government: concept and types. unitary state. federal state. Confederation. Administrative-territorial structure of the state. The federal structure of modern Russia. Political (state) regime: concept and types. Democratic and anti-democratic political regime. Features of the political regime of modern Russia.	LC / S
5. The state in the political system of society	The concept and structure of the political system of society. The role and functions of the political system. The place and role of the state in the political system of society. Interaction of the state with political parties and public associations. Types of the main political systems of our time.	LC / S
6. Legal and social state. state and civil society	Correlation and interrelation of the state and law. The concept of the rule of law. The concept and features of the rule of law. The unity and interconnection of the ideas of civil society and	LC / S

Course module title	Course module contents (topics)	Academic activities types
	the rule of law. Features of the formation of the rule of law in modern Russia. Concepts of the welfare state. The concept and features of the welfare state. Features of the formation of a social state in modern Russia. The concept of civil society. Civil society: concept, signs and structure. Principles of organization of civil society. Functions of civil society. Institutions of civil society, their relationship with the institutions of the state. Features of the formation of civil society in modern Russia.	
7. Modern Doctrines of the State	Modern doctrines of the state: a) the Marxist concept of the state, b) the theory of the welfare state, c) the theory of elites, d) the technocratic theory, e) the theory of pluralistic democracy, f) the theory of convergence.	LC / S
8. Concept, features and essence of law. principles and functions of law. law in the system of social norms. basic concepts of understanding law	Essence of law: different approaches. The concept and signs of law. Law in the objective and subjective sense. Class and general social in law. The social value of law. Functions of law: concept and classification. Social and technical norms: concept, features, relationship. Types of social norms. Law as a social regulator. Correlation of law with customs, traditions, morality, religion, rules of corporations. Correlation of law and morality: unity, differences and interaction. Variety of approaches to the essence of law. Basic concepts of understanding law: a) legal positivism; b) sociological concepts; c) psychological theory; d) natural law doctrines; e) libertarian concept.	LC / S
9. Sources (forms) of law	The concept of the source (form) of law. The system of sources of law. The Constitution as a source of law. The supreme legal force of the Constitution in the system of sources of law. Forms and methods of ensuring the supremacy of the Constitution. Normative legal act. Law as a source of law. Types of laws. Hierarchy of by-laws. The effect of legal acts in time, in space, in a circle of persons. Legal custom. Judicial precedent. Normative contract. legal doctrine. Principles of law:	LC / S

Course module title	Course module contents (topics)	Academic activities types
	concept and types. General legal, sectoral and intersectoral principles. Sources of law in modern Russia.	
10. Rules of law. legal relations	The concept of the rule of law. Signs of the rule of law (general character, formal certainty, obligatory nature, consistency, repeated application, non-personality of the addressee). The structure of the rule of law. Hypothesis, disposition and sanction of the legal norm. Differences between the rule of law and individual legal prescriptions. Correlation between the rule of law and the article of a normative legal act. Ways of presenting legal norms. Classification of legal norms. Legal relations: concept and signs. Composition (elements) of legal relations. Object of legal relations: concept and types. Subjects of legal relations: concept and types. Legal capacity and legal capacity of subjects of legal relations. Legal personality. Delicacy. The content of legal relations. Subjective right and legal obligation. Classification of legal relations. Legal facts, their classification. Legal presumptions and legal fictions.	LC / S
11. Lawmaking. legal technology. systematization of legislation	Lawmaking: concept and types. Law-making as a special kind of law-making activity. Legislative process: concept and stages. Legislative process under the Constitution of the Russian Federation of 1993 Normative and casual (judicial) law-making. Legal technology. Systematization of legal acts: concept and types. Incorporation. Codification. Consolidation. Accounting. Systematization of various sources of law. Codification of Russian law.	LC / S
12. System of Law	The concept and structural elements of the system of law. Ways of building a system of law - subject, or branch (Romano-Germanic law) and formal legal, or by sources of law (common law system, Hindu, Muslim law). Branch of law. Legal Institute. The subject and method of legal regulation as the basis for the division of law into branches. Public and private law. Substantive and procedural law. The role of international law in	LC / S

Course module title	Course module contents (topics)	Academic activities types
	legal regulation. Correlation between the norms of international and domestic law. The mechanism of implementation of international legal norms in national legal systems. The Constitution of the Russian Federation of 1993 on the relationship between international and domestic law. Correlation between the system of law and the system of legislation. Correlation between the category "legal system" and the system of law. Branches of modern Russian law.	
13. Implementation and interpretation of law	Realization of law: concept and forms. Compliance with the law. Use of the law. Enforcement of law. Application of law. Subjects of application of law. Stages of application of law. The difference between acts of application of the rules of law from normative legal acts. Gaps and conflicts in law. Ways to overcome gaps and resolve conflicts in law. Analogy of law and analogy of law. The effectiveness of law. The concept of interpretation of legal norms. Interpretation-clarification. Ways of interpretation and understanding of legal norms: grammatical, logical, systematic, historical-political, teleological. Interpretation-clarification. Subjects of interpretation-explanation. Types of interpretation-explanation. Official and unofficial interpretation. Normative and causal interpretation. Scope and limits of interpretation of legal norms. Acts of interpretation of legal norms: concept and types.	LC / S
14. Law and personality. legal consciousness and legal culture. lawful conduct, wrongdoing and legal liability	The concept of legal consciousness. The place and role of legal consciousness in the system of forms of social consciousness. The structure of legal consciousness. Legal psychology and legal ideology. Types of legal consciousness. Individual, group, mass legal consciousness. Ordinary, professional and scientific legal consciousness. The specifics of legal consciousness in a traditional society. legal nihilism. Legal culture, its role in the professional development of a lawyer. Human rights and freedoms: concept and classification. The legal obligation and responsibility of a person to society. The	LC / S

Course module title	Course module contents (topics)	Academic activities types
	relationship between the rights and duties of a person and a citizen. The mechanism for the protection of human rights and its elements. Protection of human rights by institutions of the state and society. Self defense is right. The concept of lawful behavior. Objective and subjective side of lawful behavior. Motivation of lawful behavior. Offense: concept and types. Misdemeanors and crimes. Composition of the offense: concept and elements. Subject, object, subjective and objective sides of the offense. The concept, grounds and types of legal liability. Positive and negative legal liability. Purposes, functions and principles of legal responsibility. Circumstances excluding the wrongfulness of the act. Grounds for exemption from legal liability. Presumption of innocence.	
15. Legal Systems and Legal Families	Correlation between the concepts of the legal system and the legal family. Ideological (philosophical), normative, institutional and sociological aspects of the legal system. Classification of legal families. Romano-Germanic (continental) legal family, Anglo-Saxon legal family (common law family), Muslim legal family, Hindu legal family, tropical African customary law Specificity of legal norms in different legal families.	LC / S
16. The mechanism of legal regulation. law and order	Legal regulation: concept and essence. Mechanism of legal regulation: concept and elements. Legal means: concept, features and types. Incentives and restrictions in the mechanism of legal regulation. Prohibitions and Permissions in Law. The method of subordination and the method of coordination in legal regulation. The role of the state in the mechanism of legal regulation. Legal policy. The concept of law and order. Law and order in society. The concept of legality. Relationship between law and order. Methods for ensuring law and order. Guarantees of law and order.	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 andmid-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 andmid-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. General Theory of Law and State, Volume 1. Front Cover. Hans Kelsen. Transaction Publishers, 1945 - International law - 516 pages.

2. HLA Hart, Leslie Green, Joseph Raz, Penelope A. Bulloch. The Concept of Law (Clarendon Law Series). Oxford University Press; 3rd edition (December 29, 2012) ISBN-13 : 978-0199644704

3. Skakun, O. (2006). Theory of State and Law. Espada, 775 p.

4. Rasskazov, L. (2020). Theory of state and law: advanced course, INFRA-M, 577 p. DOI: 10.29039/109295-8

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. Baard, V., & Dumay, J. (2020). To Intervene – Integrating Philosophy and Theory In book: Interventionist Research in Accounting, DOI: 10.4324/9781351262644-6

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

4. 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.

5. 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

6. Nersesiants, V. (1999). Problems of the general theory of law and the state. NORMA - INFRA-M, 83

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

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:

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Head of the Department of Theory of Law and State		Andrei A. Klishas
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