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**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

COMPARING LEGAL TECHNIQUES

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 "Comparing Legal Techniques" is to form students' understanding of the place of legal technique in lawmaking, law enforcement and interpretation activities and to obtain the necessary theoretical knowledge about technical and legal techniques and means, as well as the skills to use them in legal activities.

The specificity of the special course is that, on the one hand, as a course taught in Russia, it is devoted to the problems of domestic legal technology, on the other hand, reflecting the specifics of RUDN University as a unique international university, it is much more than in any other Russian legal university, includes elements of its comparison with the legal technique of the countries of Europe, America, the Afro-Asian region. The element of comparison of legal technique that existed at different stages of the history of law is also significant.

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 competences (parts of competences)

Competence code	Competence descriptor	Competence formation indicators (within this course)
GPC-4	GPC-4. Can interpret legal norms in a professional way.	GPC-4.1. Understands the nature and significance of legal norms and their interpretation in the legal profession; GPC-4.2. Has mastered the skills to apply various methods of interpreting laws, identify conflicts of laws and gaps in legal regulation; GPC-4.3. Masters the skills of presenting the results of legal interpretation and using them in implementation of 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.	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.
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;

Competence code	Competence descriptor	Competence formation indicators (within this course)
		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-4	GPC-4. Can interpret legal norms in a professional way.	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	Law and Neuroscience Comparative Constitutional Law and Justice Comparative Administrative Law and Justice Comparative Criminal Law Comparative Civil and Commercial Law Comparative Criminal Procedure Comparative Civil Procedure Comparative Financial and Tax 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.	Logic for Lawyers Comparative Law Studies	Civil and Arbitration Procedure Criminal Procedure and Forensic Science International Private Law
PC-5	PC-2. Can apply legal norms in specific legal areas and use them in the way prescribed by law.	Administrative Law Constitutional 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	Comparative Constitutional Law and Justice Comparative Administrative Law and Justice Comparative Criminal Law Comparative Civil and Commercial Law Comparative Criminal Procedure Comparative Civil Procedure Comparative Financial and Tax Law

Competence code	Competence descriptor	Previous courses/modules, internships*	Subsequent courses/modules, internships*
		Contract Law Intellectual Property Law. Inheritance Law Family Law Criminal Law Financial Law and Tax Law International Public Law Environmental Law and Land Law Labor Law International Private Law Commercial Law and Corporations	

* 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 4 credits (144 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>	59	27	32		
including:					
Lectures (LC)	25	9	16		
Lab work (LW)					
Seminars (workshops/tutorials) (S)	34	18	16		
<i>Self-studies</i>	61	39	22		
<i>Evaluation and assessment (exam/passing/failing grade)</i>	24	6	18		
Course workload	academic hours	144	72	72	
	credits	4	2	2	

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
Chapter 1. Grounds for the comparative approach to legal techniques	Grounds for the comparative approach to legal techniques you will learn the correspondence of legal techniques and legal activities. Also we shall discuss the problem of comparability and compatibility of legal cultures in comparing legal techniques.	LC / S

Course module title	Course module contents (topics)	Academic activities types
Chapter 2. The notion of legal technique in comparative studies	The notion of legal technique in comparative studies you will study the "broad" and the "narrow" approaches to the legal technique. You will have a choice how to understand them. Is it law in general, or it is its cornerstone, or it reflects more than one aspect of legal reality, or whether it is identified only at one sphere of the law — the law-making activity. Finally, in this chapter we shall discuss the polysemy of a concept of the legal technique in Western legal literature.	LC / S
Chapter 3. Cultural context of comparing legal techniques	Cultural context of comparing legal techniques you will get a general impression about the functional and instrumental orientation of social knowledge as the basis for the methodology of comparing legal techniques. We shall analyze the question of statics and dynamics of the law in comparative research as well as the appeal to culture in comparative studies of the legal phenomena. Finally, in this chapter we shall learn the concept of law as culture as a basis of comparing legal technics.	LC / S
Chapter 4. Comparing legal techniques of the law-making	Comparing legal techniques of the law-making you will study the legislative process as a component of the law-making technique. We shall discuss the theoretical model of the legislative process of Ancient Rome and the ideas of Bentam presented in his "Principles of the Legislation" and "Introduction to the Bases of Morality and Legislations". Finally, in this chapter you will get general impression about the features of law-making activity in England and in the countries of the Civil Law family.	LC / S
Chapter 5. Comparing legal techniques of the law-enforcement	Comparing legal techniques of the law-enforcement you will learn the notion of the law-enforcement technique, we shall give the structural definition of the components of the law-enforcement technique and make its functional analysis in connection with the problem of sources of law.	LC / S
Chapter 6. Comparing legal techniques of the systematization of law	Comparing legal techniques of the systematization of law we shall move to USA and Germany. We shall discuss the notion of this phenomena and specifics of its realization in case-law family (on the example of USA) and in civil law family (on the example of Germany and France).	LC / S
Chapter 7. Comparing legal techniques of the	Comparing legal techniques of the law-interpretation and legal reasoning, we shall discuss Joseph E. David's article - "Legal	LC / S

Course module title	Course module contents (topics)	Academic activities types
law-interpretation and legal reasoning	comparability and cultural identity: the case of legal reasoning in Jewish and Islamic traditions”. We shall visit Israel and Islamic countries. You will learn the methodological aspects of the comparative research in the field of law-interpretation and legal reasoning in Jewish and Islamic law. Then you will compare the Islamic and Jewish attitudes towards the techniques of legal reasoning and law-interpretation. Finally, in this chapter we shall discuss the Judicial error as the result of legal reasoning and law-interpretation from the point of view of similarities and differences in Jewish and Islamic law.	
Chapter 8. Legal techniques at the beginning of culture: some ideas to understand the logic of the process of development of law	Legal techniques at the beginning of culture: some ideas to understand the logic of the process of development of law we shall return to the past, to the pre-state societies. you will learn the methodological aspects of exploring legal technique at the beginning of culture. we shall analyze the phenomenon of syncretism of consciousness and social regulation in pre-state societies. you will get general impression about customary law and the cult of the ancestors as the basis of legal technique in pre-state societies. finally, the aim of this chapter is to learn the historical logic of the process of development of law.	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

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
		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. Mark Van Hoecke. Methodology of Comparative Legal Research. URL: <https://www.bjutijdschriften.nl/tijdschrift/lawandmethod/2015/12/RENM-D-14-00001.pdf>
2. Eberle, Edward J. (2011) "The Methodology of Comparative Law," Roger Williams University Law Review: Vol. 16: Iss. 1, Article 2. Available at: http://docs.rwu.edu/rwu_LR/vol16/iss1/2
3. Alexander H. Pekelis. Legal Techniques and Political Ideologies: A Comparative Study. Michigan Law Review. Vol. 41, No. 4 (Feb., 1943), pp. 665-692 (28 pages) <https://doi.org/10.2307/1283267>
4. P. Ishwara Bhat. COMPARATIVE METHOD OF LEGAL RESEARCH: NATURE, PROCESS AND POTENTIALITY. Journal of the Indian Law Institute. Vol. 57, No. 2 (April-June 2015), pp. 147-173 (27 pages) <https://www.jstor.org/stable/44782499>

Additional (optional) reading (sources):

1. Bell J. English Law And French Law – Not So Different? // Current Legal Problems. 1995. Vol.48.
2. Blankenburg E. Patterns of Legal Culture: The Netherlands Compared to Neighboring

Germany // American Journal of Comparative Law. 1998. Vol.46.

3. Damaska M.R. A Continental Lawyer in an American Law School: Trials and Tribunals of Adjustment // University of Pennsylvania Law Revue, 1968. Vol.116.

4. Joseph E. David Legal Comparability and Cultural Identity: The Case of Legal Reasoning in Jewish and Islamic Traditions”, vol. 14.1 ELECTRONIC JOURNAL OF COMPARATIVE LAW, (May 2010), <http://www.ejcl.org/141/art141-2.pdf>.

5. Friedman L.M. Legal Rules and the Process of Social Change // Stanford Law Revue. 1966-1967. Vol.19.

6. Legrand P. European Legal Systems are not Converging // International and Comparative Law Quarterly. 1996. Vol.52.

7. Legrand P. How to Compare Now // Legal Studies. 1996. Vol.16.

8. Merryman J.H. The Civil Law Tradition: An Introduction to The Legal Systems of Western Europe and Latin America? Stanford: Stanford University Press, 1985.

9. Reimann M. The Progress and Failure of Comparative Law in the Second Half of the Twentieth Century // American Journal of Comparative Law. 2002. Vol.50.

10. Van Hoecke M., Warrington M. Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law // International and Comparative Law Quarterly. 1998. Vol 47.

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).

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