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ФИО: Ястребов Олег Александрович
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**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 (Международная защита прав человека) /
International Private Law (Международное частное право)

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) |
|-----------------|---|--|
| UC-1 | UC-1. Able to carry out a critical analysis of problem situations based on a systematic approach, develop an action strategy | UC-1.1. Analyzes the problem situation as a system, identifying its components and relationships between them UC-1.2. Identifies gaps in the information necessary to solve the problem situation, and designs processes to eliminate them UC-1.3. Critically evaluates the reliability of information sources, works with conflicting information from different sources UC-1.4. Develops and meaningfully argues a strategy for solving a problem situation based on a systematic and interdisciplinary approach, sets out an assessment of the prospects and risks of implementing this strategy. UC-1.5. Uses logical and methodological tools for a critical assessment of modern concepts of a philosophical and social nature in his subject area |
| UC-6 | UC-6. Able to determine and implement priorities of one's own activities and ways of improving them based on self-assessment. | UC -6.1. Assesses his/her resources and their limits (personal, situational, temporary), uses them optimally to successfully complete the assigned task; UC-6.2. Determines priorities for professional growth and ways to improve his/her own activities based on self-assessment according to selected criteria; UC-6.3. Builds a flexible professional trajectory using continuous education tools, taking into account accumulated experience of professional activity and dynamically changing requirements of the labor market. |
| GPC-1 | GPC-1. Able to analyze non-standard situations of law | GPC-1.1. Possesses general and special knowledge to identify and resolve non-standard situations (situations in which |

| Competence code | Competence descriptor | Competence formation indicators (within this course) |
|-----------------|--|---|
| | enforcement practice and offer the best options for their solution | 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 competently interpret legal acts, including in situations where there are gaps and conflicts of law | GPC-3.1. Knows the essence and specifics of the ways and methods of interpreting legal acts, ways to eliminate gaps and conflicts in law; GPC-3.2 Has the skills to interpret legal acts, including in situations where there are gaps and conflicts of law GPC-3.3 Gives qualified explanations on the content and application of the law |
| 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* |
|------------------------|--|----------------------------------|---|
| UC-1 | UC-1. Able to carry out a critical analysis of problem situations based on a systematic approach, develop an action strategy | | Comparative law research Research work Educational practice (pedagogical) |
| UC-6 | UC-6. Able to determine and implement priorities of one's own activities and ways of improving them based on self-assessment. | | History and Methodology of Legal Science Research work Educational practice (pedagogical) Industrial practice, incl. undergraduate |
| 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 Research work Educational practice (pedagogical) Industrial practice, incl. undergraduate |
| GPC-3 | GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law | | Research work Industrial practice, incl. undergraduate |
| GPC-4 | GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes | | Educational practice (pedagogical) Industrial practice, incl. undergraduate |
| 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 | | Industrial practice, incl. undergraduate |

* 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 | | | |
| 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. | LC, S |

| Course module title | Course module contents (topics) | Academic activities types |
|---------------------|---|---------------------------|
| | Classifications of human rights. Generations of human rights (K. Vasak). Status negativus, status positivus, status activus (G. Jellinek). Human rights protection. | |

* - 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%20%20Philosophy%20of%20Law.%20An%20Introduction%20C%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