

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
VASYL STEFANYK PRECARPATHIAN NATIONAL UNIVERSITY

Educational and scientific law institute

Department of theory and history of state and law

SYLLABUS OF THE COURSE

THEORY OF STATE AND LAW

Higher education level – first (bachelor's)

Educational and professional program "International and European Law"

Specialty 081 Law

Sphere of knowledge 08 Law

Approved at the meeting of the department
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1. General information	
The name of the discipline	Theory of state and law
Lecturer	Vitalii Knysh
Teacher's contact phone number	+38 (0342) 596134 +38 (068) 8546816
Lecturer's e-mail	vitaliy.knysh@pnu.edu.ua
The format of the discipline	external
The volume of the discipline	9 ECTS credits, 270 hours.
Link to the distance learning site	https://d-learn.pnu.edu.ua/index.php?mod=course&action=ReviewOneCourse&id_cat=88&id_cou=66

Consultations	<p>Consultations. Consultations are conducted in accordance with the Schedule of individual classes with students, posted on the information stand and the website of the department</p> <p>https://ktidp.pnu.edu.ua/%d0%b3%d1%80%d0%b0%d1%84%d1%96%d0%ba%d0%b8-%d0%bd%d0%b0%d0%b2%d1%87%d0%b0%d0%bb%d1%8c%d0%bd%d0%be%d0%b3%d0%be-%d0%bf%d1%80%d0%be%d1%86%d0%b5%d1%81%d1%83/</p> <p>It is also possible to consult by correspondence via e-mail, in particular regarding the approval of plans and content of home tests, individual research tasks.</p>
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2. Annotation to the discipline	
<p>The subject of study is a system of modern theoretical knowledge about the general laws of origin, functioning and development of state and law (state and legal reality), the most common genetic, attributive, structural-substantial and functional properties of state and legal phenomena.</p> <p>The curriculum consists of the following content modules:</p> <ol style="list-style-type: none"> 1. Scientific issues of the theory of state and law. Theory of the state. 2. General doctrine of law. 3. Formation and structure of law. 4. The action of law. Legal System. <p>At the present stage of development of society, the theory of state and law is a fundamental legal science, which allows to study the main legal categories, on the basis of which further legal knowledge is obtained within the branch and applied legal sciences.</p> <p>The theory of state and law is also a legal discipline that contributes to the formation of a systematic understanding of the essential and functional features of law as a special regulator of social relations, as well as its relationship with</p>	

other social regulators.

The main sources of the theory of state and law are the Constitution of Ukraine, Laws: "On the Cabinet of Ministers of Ukraine", "On Central Executive Bodies", "On Local State Administrations", "On Civil Service", "On Local Self-Government in Ukraine" and a number of other laws (including codified) and bylaws, as well as scientific and educational literature on specific topics.

The theory of state and law is related to the general laws of formation, development and functioning of the state and law, which are the subject of its study.

This training course is of great importance for the training of legal professionals, as it provides the necessary legal framework and skills of analysis and application of regulations in legal activities, without which it is impossible to fully master the knowledge of the mechanism of legal regulation.

3. The purpose and objectives of the discipline

The aim of the discipline "Theory of State and Law" is to master the system of modern theoretical knowledge about the general laws of origin, functioning and development of state and law (state and legal reality), the most common genetic, attributive, structural and substantive and functional properties of state and legal phenomena.

The main objectives of the discipline "Theory of State and Law" are the acquisition by students of knowledge and understanding of the content of state and legal phenomena, the formation of skills and abilities to analyse the legal system and the legal system.

4. Program competencies and learning outcomes

General competencies:

Ability to abstract thinking, analysis and synthesis.

Ability to apply knowledge in practical situations.

Knowledge and understanding of the subject area and understanding of professional activity.

Ability to exercise one's rights and responsibilities as a member of society, to realize the values of civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine.

Professional competencies:

Ability to apply knowledge of the basics of theory and philosophy of law, knowledge and understanding of the structure of the legal profession and its role in society.

Knowledge and understanding of the retrospective of the formation of domestic, European and international state and legal institutions.

Respect for human honour and dignity as the highest social value in Ukraine and the world, understanding of their legal nature.

Ability to identify relevant and acceptable for legal analysis facts of national or international importance.

Ability to analyse global, interstate, state, regional and local legal issues, to form and justify legal positions in this regard.

Program learning outcomes:

Analyse social processes in the context of the analysed problem and demonstrate your own vision of ways to solve it.

Conduct collection and integrated analysis of materials from various sources.

Give a brief conclusion on certain factual circumstances (data) with sufficient justification.

Use a variety of information sources to fully and comprehensively establish certain circumstances.

It is accessible and clear to inform the respondent about certain issues.

Explain the nature of certain events and processes with an understanding of the professional and social context.

Free to use available information technologies and databases for professional activities.

Demonstrate the necessary knowledge and understanding of the nature and content of state and legal phenomena.

5. Organization of training	
The scope of the discipline	
Type of lesson	Total hours
lectures	60
seminars / practical / laboratory	66
individual work	204

Signs of academic discipline			
Specialty	Course (year of study)	Normative / selective	
081 Law Educational and professional program "International and European Law"	1	нормативный	
Subjects of the discipline			
Topic	Number of hours		
	lectures	practical training	Individual work
Topic 1. Theory of state and law as a science and academic discipline	2	2	8
Topic 2. The origin of the state	2	2	8
Topic 3. The concept and essence of the state	2	2	8
Topic 4. Functions of the state	2	2	8
Topic 5. Form of state	2	2	8
Topic 6. Mechanism and apparatus of the state	2	2	8
Topic 7. The origin and historical development of law	2	2	8
Topic 8. The concept, nature and value of law	2	2	8

Topic 9. Law and man. Legal status of a person	2	4	8
Topic 10. Law and society. Civil society	2	2	8
Topic 11. The rule of law and the rule of law	2	2	6
Topic 12. Law in the system of social regulation	2	2	6
Topic 13. Legal regulation. Mechanism of legal regulation	2	2	6
Topic 14. Law and order	2	2	6
Topic 15. Legal awareness and legal culture	2	2	6
Topic 16. Principles of law	2	2	6
Topic 17. The rule of law	2	2	6
Topic 18. Sources of law	2	2	6
Topic 19. Legal act as a source of law	2	2	6
Topic 20. Lawmaking	2	2	6
Topic 21. The system of law	2	2	6
Topic 22. The system of legislation. Systematization of normative legal acts	2	2	6
Topic 23. Legal relations	2	2	6
Topic 24. Interpretation of legal norms	2	2	6
Topic 25. Implementation of legal norms. Application of legal norms	2	4	8
Topic 26. Legal activity. Legal practice. Legal process	2	2	6
Topic 27. Legal technique	2	2	6
Topic 28. Legal behaviour. Offense	2	2	6
Topic 29. Legal responsibility	2	2	6
Topic 30. Legal system. The main types of modern legal systems	2	4	8
IN GENERAL:	60	66	204

6. Система оцінювання навчальної дисципліни

<p>General system of assessment of academic discipline</p>	<p>The general system of educational evaluation is unified within the educational and scientific law institute and is determined by item 4.4 of the Regulations on the organization of educational process and evaluation of students' success in the educational and scientific legal institute of Vasyl Stefanyk Precarpathian National University, with changes – the text is website of the Institute</p> <p>https://law.pnu.edu.ua/%d0%bd%d0%be%d1%80%d0%bc%d0%b0%d1%82%d0%b8%d0%b2%d0%bd%d1%96-%d1%82%d0%b0-%d0%bb%d0%be%d0%ba%d0%b0%d0%bb%d1%8c%d0%bd%d1%96-%d0%b0%d0%ba%d1%82%d0%b8/</p>
<p>Requirements for written works</p>	<p>It is planned that students will complete several additional types of written work: mandatory written homework in each semester (up to 30 points), written test assignments on topics submitted for self-study (the list is contained in the Guidelines and tasks for preparation to seminars (practical) classes), written express-surveys at seminars, etc.</p> <p>Tasks for home tests are available in the guidelines for independent work of students in the Theory of State and Law</p> <p>https://ktidp.pnu.edu.ua/%d0%b7%d0%b0%d0%be%d1%87%d0%bd%d0%b0-%d1%81%d0%b0%d0%bc-%d1%80%d0%be%d0%b1-%d0%b1%d0%b0%d0%ba%d0%b0%d0%bb%d0%b0%d0%b2%d1%80/</p>
<p>Seminars</p>	<p>Evaluated on a 4-level scale (2 to 5). The sum of received grades for practical tasks and independent work (except for grade "2") is divided by the total number of grades and multiplied by a factor of 5 - these are points for practical classes and independent work of students (maximum 25 points in each semester). More detailed assessment is described in the Regulations on the organization of the educational process and student performance assessment at the Educational and Scientific Law Institute of Vasyl Stefanyk Precarpathian National University, the text is posted on the information stand and website of the Institute:</p> <p>https://law.pnu.edu.ua/%d0%bd%d0%be%d1%80%d0%bc%d0%b0%d1%82%d0%b8%d0%b2%d0%bd%d1%96-%d1%82%d0%b0-%d0%bb%d0%be%d0%ba%d0%b0%d0%bb%d1%8c%d0%bd%d1%96-%d0%b0%d0%ba%d1%82%d0%b8/</p>
<p>Conditions of admission to</p>	<p>No absences from classes, writing homework. Availability of the final grade (in points) for practical classes,</p>

the final control	independent work, homework, individual tasks (maximum 50 points).
Final control	<p>Form of control: exam 2nd and 3rd semesters of study (maximum 50 points)</p> <p>Delivery form: written - under the conditions of stationary training test tasks - in terms of distance learning.</p> <p>Ticket structure: In writing - for each task the corresponding number of points is indicated, which is indicated in the ticket, if the answer to the question is incomplete - the corresponding part of the points is indicated.</p> <p>In the test control of knowledge in the distance learning system, the correct answer to the test task provides the appropriate points, which are credited to the student automatically.</p>

7. The policy of the discipline

Written works: students are expected to show creative and analytical thinking, the ability to analyse social processes in the context of the analysed problem and demonstrate their own vision of ways to solve it, the ability to collect and integrated analysis of materials from different sources with reference to sources used to prevent plagiarism.

Academic Integrity: Students are expected to adhere to the principles of academic integrity, aware of the consequences of its violation, as determined by the Regulations on the Prevention and Detection of Plagiarism at Vasyl Stefanyk Precarpathian National University: <https://pnu.edu.ua/положення-про-запобігання-плагіату/>.

Attending classes

Attending classes is an important part of learning. In general, all students must attend lectures and practical classes of the course.

Passes of seminars (practical) classes are obligatory. For missed lectures without good reason in excess of 10% of the total number of lecture hours allocated to the discipline in accordance with the working curriculum, the course leader subtracts 5 points from the final semester score of the student (paragraph 5.1.2 of the Regulations organization of the educational process and evaluation of student performance at the Educational and Scientific Law Institute of Vasyl Stefanyk Precarpathian National University: <https://law.pnu.edu.ua/організація-навчального-процесу/>).

8. Recommended literature

1. Загальна теорія держави і права: Підруч. для студ. юрид. спец. вищ. навч. закл. / [М. В. Цвік та ін.]; За ред. М. В. Цвіка, О. В. Петришина; Нац. юрид. акад. України ім. Ярослава Мудрого. Х.: Право, 2010. – 583 с.
2. Скакун О. Ф. Теорія права і держави: підручник / Харк. нац. ун-т внутр. справ. 4-те вид., доповн. і переробл. К.: Прав. єдність, 2014. 524 с.
3. Зайчук О. В., Заєць А. П., Журавський В. С., Копиленко О. Л., Оніщенко

Н. М. Теорія держави і права. Академічний курс: підручник / О.В. Зайчук (ред.), Н.М. Оніщенко (ред.). – 2-ге вид., переробл. і доп. – К.: Юрінком Інтер, 2008. 688 с.

4. Кельман М.С., Мурашин О.Г., Хома Н.М. Загальна теорія держави і права: Підручник. Л.: Новий Світ-2000, 2015. 583 с.

5. Рабінович П. М. Основи загальної теорії права та держави: Навч. посібник / Львівський національний ун-т ім. Івана Франка. Вид. 10-е, доповнене. Л.: Край, 2008. 220 с.

6. Теорія держави і права: Навч. посіб. / С. К. Бостан та ін. К.: Академія, 2013. 346 с.

7. Теорія держави і права: Підручник / [Петришин О. В. та ін.]; За ред. О. В. Петришина; Нац. ун-т «Юридична академія України ім. Ярослава Мудрого». Х.: Право, 2019. 366 с.

A detailed list of monographic, scientific, scientific and practical literature, normative sources and information resources for each topic is contained in educational and methodological developments:

1. Книш В. В. Теорія держави і права: методичні вказівки для практичних занять (*студентів заочної форми навчання*). Івано-Франківськ: навчально-науковий юридичний інститут Прикарпатського національного університету імені Василя Стефаника, 2021.

Розміщено на сайті кафедри:

<https://ktidp@pnu.edu.ua/%d0%b4%d0%b5%d0%bd%d0%bd%d0%b0-%d0%bf%d1%80%d0%b0%d0%ba%d1%82-%d1%80%d0%be%d0%b1-%d0%b1%d0%b0%d0%ba%d0%b0%d0%bb%d0%b0%d0%b2%d1%80/>

2. Книш В. В. Теорія держави і права: методичні вказівки для самостійної роботи (*студентів заочної форми навчання*). Івано-Франківськ: навчально-науковий юридичний інститут Прикарпатського національного університету імені Василя Стефаника, 2021.

Розміщено на сайті кафедри:

<https://ktidp@pnu.edu.ua/%d0%b4%d0%b5%d0%bd%d0%bd%d0%b0-%d0%bf%d1%80%d0%b0%d0%ba%d1%82-%d1%80%d0%be%d0%b1-%d0%b1%d0%b0%d0%ba%d0%b0%d0%bb%d0%b0%d0%b2%d1%80/>

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