

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

Educational-Scientific Institute of Law
Department of Theory and History of State and Law

SYLLABUS OF THE COURSE

THEORY OF STATE AND LAW

Level of higher education – first (bachelor's)

Educational and professional program «International
and European Law»

Specialty 081 Law

Sphere of knowledge 08 Law

Approved at the department
meeting

Protocol No. 1 of September
2023

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1. General information	
The name of the discipline	Theory of state and law
Lecturer	Ihor Onyshchuk
Teacher's contact phone number	+380 67 551 86 30
Lecturer's e-mail	revival.if.ua@gmail.com
The format of the discipline	full-time study
The volume of the Discipline	9 ECTS credits, 270 hours.
Link to the distance learning site	http://www.d-learn.pnu.edu.ua/
Consultations	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 https://kttidip.pnu.edu.ua/hrafik-indyvidualnoi-roboty/
2. Annotation to the discipline	
<p>The theory of the state and law is the first discipline from which the study of jurisprudence begins in higher legal educational institutions. All sciences that are part of jurisprudence have a common object of study - the state and legal system of society. The theory of the state and law is a fundamental science that has methodological significance for all branches of legal science.</p> <p>The theory of the state and law provides the most complete idea of state-legal phenomena and processes, determines the regularities of the emergence, development and functioning of the state and law, lays the foundations of political and legal culture, provides the future lawyer with general theoretical knowledge necessary for mastering other legal disciplines, as well as for practical work.</p> <p>Unlike sectoral legal sciences, the theory of the state and law studies the legal system of society as a whole, its content and properties, patterns of its development and functioning. These general properties and regularities of the legal system of society constitute a specific subject of the science of the theory of the state and law.</p> <p>The science of the theory of the state and law also includes a methodological part, in which methods (ways, methods, methods) of knowledge of state-legal phenomena are investigated.</p> <p>Since the objects of professional activity of bachelors are social relations in the field of implementation of legal norms and solving issues of ensuring legality and law and order, bachelors in specialty 081 "Law" within the framework of studying the discipline "Theory of the State and Law" prepare for the following types of</p>	

professional activities, which can be divided into the following main categories: rule-making; enforceable; law enforcement; expert consulting.

3. The purpose and objectives of the discipline.

The aim of the discipline "Theory of State and Law" is the formation of competencies in students that contribute to abstract and logical thinking, the ability to formulate their own thoughts, self-criticism, able to work with sources and factual material, competently and accurately formulate and express their positions, properly substantiate them, participate in reasoned discussion.

Students must learn to express their own opinions in oral and written forms regarding the essence, content and forms of the state and law and basic skills regarding the use of the categorical apparatus of legal science in professional activities, defend their views, communicate freely and competently in a dialog mode with teachers and other students.

4. Program competencies and learning outcomes

The educational discipline is aimed at the formation of an erudite, versatile personality capable of using the entire range of acquired competencies to achieve success in a competitive environment. Competences acquired in the process of studying the discipline will increase the competitiveness of young specialists on the labor market.

Integral competence (IC):

The ability to solve complex specialized tasks and practical problems in the field of professional legal activity or in the process of learning, which involves the application of legal doctrines, principles and legal institutions, and is characterized by the complexity and uncertainty of conditions.

General competences (GC):

GC 1. Ability to abstract thinking, analysis and synthesis.

GC 2. Ability to apply knowledge in practical situations.

GC 3. Knowledge and understanding of the subject area and understanding of professional activity.

GC 7. Ability to learn and master modern knowledge.

GC 10. The ability to act on the basis of ethical considerations (motives).

GC 11. The ability to realize one's rights and responsibilities as a member of society, to realize the values of a civil (free democratic) society and the need for its sustainable development, the rule of law, the rights and freedoms of a person and a citizen in Ukraine.

GC 13. The ability to preserve and multiply moral, cultural, scientific values and achievements of society based on an understanding of the history and laws of the development of law, its place in the general system of knowledge about nature and society and in the development of society, technology and technology.

GC 14. Appreciation and respect for diversity and multiculturalism.

Special (professional, subject) competences (SC):

SC1. The ability to apply knowledge of the basics of the theory and philosophy of law, knowledge and understanding of the structure of the legal profession and its role in society.

SC2. Knowledge and understanding of the retrospective formation of legal and

state institutions.

5. Organization of training

The scope of the discipline

Type of lesson	Total hours
lectures	60
seminars / practical / laboratory	66
individual work	144

Signs of academic discipline

Semester	Specialty	Course (year of study)	Normative /selective
1,2	081 Право	1	Normative

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	5
Topic 2. The origin of the state	2	2	5
Topic 3. The concept and essence of the state	2	2	5
Topic 4. Functions of the state	2	2	5
Topic 5. Form of state	2	2	5
Topic 6. Mechanism and apparatus of the state	2	2	5
Topic 7. The origin and historical development of law	2	2	5
Topic 8. The concept, nature and value of law	2	2	5
Topic 9. Law and man. Legal status of a person	2	4	5
Topic 10. Law and society. Civil society	2	2	5
Topic 11. The rule of law and the rule of law	2	2	5
Topic 12. Law in the system of social regulation	2	2	5
Topic 13. Legal regulation. Mechanism of legal regulation	2	2	5

Topic 14. Law and order	2	2	5
Topic 15. Legal awareness and legal culture	2	2	5
Topic 16. Principles of law	2	2	5
Topic 17. The rule of law	2	2	5
Topic 18. Sources of law	2	2	5
Topic 19. Legal act as a source of law	2	2	5
Topic 20. Lawmaking	2	2	5
Topic 21. The system of law	2	2	5
Topic 22. The system of legislation. Systematization of normative legal acts	2	2	5
Topic 23. Legal relations	2	2	5
Topic 24. Interpretation of legal norms	2	2	5
Topic 25. Implementation of legal norms. Application of legal norms	2	4	4
Topic 26. Legal activity. Legal practice. Legal process	2	2	4
Topic 27. Legal technique	2	2	4
Topic 28. Legal behaviour. Offense	2	2	4
Topic 29. Legal responsibility	2	2	4
Topic 30. Legal system. The main types of modern legal systems	2	4	4
IN GENERAL:	60	66	144

6. System of evaluation of educational discipline

General system of assessment of academic discipline	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, with changes – the text is website of the Institute https://law.pnu.edu.ua/wp-content/uploads/sites/100/2023/02/Положення-про-порядок-оцінювання-здобувачів-у-ННЮІ.pdf
Requirements for written works	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. Tasks for home tests are available in the guidelines for

	<p>independent work of students in the Theory of State and Law https://kttidip.pnu.edu.ua/%d0%b4%d0%b5%d0%bd%d0%bd%d0%b0-%d1%84%d0%be%d1%80%d0%bc%d0%b0-4/</p>
Seminars	<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).</p> <p>More detailed assessment is described in the Regulations on the organization of the educational process and student performance assessment at the Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University, the text is posted on the information stand and website of the Institute: https://law.pnu.edu.ua/normatyvni-ta-lokalni-akty/</p>
Conditions of admission to the final control	<p>No absences from classes, writing homework.</p> <p>Availability of the final grade (in points) for practical classes, independent work, homework, individual tasks (maximum 50 points).</p>
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 analyze social processes in the context of the analyzed 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 the 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-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University: <https://law.pnu.edu.ua/організація-навчального-процесу/>).

Non-formal education. If the student previously acquired knowledge outside the educational program (seminars, trainings, etc.), he can apply to the educational institution for the recognition of the results of informal and/or informal education (the applicant), submits a relevant application, a declaration of previous education and additional documents that confirm the information on declarations of prior education (if available).

The total volume of educational components of the educational program, which are credited to the student of education based on the results of recognition of the results of non-formal education, cannot exceed 25 percent of the relevant educational program.

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. Загальна теорія права: підруч. / За заг. ред. М. І. Козюбри. К.: Ваіте, 2015. 392 с.
3. Загальна теорія права: підруч. / О. В. Петришин та ін.; за ред. О. В. Петришина. Харків: Право, 2020. 568 с.
4. Крестовська Н. М., Матвєєва Л. Г. Теорія держави і права: Підручник. Практикум. Тести. К.: Юрінком Інтер, 2021. 584 с.
5. Онищук І. І. Правовий моніторинг: проблеми методології, теорії та практики: монографія. Івано-Франківськ – Дрогобич: Коло, 2017. 512 с.
6. Онищук І. І. Техніка юридичного письма в нормативно-правових актах: монографія. 2-ге вид., стер. Харків: Право, 2019. 226 с.
7. 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.
8. 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.
9. Теорія держави і права : підручник / [О. М. Бандурка, О. М. Головка, О. С. Передерій та ін.]; за заг. ред. д-ра юрид. наук, проф., акад. НАПрН України О. М. Бандурки; МВС України, Харків. нац. ун-т внутр. справ. Харків, 2018. 416 с.
10. Теорія держави і права в схемах та таблицях: навчальний посібник / Кол. авт.; за заг. ред. Л. Р. Наливайко. К.: «Хай-Тек Прес», 2020. 296 с.
11. Теорія держави і права: навчальний посібник / Я. О. Тицька, Н. М. Крестовська, Л. Г. Матвєєва, Н. В. Атаманова, Н. Б. Арабаджи . Міжнародний гуманітарний ун-т. Одеса, 2021. 193 с.

12. Теорія держави та права : навч. посіб. / [Є. В. Білозьоров, В. П. Власенко, О. Б. Горова, А. М. Завальний, Н. В. Заяць та ін.]; за заг. ред. С. Д. Гусарева, О. Д. Тихомирова. К. : НАВС, Освіта України, 2017. 320 с.
13. Тополевський Р. Б., Федіна Н. В. Теорія держави і права: навч. посібник. Львів: ЛьВДУВС, 2020. 268 с.
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17. Black's Law Dictionary. Eighth edition / editor in Chief B. A. Garner. St.Paul: Thomson-West, 2007. 1810 p.
18. Chesterman S. An International Rule of Law? *The American Journal of Comparative Law*. 2008. Vol. 56. No. 2. Pp. 331–361.
19. Maringele S. European Human Rights Law. The work of European Court of Human Rights illustrated by an assortment of selected cases. Hamburg: Anchor Academic Publishing, 2014. 144 p.
20. McLeod I. Literal and Purposive Techniques of Legislative Interpretation: Some European Communities and English Common Law Perspectives. *Brooklyn Journal of International Law*. 2004. Vol. 29. №3. P. 1109–1134.
21. Mellinkoff, D. The Language of the Law. Boston, Toronto: Little, Brown and Company, 1963. 526 p.
22. Minnikes I. A., Minnikes I. V. Historical interpretation in law: content and types. *Pravoprименenie = Law Enforcement Review*. 2022. Vol. 6, no. 2. P. 5–18. DOI: 10.52468/2542-1514.2022.6(2).5-18.
23. Onyshchuk I. Legal monitoring in parliamentary activity: the international experience. *Sintesi dialettica*. 02.07.2015. P. 2. URL: http://www.sintesidialettica.it/leggi_articolo.php?AUTH=237&ID=527
24. Onyshchuk I. Scientific approach to legal monitoring in Ukraine. *Baltic journal of law*. 2016. №2/3 (41–42). P. 37–44.
25. Onyshchuk I., Onyshchuk S. The effect of socio-psychological and linguistic factors on the quality of the legislation system of Ukraine: [§ 3.9]. *Innovations in Science: The Challenges of Our Time*. Monograph. Ed. by R. Iserman, M. Dei, O. Rudenko & V. Lunov. Vol. 2. Chicago: Accent Graphics Communications & Publishing, 2019. Pp. 184-195.

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