

Syllabus

History of State and Law of Foreign Countries and Roman Law



Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International Law
Educational and Professional Program - International Law

Study year: 1, Semester: 1.

Number of credits: 4, Language of study: english

Head of the course:

Professor of Department of Theory of Law and
Constitutionalism, Doctor of Historical Sciences, Professor
Andrii Hrubinko

Contact information: a.hrubinko@wunu.edu.ua, r. 5209

Description of the discipline

The discipline is aimed at cognition regularities of evolution of state and law of foreign countries and Roman law, study experience in the application of state legal instruments and legal technologies generated in the past and historically determined objective social processes, its use in modern state-legal systems in foreign countries. Tasks of discipline: contribute to a broader General training of students on issues and problems of history of state and law of foreign countries, the development of legal philosophy, is essential for the absorption and application of law in practice; creation of prerequisites for better absorption of such disciplines as “Theory of state and law” etc., sectoral and cross-cutting topics; the formation of a scientific Outlook on the state-the legal processes occurring in the world; acquainted with the best achievements of the legislative art and law creation of states and people, eminent personalities in different historical periods; students the mastery of Roman legal terminology.

As a result of studying the academic discipline, the student should

know:

- methods of observation, description, analysis and evaluation of the effectiveness of legal systems;
- basic legal terminology and the specific terminology of the discipline, contemporary approaches to the development of state and law;
- modern views on the principles of harmonious development of jurisprudence;
- historical and legal features of the development of state and law at different historical stages in key regions and civilizations of the world;
- key trends the main forms of law and state and their influence on modern political and legal picture of the world;
- the content of the main sources of law characteristic of different historical periods, regions, States of the world;
- general patterns and specific features of development of legal systems, industries and institutions of law on the basis of chronological and region-specific guidelines;
- the background and Genesis of the Roman private law;
- the essence of the fundamental concepts and structures of the Roman private law;
- the contents of the main institutions of Roman private law.

be able:

- creative and to think systemically, to understand the reasons and mechanisms of occurrence,

formation and development of conditions to ensure the stability of the state legal systems in different socio-economic, political, social, and cultural environments;

- work systematically on information of historical and legal content;
- to apply adequate research methods and to generate models of the processes of lawmaking and law enforcement in certain state legal systems in their historical development;
- understand and show the relationship, the development and contradictions of the phenomena of reality;
- be able to create a program of study and to implement its functional structure and dynamics of historical and legal processes and forecasting their development;
- be able to apply the evaluation criteria compliance with state legal systems the nature of socio-economic, political, socio- and ethno-cultural and religious state of society at a certain historical stage of development of civilization;
- to use professionally profiled knowledge for modeling legal systems;
- to use theoretical knowledge and practical skills for their application in the field of law;
- to carry out professional research and educational activity in the sphere of historical and legal knowledge.

Course structure

Hours (lect. / sem.)	Topic	Learning outcomes	Control measures
2 / 2	1. Theoretical foundations of scientific and research work	To learn the theoretical concept of research; be able to explain what research is and what it is not, and the different definitions of research; introduce the objectives of research, and set the motivation in research	Tests, questions, cases
2 / 2	2. State and law of Ancient East.	Be able to discuss the criteria of good research and the different types of research methods	Tests, questions
2 / 2	3. State and law of Ancient Greece.	Be able to formulate the problem of research, to discuss how a research problem is delimited, and evaluated, to acquire knowledge about logic of scientific research process	Module testing
2 / 2	4. The state of Ancient Rome.	Be able to choose the research problem, formulate research topic (thesis) work, to show the relevance of the problems investigated, to set goals and objectives, object and subject of study	Tests, questions
4 / 4	5-6. The medieval state and law of European countries. Early feudal period.	Be able to build the conceptual framework of research, to identify the nature of hypothesis and describe its functions, describe the different kinds of hypothesis and what are good characteristics of hypothesis	Tests, questions, cases
2 / 2	7. The medieval state and law of the Western European countries at the stage of developed feudalism.	Be able to set problem specification and its objectives	Exercises

2 / 2	8. State and law countries of the Medieval East.	Be able to understand what data collection methods are; shed light on what a distinction between a method and methodology.	Tests, questions
2 / 2	9. . State and law of the USA in XVIII th – XIX th centuries.	Be able to explain what the review of literature is; identify and describe the objectives and sources of the review of literature; describe how the review of literature should be reported	Tests, questions
2 / 2	10. State and law of France in XVIII th – XIX th centuries.	Be able to write the thesis according to the requirements	Tests, questions
2 / 2	11. The development of state and law in Europe, USA and Japan in the XX th – beginning of XXI ^s centuries.	Be able to explain what the review of literature is; identify and describe the objectives and sources of the review of literature; describe how the review of literature should be reported	Team projects
2 / 2	12. The concept and subject, system, stages of development of Roman law.	The origin and development of Roman law. The division of Roman law into public and private law. The criteria for such a division. The system of Roman private law. The process of gradual convergence and merging of these systems. Stages of the development of Roman law. The concept and composition of sources of Roman law.	Tests, questions
2 / 2	13. The subjects of private law (persons).	Concepts and types of persons (subjects of law) in Rome. Physical and legal persons. The concept of legal capacity of individuals in Rome. The emergence and termination of a person's legal capacity. Establishing the fact and moment of death of many people who died at the same time, in particular relatives. Conditions of full legal capacity of individuals in Rome. Dependence of legal capacity on the state of freedom, citizenship and marital status. Changes in the legal capacity of a person in Rome: the highest change, the average and the minimum.	In-class Student Performance
2 / 2	14. The doctrine of a claim (protection of subjective rights	The transition from private self-disclosure with the offender to the state court. Pre-trial remedies for violation of rights. Self-control Concept and types of litigation. General characteristics of the legalization process. The order of consideration of cases in this process. Formal process. Concept and types of lawsuits. Claims of property and personal, claims of strict law and based on fairness and fairness, lawsuits by analogy and lawsuits with fiction. Concept of limitation period. Beginning of the course. Interruption and suspension of limitation period.	Tests, questions, cases

2/ 2	15. Property law. Possession. The right of ownership. Rights to other people's things.	Notion of substantive law. Concept of binding law. The distinction of the substantive right from the obligation. Types of real rights. The notion of things. Types of things. Things are man-made and things are not man-made. Things are flesh and things are disembodied. Things are moving and things are stationary. Things that are in circulation, and things removed from circulation. Kinds of things and things are individually defined. The things are free and things are indivisible. Things are consumer and things are non-consumable.	Module testing
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Recommended sources

1. Hrubinko, A. V. (2021). History of the state and law of foreign countries and Roman law (educational and methodical materials). Ternopil: Publishing house of TNPU named after V. Hnatiuk.
2. Hrubinko, A. V. (2019). History of the state and law of foreign countries and Roman law: a textbook. Ternopil: TNPU. V. Hnatiuk.
3. Bostan, L. M. & Bostan S. K. (2016). History of the state and law of foreign countries: a textbook; [2nd ed., Revised. and ext.]. Kyiv: Center for Educational Literature.
4. Clay, V. L. (2009). History of the state and law of foreign countries: textbook. manual. Kyiv: Istyna.
5. Orlenko, V. (2017). History of the state and law of foreign countries: textbook. pos. Kyiv: Vyd. PALIVODA A.V.
6. Makarchuk, V.S. (2015). General history of the state and law of foreign countries: textbook. way. Kyiv: Atika.
7. Trofanchuk, G.I. (2018). History of the state and law of foreign countries: legal sources: a textbook. Kyiv: Jurinkom Inter.
8. Kalyuzhny R.A., Vovk V.M. (2020). Roman private law: a textbook for higher. textbook lock. Kyiv: Attica.
9. Bellomo, Manlio (2020). The Common Legal Past of Europe, 1000–1800. Washington, D.C.: Catholic University of America Press.
10. Berman, Harold J. (2008). Faith and Order: The Reconciliation of Law and Religion. Atlanta: Scholars Press.
11. Law and Revolution: The Formation of the Western Legal Tradition (2003). Cambridge: Harvard University Press.
12. Cairns, Huntingdon (2009). Legal Philosophy from Plato to Hegel. Baltimore: Johns Hopkins University Press.
13. Hattenhauer, Hans (2018). Europäische Rechtsgeschichte. Heidelberg: C. F. Müller.
14. Kelly, J. M. (2022). A Short History of Western Legal Theory. Oxford: Oxford University Press.
15. Robinson, O. F., T. D. Fergus & W. M. Gordon (2019). An Introduction to European Legal History. Abingdon: Professional Books.
16. Van Caenegem, R. C. (2013). An Historical Introduction to Private Law. Cambridge: Cambridge University Press.
17. An Historical Introduction to Western Constitutional Law (2021). Cambridge: Cambridge University Press.

Information sources

1. West Ukrainian National University. Electronic repository. <http://dspace.wunu.edu.ua/>
2. NYU Library named after Yaroslav the Wise. <https://library.nyu.edu.ua/>
3. Kharkiv National University of Internal Affairs. <https://dspace.univd.edu.ua/>

4. Pravo Publishing House. <https://pravo-izdat.com.ua/>
5. Odesa Law Academy National University. Oxford Public International Law. <https://opil.ouplaw.com/>
6. JSTOR. <https://www.jstor.org/>
7. University of Michigan Law School Scholarship Repository. <https://repository.law.umich.edu/>

Evaluation policy

- Policy on deadlines and rescheduling: Rescheduling of modules takes place with the permission of the dean's office if there are good reasons (for example, sick leave).
- Academic Integrity Policy: Copying during tests and exams is prohibited (including using mobile devices).
- Attendance Policy: Attendance is a mandatory component of assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final grade for the course is determined according to:

Credit module 1	Credit module 2	Credit module 3	Writing Exam	Total
20	20	20	40	100%
Oral survey during classes (1-6 topic) – 5 points per topic – max. 30 points. Modular control work – max. 70 points	Oral survey during classes (7-15 topic) – 5 points per topic – max. 45 points. Modular control work – max. 55 points	Preparation of CPIT – max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	Theoretical questions (2 questions) – max. 60 points. Case (1 case) – max. 40 points	

Student evaluation scale:

ECTS	Marks	Content
A	90-100	excellent
B	85-89	good
C	75-84	good
D	65-74	satisfactorily
E	60-64	enough
FX	35-59	unsatisfactory with the possibility of reassembly
F	1-34	unsatisfactory with a mandatory repeat course