

Annex 2
to the order from _____ 2021 № _____

NATIONAL UNIVERSITY OF LIFE AND ENVIRONMENTAL SCIENCES OF UKRAINE

Department of International Law and Comparative Law

«APPROVED»

Dean of the law faculty

_____ (Yara O.S.)

“ _____ ” _____ 2021

«APPROVED»

At the meeting of the Department of International Law
and Comparative Law

Protocol № _____ from “ _____ ” _____ 2021

Head of the Department

_____ (Ladychenko V.V.)

«CONSIDERED»

Guarantor of the EP "Law" ED "Bachelor"

_____ (Pankova L.O.)

**WORK PROGRAM OF THE DISCIPLINE
«COMPARATIVE LAW»**

Specialty: 081 «Law»

Educational program: «Law»

Faculty: of Law

Developer: Golovko Liudmyla, PhD in law, associate professor, associate professor of the Department of International Law and Comparative Law

Kyiv – 2021

**1. Description of the discipline
«Comparative law»**

Branch of knowledge, direction of training, speciality, educational and qualification lev	
Educational degree	«Bachelor»
Speciality	6.030401 – «Jurisprudence»
Branch of knowledge	0304 Jurisprudence
Characteristics of the discipline	
Type	normative
Total number of hours	120
Number of ECTS credits	4
Number of thematic modules	2
Course project (work) (if exist)	-
Form of control	exam
Indicators of academic discipline for full-time and part-time education	
	Full-time education
Year of training	4
Semester	8
Lectures	10
Practical classes	10
Laboratory classes	-
Self-dependent work	100
Individual work	-
Number of auditory hours weekly for full-time education	2

2. Purpose, tasks and competencies of the discipline

Purpose

Discipline «Comparative law» is aimed to teach students basics of theory of municipal law.

Tasks

After completing the discipline, student has to

know:

- main concepts and categories of legal system;
- contemporary legal systems of the world;

be able to:

- Understand the basic concepts and categories of comparative law;
- Identify the legal system of Ukraine and determine its place in the global order;
- Identify the legal systems of the world with a certain type of legal system.

The following **competencies** should be formed in law students after mastering the discipline "Comparative Law":

- **Integral competence:**

- Ability to solve complex problems and practical problems in the implementation of comparative law research, applying legal doctrine and principles of law.

- **General competencies:**

- Ability to abstract thinking, analysis and synthesis.
- Ability to apply knowledge in practical situations.
- Knowledge and understanding of the subject area of comparative law.
- Ability to learn and master modern knowledge in the field of comparative law research.

- **Special competencies:**

- Knowledge and understanding of the features of modern legal systems.
- Ability to critically and systematically analyze legal phenomena and apply the acquired knowledge in professional activities.
- Ability to logical, critical and systematic analysis of foreign legislation, understanding of their legal nature and significance.

3. Program and structure of the discipline

Thematic module 1. Theoretical Characteristic of Comparative Law

Topic 1. Theoretical Foundations of Comparative Law

The concept of comparative law. Subject, purpose, types of comparative legal studies. The value of comparative law. Comparative law as a science and teaching discipline. Place and role of comparative law in the system of jurisprudence. The history of formation of comparative law.

The purpose and function of comparative law.

Objects of comparative law.

Methodology of comparative law. Horizontal structure of comparative law. Vertical structure of comparative law.

Theme 2. Legal system as an object of comparative law

Concept, characteristics and functions of legal system. Criteria for classification of legal systems.

Family Law as a specific category of comparative law. The main legal families of today. Legal system as an object of comparative law. Types of legal systems.

Module 2. Separate types of legal systems

Theme 3. Romano -Germanic type of legal system

Background of the Romano- Germanic type of legal system. Stages of its development. Period of reception of Roman law. Period of strengthening of law and its codification. Features of formation and development of Roman legal system (France, Italy, Spain, Portugal) and Germanic legal system (Germany, Austria, Switzerland). Sources of Romano-Germanic law . The role of legal doctrine in the formation of the Romano-Germanic type of legal system. Normative legal act as a source of law . Constitution. Current legislation. Custom as a source of law. Case law .

Theme 4. Anglo - american type of legal system

The emergence and development of Anglo - american legal system. Historical periods of Anglo - american legal system. Period of the common law before the Norman conquest of England (1066). Period of formation and consolidation of the common law (1066 - 1485). Period of general competition law and justice (1485 - 1873). Period of convergence of common law and equity (1873 - 1972). Period of perception of elements of continental law (since 1972). English and American legal systems group, their common and distinctive features. The structure of the common law. Law of equity . Institute of trust . The system of sources of law and their types. Judicial precedent. Statutory law. Acts of delegated legislation. Legal style of common law lawyers. Features of formation and development of English law legal systems (England, Australia , New Zealand , Northern Ireland), and American Law (USA, Canada).

Theme 5. Dual type of legal system

Scandinavian law

The emergence and development of Scandinavian law. Reception of features of continental and anglo-american legal system. System of sources of law. Integration within the northern European law. The influence of northern European law on the legal systems of the Baltic states.

Latin America Law

The emergence and development of Latin America law. Characteristic features of Latin America law. Reception of features of continental and anglo-american legal system. Sources of Latin America law. Codification of the law.

Theme 6. Religious and traditional type of legal system

Main features of religious and traditional type of legal system. Emergence and development of islamic law. Sources of Islamic law. Methodology of Islamic law. Hindu Law: Doctrine, sources of law and legal practice features . Far East (traditional) law: origin, formation and development. Far East (traditional) law origin, distribution areas , development. Confucianism .

Customs of the legal systems of the countries of Africa and Madagascar : the emergence , functioning, especially the development , regional distribution.

4. Structure of the educational discipline «Comparative law»

Names of modules and themes	Amount of hours						
	Full-time						
	weeks	total	including				
			lec.	pr.	lab.	ind.	self.w.
1	2	3	4	5	6	7	8
Thematic module 1. Theoretical characteristic of comparative law (60 hours)							
Theoretical foundations of comparative law	30	2	2	-	-	-	26
Legal system as an object of comparative law	30	2	2	-	-	-	26
Total for thematic module 1	60	4	4	-	-	-	52
Thematic module 2. Separate types of legal systems (60 hours)							
Romano-germanic type of legal system	20	2	2	-	-	-	16
Anglo - american type of legal system	20	2	2	-	-	-	16
Religious and traditional type of legal system	20	2	2	-	-	-	16
Total for thematic module 2	60	6	6	-	-	-	48
Total	120	10	10	-	-	-	120

4. Themes of seminars

No.	Theme	Hours
1	Theoretical foundations of comparative law	2
2	Anglo - american type of legal system	2
3	Romano-germanic type of legal system	2
4	Anglo - american type of legal system	2
5	Religious and traditional type of legal system	2
Total		10

5. TOPICS OF PRACTICAL CLASSES NOT PROVIDED FOR BY THE CURRICULUM

6. TOPICS OF LABORATORY CLASSES NOT PROVIDED FOR BY THE CURRICULUM

7. Control questions, complete sets of tests to determine the level of knowledge of student

1. The concept of comparative law.
2. Subject , purpose, types of comparative legal studies.
3. The value of comparative law.
4. Comparative law as a science and teaching discipline.
5. Place and role of comparative law in the system of jurisprudence.
6. The history of formation of comparative law.
7. The purpose and function of comparative law.
8. Objects of comparative law.
9. Methodology of comparative law.
10. Horizontal structure of comparative law.
11. Vertical structure of comparative law.
12. Theme
13. Legal system as an object of comparative law
14. Concept, characteristics and functions of legal system.
15. Criteria for classification of legal systems.
16. Family Law as a specific category of comparative law.
17. The main legal families of today.
18. Legal system as an object of comparative law.
19. Types of legal systems.

National University of Life and Environmental Sciences of Ukraine				
EQL training specialty "Jurisprudence"	"Bachelor" direction /	Department of international law and comparative law 2021 – 2022 academic year	Examination ticket № 1 on subject «Comparative law»	Approved Head of department _____ Ladychenko V.V. _____ 2021
Examination questions				
1. Subject , purpose, types of comparative legal studies.				
2. General characteristic of anglo - american type of legal system				
Tests of various types				
1. Special legal subject within the broader field of the comparative disciplines which explore the similarities and dissimilarities of different cultural or social phenomena ...				
2. Construction of relations of similarity or dissimilarity between different matters of fact ...				
3. The first European scholar to discuss the issue of similarity or difference in a comparative legal enquiry, although by his time it was against the backdrop of existing nation states which were keen to show their particular identities ...				
4. First Congress of international law was held in ...				
5. ... are essentially groups of legal systems with certain shared features				
6. Methodological monopoly: ‘The basic methodological principle of all comparative law is that of functionality was postulated by				
1. Konrad Zweigert				
2. Andreas Akhtar				
3. Aristotel				
7. ... had conceived the possibility of universal law based on reason				
1. Kant				
2. Platon				
3. Montesquieu				
8. LEGAL systems generally are ‘...’ in the sense that they have been influenced by a variety of other systems.				
9. “Spirit of the Laws” was written by ...				
10. The most influential codification in Europe was:				
1. French civil code;				

2. German civil code;
3. US civil code

8. Methods of teaching

When teaching the discipline «Comparative law» uses the following groups of methods of training, as: 1) methods for knowledge - verbal conversation, lecture, instruction, work with the book, reproductive method), visual (demonstration, illustration), practical (practical work, exercise); 2) methods of learning by the nature of the logic of cognition (inductive, deductive); 3) teaching methods according to the level of self-mentally-cognitive activity (problem statement, partial search method, research method, the problem of teaching).

Conversation involves the use of previous experience of students on a certain field of knowledge and based on this to bring them through dialogue to the realization of new phenomena, concepts or playback is already available. From this point of view there are two types of conversation: a heuristic and reproductive. At the place in the educational process distinguish the opening, current and final interview.

Lecture is a method by which a teacher in a verbal form reveals the essence of scientific concepts, phenomena, processes that are logically related to a common theme. A lecture is used, as a rule, in higher educational institutions and high schools.

An important place in the educational process takes briefing. It provides for the disclosure norms of behavior, peculiarities of the use of methods and educational resources, observance of the safety rules during the execution of training operations. This is an important step in mastering the methods of independent cognitive activity. After all, it is important that students understand not only what to do but how to do it.

Prominent among the group of verbal methods takes method of work with the book. Allocates to this group some conditional. Students should understand that the main source of scientific information is not a teacher, and the book. Therefore, it is important to teach the students the methods and means of independent work with the book reading, translating, statement preparation, review, note-taking, manufacturing of tables, diagrams, graphs and other.

Reproductive method. It includes the application of the material studied on the basis of the sample or the rules. The activities of those who learn, has algorithmic character, that is for instructions, rules similar, similar to the model situations.

Effective learning is impossible without wide use of visual methods. They are caused by the dialectic laws of cognition and psychological features of perception. Visual methods set using the demonstration and illustration. It is worth noting that these methods can be applied both ways of implementing the requirements of other methods.

Demonstration is a teaching method which provides for the display of objects and processes in nature, dynamics.

Illustration to the method where the objects and processes are revealed through their symbolic image (photographs, drawings, diagrams, charts, and other).

Practical work focuses on the use of the received knowledge in solving practical problems. In educational practice plays a major role exercises. Exercise is a teaching method, the essence of which is focused repetition of the students of certain activities or transactions with the purpose of formation of skills.

The inductive method is a way of studying objects, phenomena from the single to the General. As a result of understanding the essence of the characteristics, properties of single objects or phenomena, the concepts have the opportunity to realize substantial, typical patterns or properties odnoralova objects or phenomena. However, using the inductive method, do not force students to teach a large number of single concepts, and only the information that will allow the allocation of the related concepts significant, overall, typical.

The deductive method, in contrast, is based on the study of educational material from the General to a separate unit. Students get acquainted with the General tendency, and then on basis of

this law, the rules of the law are characterized by other phenomena, objects. Inductive and deductive methods are in a dialectical relationship.

Teaching methods in a logical fashion is not separated from the teaching methods of the sources of knowledge. During the use of the word, practical and teaching methods teacher and the students can't do without induction, deduction, analysis and synthesis.

Problem summary involves the creation of a teacher of a problem situation, assistance to students in the selection and acceptance of the " problem tasks, using verbal methods (lectures, explanations) for the activation of cognitive activity of students, directed on satisfaction of cognitive interest by new information.

Partial search method involves students in search of ways, methods and means of addressing the cognitive tasks. To ensure the effectiveness of this method, you must create the problem situation and encourage students to understanding and acceptance cognitive tasks; manage the process of search engine cognitive activity of students using the system logical motivated issues; stimulate and approve the students ' cognitive activity in the process of solution of educational tasks; analyze the successes and mistakes, difficulties.

Research method aims to bring students into independent decisions cognitive problem with the equipment necessary. For the effectiveness of this method should adhere to several requirements: create a problem situation; management of students at allocation of cognitive tasks; encouraging students to seek hypothesis, validation; assistance in the search for effective methods and provision of knowledge needed to solve the problem; the orientation of students to conduct research and systematization of the results of the work; the inclusion of students in independent analysis of the progress and results of the carried out work.

Explanatory demonstration method. Students receive knowledge on the lectures, training or methodical literature, via the on-screen guide a "ready" state. Perceiving and interpreting the facts, evaluation, conclusions, students act in the framework of reproductive (reproduction) thinking. In universities, this method of gaining widespread use to transfer a large body of information.

Method of problem teaching. Using a variety of sources and means teacher, before describing the material, puts the problem, formulates a cognitive task, and then, opening the system of evidence, comparing the views of the various approaches shows the ways to solve the problem.

Students become witnesses to, and participants of scientific search. In the past, and now this approach is widely used.

9. Forms of control

One of the compulsory elements of studying process is systematic current control of knowledge and final mark of mastering the material and ability to use this knowledge on practice.

Control for mastering discipline is done regularly and it is divided into three types: incoming, current and final control.

Incoming control – is held under the tests to check the knowledge of the main juridical categories and concepts in branch of jurisprudence

Current control – is held in form of test-papers which are combined from theoretical and practical tasks and also oral answers at practical studies.

Final control – is held according to the credit-module system of valuing students knowledge and skills.

10. Distribution of grades received by students during study

Line control				Rating of studying work Rsw	Rating of additional work Raw	Penalty rating Rp	Final certification (exam or test)	Total sum of numbers
Content module 1	Content module 2	Content module 3	Content module 4					
0-100	0-100	0-100	0-100	0-70	0-20	0-5	0-30	0-100

Comment. 1. According to the Regulation about credit-module system of education at NULES of Ukraine which was approved by Rector of the university on the 3d of April in 2009, the student rating on studying work R_{sw} is defined under the formula

$$R_{sw} = \frac{0,7 \cdot (R_{CM}^{(1)} \cdot K_{CM}^{(1)} + \dots + R_{CM}^{(n)} \cdot K_{CM}^{(n)})}{K_{DIS}} + R_{AW} - R_P,$$

where $R_{CM}^{(1)}, \dots, R_{CM}^{(n)}$ – rating marks of content modules on 100 number scale;

n – quantity of content modules;

$K_{CM}^{(1)}, \dots, K_{CM}^{(n)}$ – quantity of ECTS credits, which are provided by working educational plan for appropriate content module;

$K_{DIS} = K_{CM}^{(1)} + \dots + K_{CM}^{(n)}$ – quantity of ECTS credits which are provided by working educational plan for discipline during current term;

R_{AW} – rating on additional work;

R_P – penalty rating.

The formula may be simplified if we take $K_{CM}^{(1)} = \dots = K_{CM}^{(n)}$. Then it will be

$$0,7 \cdot (R_{CM}^{(1)} + \dots + R_{CM}^{(n)})$$

$$R_{sw} = \frac{\dots}{n} + R_{AW} - R_P.$$

RATING ON ADDITIONAL WORK R_{AW} is added to R_{sw} and it will not be more than 20 marks. It is defined by lecturer and it is given to the student by chair decision for work fulfillment, which is not provided by educational plan but it is promoted to increasing students level of knowledge.

PENALTY RATING R_P is not more than 5 marks and it is taken from R_{sw} . It is defined by lecturer and it is introduced by chare decision for students who work poor, did not keep to the schedule of work, missed studies, etc.

2. In accordance with Regulation *preparing and defense of course project (work)* is valued on 100 number scale and then it is converted into marks.

Scale of marks: national and ECTS

Sum of numbers for all kinds of activity	National mark	
	exams	test
90-100	excellent	poor credited
74-89	good	
60-73	poor	
0-59	unsatisfactorily	not credited

11. Methodological support

1. Golovko L.O. Educational and methodical complex of educational discipline "Comparative Law" for students of the Faculty of Law, full-time and part-time forms of study of the bachelor's degree in the specialty 6.030401 "Jurisprudence". - 18 p.

12. Recommended literature

Basic

1. M. Reimann, R Zimmerman (eds.), The Oxford Handbook of Comparative Law, Oxford University Press, Oxford 2008.
2. K. Zweigert, H. Koetz, An Introduction to Comparative Law, Oxford University Press, Oxford 1998.

Additional

1. Uzelac, Survival of the Third Legal Tradition?, 49 Supreme Court Law Review 2010;
2. R. Manko, Survival of the Socialist Legal Tradition? A Polish Perspective, 4 Comparative Law Review 2012;
3. R. Manko, Weeds in the Gardens of Justice? The Survival of Hyperpositivism in Polish Legal Culture as a Symptom/Sinthome, Polemos – Journal of Law, Literature and Culture, 7.2 2013;
4. A. Watson, Legal Transplants: An Approach to Comparative Law, University of Georgia Press, 1993;
5. M. Bussani, U. Mattei (eds.), The Cambridge Companion to Comparative Law, Cambridge University Press, Cambridge 2012.

12. Information resources

1. Electronic educational discipline «Comparative law» - <http://elearn.nubip.edu.ua/course/view.php?id=2404>
2. Verkhovna Rada Of Ukraine - <http://rada.gov.ua/>