

Yaroslav Mudryi National Law University

Department of Legal and State History of Ukraine and Foreign Countries

SYLLABUS

of the academic discipline

«Contemporary legal history /

Сучасна юридична історія»

Educational level – the second (master's) level

The degree of higher education – master's degree

Field of knowledge – 08 «Law»

Specialty – 081 "Law"

Status of the discipline – Elective

The recruitment year – 2021

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Syllabus of the academic discipline «Contemporary legal history / Сучасна юридична історія» for students of higher education of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 13 p.

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Head of the Department – Honcharenko Volodymyr

Dr. juris, Full Professor

Data about the teacher

The name of the academic discipline	Contemporary legal history / Сучасна юридична історія
Type of educational discipline	Elective
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Online consultations	https://www.facebook.com/rinata.kazak/

Abstract of the academic discipline

The modern history of law is taught with the aim of acquainting students with the changes in the state-legal character in Europe and the world in the 20th and early 20th centuries. 21st century, the emergence of new state-legal institutions at the specified time and their development in the historical-legal discourse, in order to develop skills for forecasting the further development of the state and modern law.

A lawyer who will work in the field of international relations in Ukraine or abroad must be able to navigate freely in the prerequisites and causes of the current political and legal situation in the world, which is impossible without knowledge of specific historical and legal events and the main normative acts of the 20th century, in which they were established those fundamental provisions that caused a significant impact on the present.

If the object of historical and legal disciplines is a retrospective of the development of the state and law in general, then the subject is narrower in scope and includes a separate part of the object of knowledge, namely a specific stage – modern legal history, with the aim of studying not only general, but also specific processes of emergence, development and historical changes of the state-legal reality of the second half of the 20th century. in close connection with the modern development of the countries of the world.

Mastering the academic discipline includes the study of normative documents, archival data, materials of European and world organizations of the 20th century. Focusing on foreign and domestic approaches to determining the periodization of the history of law, both science in general and modern legal history, in particular, the chronological framework of the discipline defines the period from the First World War, precisely as the period of active legal formalization of the modern order of organization and exercise of state power in European countries and the world (consolidation of the form of state government, state system and state regime), creation of new institutions and adoption of basic regulatory and legal acts.

The purpose and tasks of the educational discipline

The purpose of the academic discipline is to get acquainted with the changes in the state-legal character in Europe and the world in the 20th-21st centuries, the emergence of new state-legal institutions in the specified period, in order to form basic skills for forecasting the further development of legal systems based on historical and legal experience; formation of knowledge, development of basic abilities and skills, as well as professional competences in the field of law through the study of the modern history of law.

Task:

– formation of a set of legal competencies necessary for a modern lawyer;

– formation of a system of knowledge about the modern history of law – subject, method, sources of modern legal history, basic concepts, features, main factors of state-legal changes in the countries of the world, knowledge about the emergence of state-legal institutions and the order and exercise of state power in the second half of the 20th century;

– awareness of historical influence on modern legal traditions;

– development of skills and abilities to analyze international treaties and interpret their norms;

– development of fluency in the concepts and categories of law that were formed in the 20th century. and found their consolidation in modern normative sources;

– improving the ability to search and process scientific and regulatory information;

– analysis of historical features of legal systems and illustration of an independent and critical approach to the assessment of current legal reality.

Educational discipline in the structure of the educational and professional program.

Interdisciplinary connections

Prerequisites: "History of the state and law of Ukraine", "History of the state and law of foreign countries", "International law".

Corequisites: «Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини», «Introduction to European legal values / Вступ до європейських правових цінностей».

Expected learning outcomes

As a result of mastering the academic discipline, the student of higher education must demonstrate the following *learning outcomes*:

LO-1	Demonstrate knowledge of the subject, method, sources of modern legal history, operate with basic legal concepts
LO-2.	To explain the main regularities of the state and legal development of the countries of the world
LO-3.	Be able to reveal the reasons and prerequisites for the main events of the second half of the 20th century in legal retrospect
LO-4.	To reveal the specifics of the state and legal development of certain regions of the world in the period of the second half of the 20th century – the beginning of 21st century
LO-5.	Demonstrate a search for professional information (including archival information) and hack information technologies and data bases for professional activity
LO-6.	Be able to work with normative sources and bases, interpret professionally and competently, distinguish the purpose of their adoption in different historical and legal conditions and give a critical assessment
LO-7.	Demonstrate an understanding of the main factors of state-legal changes in the countries of the world, knowledge about the emergence of state-legal institutions and the procedure for exercising state power in the second half of the 20th century.
LO-8.	Reflect the main stages of creation and development of international organizations, note their importance.
LO-9	Demonstrate awareness of the causes, prerequisites and consequences of key events and the geopolitical situation of the modern world

**Types of educational activities and individual work
for students of full-time higher education**

№ п/п	Lecture classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Introduction to modern legal history: concepts, sources, chronology	Introduction to modern legal history: concepts, sources, chronology	8
2	Formation of the state and law after the First World War. Law in the interbellum period.	Formation of the state and law after the First World War. Law in the interbellum period.	8
3	Development of the state and law after the Second World War. Formation of world bipolarity	Development of the state and law after the Second World War. Formation of world bipolarity	8
4	The main factors of state and legal changes in foreign countries in the second half of the 20th century.	The main factors of state and legal changes in foreign countries in the second half of the 20th century.	8
5	The main factors of globalization in the second half of the 20th century.	The main factors of globalization in the second half of the 20th century.	8
6	Recent history of the state and rights of European countries	Recent history of the state and rights of European countries	8
7	Recent history of the state and law of the countries of Latin America and Africa	Recent history of the state and law of the countries of Latin America and Africa.	8
8	Recent history of the state and law of the countries of North America	Recent history of the state and law of the countries of North America	8
9	Creation of the main international legal organizations. The most prominent legal cases of the 20th century.	Creation of the main international legal organizations. The most prominent legal cases of the 20th century.	8
10	Application of historical and legal knowledge of Strategem based on historical and legal experience	A practical Strategem game based on historical and legal experience	8

**Types of educational activities and individual work
for students of higher education in the distance form of education**

№ п/п	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	Concepts and sources of modern legal history	Formation of the state and law after the First World War. Law in the interbellum period.	110
2	The main factors of state and legal changes in foreign countries in the second half of the 20th century.	Development of the state and law after the Second World War.	
3	Modern history of the state and rights of European countries	-	

Individual work of students

Individual work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, generalization of practice, etc.;
- work on cases on issues of the state and law of the 20th century. (international tribunals, formation of international organizations and their activities, landmark cases);
- performance of practical tasks, self-testing;
- essay writing;
- preparation of presentations;
- annotation of scientific articles and compilation of bibliographic lists (literature review);
- preparation for practical classes and testing;
- preparation of reports abstracts for scientific and practical conferences;
- other types of work upon agreement with the teacher.

8. Educational, methodical and information support of the academic discipline

Regulatory and legal acts of Ukraine

Constitution of Ukraine: Law of Ukraine dated June 28, 1996 № 254к/96-
BP. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text>

Basic literature

V.A. Lyzogub Local studies: a textbook. Kharkiv: Pravo, 2019. 384 p.

V.I. Lozo History of the state and law of the USA, Great Britain, France,
and Germany in the recent period. European integration in the 20th century: учеб.
help Kharkov, 2007.

Symonenko R. G. Paris Peace Conference 1946 // Encyclopedia of the
History of Ukraine: in 10 volumes / editor: V. A. Smoliy (chairman) and others;
Institute of History of Ukraine, National Academy of Sciences of Ukraine. Kyiv:
Nauk. Dumka, 2011. Vol. 8: P. 65.

Cukhy O. History of Belgium. Lviv: LA "Piramida", 2005. 260 c.

Constitutional law of foreign countries: education. manual / Riyaka V.O.,
Semenov V.S., Tsvik M.V. etc. Kyiv: Yurinkom Inter, 2004.

Brophy A.L. How legal history shapes the present Oxford, University Press
Blog. URL: <https://blog.oup.com/2016/04/how-legal-history-shapes-the-present/>

Dryzek, J.S., Honig, B., & Phillips, A. (2008). The Oxford Handbook of
Political Theory. Oxford University Press, USA. URL:
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199548439.001.0001/oxfordhb-9780199548439>

Spiermann O. Twentieth Century Internationalism in Law, *European
Journal of International Law*. Vol. 18, Iss. 5, November 2007. P. 785–814 URL:
<https://doi.org/10.1093/ejil/chm045>

Tidwell A., Lerche Ch. Globalization and conflict resolution. *International Journal of Peace Studies*, Vol. 9, No. 1. International Peace Research Association (IPRA), 2004. Pp. 47–59. URL: <http://www.jstor.org/stable/41852910>

Freedon M., Tower Sargent L. The Oxford Handbook of Political Ideologies, Oxford University Press 2013. 490 p.

Immerman R.H., Goedde P. The Oxford Handbook of the Cold War, Oxford University Press, 2013. 660 p.

McMahon R.J. The Cold War in the Third World, Oxford University Press, 2013. 221 p.

Additional literature

Kazak R. (2018). Periodization of Nature Protection in Ukraine in the Latter Half of the 20th Century: Legal Aspect / Periodicização da Proteção Ambiental na Ucrânia na Segunda Metade do Século XX: Aspecto Jurídico, *Revista Espacios*. Vol 38. № 19. P. 28. (Scopus).

Kazak R., Hotsuliak S., Features of Sanitary Legislation In Ukraine In The Mid-20th Century: Historical Overview. *European Journal of Sustainable Development*. 2020. Vol. 9. № 3. P. 257. (Scopus/WoS).

Kazak R.A., Antonenko M.S. *From authoritarianism to democracy: on the example of Spain 1957–1986*. *International scientific journal "Internauka"*. Series: "Legal Sciences". 2020. No. 4. URL: <https://doi.org/10.25313/2520-2308-2020-4-5879>

Kazak RA, Socialism and environmental sustainability in the 20th century: the case of Ethiopia. *Actual problems of science and practice*. Abstracts of XIV international scientific and practical conference. Stockholm, Sweden 2020. P. 66–69.

Kazak R. To the issue of adoption of the Convention on biological diversity of 1992: historical and legal aspect. *Bulletin of the Institute of Legislation of the Republic of Kazakhstan*. 2015. № 39. C.159–166.

Barros R. Constitutionalism and dictatorship: Pinochet, the Junta, and the 1980 constitution. *Cambridge University Press*, 2002.

Couso J.A. The politics of judicial review in Latin America: Chile in comparative perspective. *University of California*, Berkeley, 2002. 368 p.

Dessemontet F., Ansay T. (Ed.). Introduction To Swiss Law. Kluwer Law International, 2004. 351 p.

Reynolds D. The Origins of the Cold War in Europe: International Perspectives, *Yale University Press*, 1994. 288 p.

Internet resources

Website of the scientific library of Yaroslav Mudryi National Law University – <https://library.nlu.edu.ua>

League of Nations Treaty Series (1919–1944) – <http://www.worldlii.org/int/other/treaties/LNTSer/>

The official web portal of the Verkhovna Rada of Ukraine – <https://www.rada.gov.ua>

United Nations website – <https://www.un.org>

Council of Europe website – <https://www.coe.int/en/web/portal/home>

Office of the Council of Europe in Ukraine – <https://www.coe.int/uk/web/kyiv>

Representation of the EU in Ukraine – https://eeas.europa.eu/delegations/ukraine_uk

Official website of the European Union – <https://europa.eu/>

Gallup Pole – <https://news.gallup.com/poll/3427/most-important-events-century-from-viewpoint-people.aspx?version=print>

SEEMC

Standardized electronic educational and methodological complex of the Department of state history and law of Ukraine and foreign countries:

<https://library.nlu.edu.ua/senmk/itemlist/category/62-kafedra-istorii-derzhavi.html>

Requirements of the teacher

Applicants of higher education must: regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and individual work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education are recommended to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

A mandatory requirement is for students of higher education to comply with the norms of the "Code of Academic Ethics of the Yaroslav Mudryi National Law University" (https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf).

During classroom classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations, for interactive work on interactive platforms (Jamboard, Mentimeter, etc.). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

Control measures

The evaluation of the outcomes of learning the educational discipline «Contemporary legal history / Сучасна юридична історія» involves conducting current and final control and is carried out on the basis of a cumulative point-rating system.

Current knowledge control includes:

– quality control of the students' assimilation of the program material of the educational discipline in practical classes using the following tools:

oral/written survey, express survey, solving practical tasks, participation in the development of a case, preparation of a presentation, essay, essay, etc. The current control is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

– quality control of the students' assimilation of the program material of the educational discipline, which is carried out at the end of the modules in the form of colloquiums.

An obligatory form of individual work for students is the preparation of an individual final written work. The maximum number of points based on the outcomes of the defense of an individual final written work is 20 points.

The form of *final control* of the knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

Scale of final pedagogical control

Rating according to the ECTS scale	Definition	Rating on a national scale for credit	Rating according to the 100-point scale used at NLU
A	Excellent – Excellent execution, with only a small number of errors	counted	90 – 100
B	Very good – above average with a few errors		80 – 89
C	Good – generally correct work with a number of minor errors		75 – 79
D	Satisfactory – not bad, but with a significant number of shortcomings		70 – 74
E	Sufficient – performance meets minimum criteria		60 – 69
FX	Unsatisfactory – work needs to be done before rewriting	not counted	35 – 59
F	Unsatisfactory – serious further work is required, a mandatory repeat course		0 – 34