

**Yaroslav Mudryi National Law University**

**Department of Legal and State History of Ukraine and Foreign Countries**

**WORKING PROGRAM**  
**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 academic discipline** – Elective

**The recruitment year** – 2021

Kharkiv 2021

**Working program 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. 20 p.

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### 1. Description of the academic discipline

The working program of the academic discipline «Contemporary legal history / Сучасна юридична історія» was developed in accordance with the educational and professional program «Law» of the second (master's) level of higher education, field of knowledge 08 «Law», specialty 081 «Law».

Name of indicators	Field of knowledge, specialty	Structure of the academic discipline	
		Full-time education	Distance education
Credits – 4	Field of knowledge - 08 «Law»  Specialty - 081 «Law»  Educational level - the second (master's) level	Elective	Elective
Modules – 3		Year: 2021-2022	Year: 2021-2022
		Semester	Semester
Total hours – 120		1–2	1–2
		<b>Lectures</b>	<b>Lectures</b>
		20 hours	6 hours
		<b>Practical classes</b>	<b>Practical classes</b>
		20 hours	4 hours
		<b>Individual student work</b>	<b>Individual student work</b>
		80 hours	110 hours
Weekly hours for full-time education: classrooms – 2–4, individual work of the student – 6–8.		Types of control: current control; final knowledge control (differentiated assessment)	Types of control: current control; final knowledge control (differentiated assessment)

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 formation of professional competences in the field of law through the study of the modern history of law.

**Tasks:**

- 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 individual and critical approach to the assessment of current legal reality.

**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
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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 the ability to search for professional information (including archival) and use information technologies and databases for professional activities.
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

The teaching of the academic discipline ensures the formation of general and special competences in the student of higher education and the achievement of learning outcomes determined by the standard of higher education of the relevant specialty and the educational and professional program "Law", namely:

**General competencies:**

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

GC 2. Ability to conduct research at an appropriate level.

GC 3. Ability to search, process and analyze information from various sources.

GC 4. Ability to adapt and act in a new situation.

GC 5. The ability to communicate in a foreign language in the professional sphere both orally and in writing.

GC 6. The ability to generate new ideas (creativity).

GC 9. Ability to work in an international environment.

GC 1.3. The ability to formulate a personal opinion and present it with evidence.

GC 1.5. Ability to lead, take responsibility, make unbiased and motivated decisions.

**Special competencies:**

SC13. The ability to convey information, ideas, the content of problems and the nature of optimal solutions to specialists and non-specialists in the field of law with proper reasoning.

**Program learning outcomes:**

PLO 1. Assess the nature and character of social processes and phenomena, and demonstrate an understanding of the limits and mechanisms of their legal regulation.

PLO 3. Conduct collection, integrated analysis and summarization of materials from various sources, including scientific and professional literature, databases, digital, statistical, test and others, and check them for reliability using modern research methods.

PLO 4. Make a presentation of your research on a legal topic, using primary sources and techniques of legal interpretation of complex complex problems arising from this research, argue the conclusions.

PLO 5. Communicate freely in a legal foreign language (one of the official languages of the Council of Europe) orally and in writing.

PLO 6. Reasonably formulate one's legal position, be able to oppose, evaluate evidence and present convincing arguments.

PLO 7. Discuss complex legal problems, propose and substantiate options for their solution.

PLO 8. Assess the reliability of information and the reliability of sources, effectively process and use information for conducting scientific research and practical activities.

### **3. Contents of the curriculum**

#### Module 1. Introduction to modern legal history

*Concepts and sources of modern legal history.* Subject, method and tasks of the academic discipline. Theoretical problems of modern legal history. Foreign and domestic approaches to determining the periodization of the history of law as a science. Terminological aspects of the study of contemporary legal history, concepts and categorical apparatus. Review of sources and literature from modern legal history.

*Chronological boundaries of modern legal history.* Variety of definition of chronological limits. An overview of the activities of scientific institutions in the study of problems of recent (modern) legal history in European countries. Territorial approaches and aspects of studying modern legal history.

#### Module 2. The main factors of state and legal changes in foreign countries.

*Formation of the state and law after the First World War.* Changes in the world order. League of Nations. Law in the interbellum period. National movements. Development of the state and law after the Second World War. The main factors of state and legal changes in the second half of the 20th century. The concept of "globalization" in the historical and legal aspect. Globalization as a dominant factor in the development (changes) of law, its consequences in the second half of the 20th century. Border changes after the Second World War. Political map of the world after World War II. Collapse of the era of colonialism. The Cold War, its causes, influence on world political processes. Atlantic Charter of 1941. Legal basis of decolonization processes. The Paris Peace Conference of 1946. The Paris Peace Treaties of 1947 and their outcomes. The beginning of



European integration. International legal condemnation of Nazism, military tribunals. Creation of international organizations. UN Charter. The most prominent legal cases of the 20th century.

*Legal consolidation of the bipolarity of the world.* The crisis of 1953–1962, the Dulles doctrine. The Cold War and its historical and legal consequences. The creation of NATO in 1949 and the Warsaw Pact Organization in 1955. The anti-communist movement in the countries of Eastern Europe. Changes in the state system of the countries of Central and Eastern Europe. Democratic revolutions of 1985–1990. The disintegration of Czechoslovakia. The Washington Agreement of 1994. The Dayton Agreement of 1995. The collapse of the world socialist system. The main factors of state and legal changes at the beginning of the 21st century.

Module 3. Features of the modern history of law in the regions of the world.

*Modern history of the law of European countries.* The application of historical and legal knowledge is a practical Strategem game based on the historical and legal experience of countries around the world.

*Modern history of the law of the countries of Latin America and Africa.* Peculiarities of the formation of state power in Latin America. Diversity of legal sources of Latin American countries. Peculiarities of Latin American law are a combination of Romano-Germanic and Anglo-American legal systems. Political regimes of Latin American countries. Legal system, sources of law and features of the legal validity of the countries of the African continent. Tangier International Zone (1923–1956). Legal foundations of decolonization. The establishment of a military dictatorship in Chile, the Law "On the Legal Status of the Governmental Junta". Brazil, Political Regime 1964-1985, Institutional Acts 1968-1983. Modern Law History of North American Countries.

#### 4. *Scope and structure of the academic discipline*

##### 4.1. *For students of full-time higher education*

№ п/п	Date (according to the schedule)	Subjects of the training course	Number in hours			
			In total	Including		
				Lectures	Practical classes, seminar classes, colloquiums, etc	Individual work
		<b>Module 1. Introduction to modern legal history</b>				
		<b>Topic 1.</b> Concepts and sources of modern legal history	12	2	2	8
		<b>Topic 2.</b> Chronological boundaries of modern legal history	12	2	2	8
		<b>Topic 3.</b> Formation of the state and law after the First World War. Law in the interbellum period.	12	2	2	8
		<b>Topic 4.</b> Development of the state and law after the Second World War.	12	2	2	8
		<i>Together</i>	48	8	8	32
		<b>Module 2. The main factors of state and legal changes in foreign countries.</b>				
		<b>Topic 1.</b> The main factors of state and legal	12	2	2	8

		changes in foreign countries in the second half of the 20th century				
		<b>Topic 2.</b> Formation of world bipolarity. Creation of the main international legal organizations.	12	2	2	8
		<b>Topic 3.</b> The most prominent legal cases of the 20th century.	12	2	2	8
		<i>Together</i>	36	6	6	24
		<b>Module 3. Features of the modern history of law in the regions of the world</b>				
		<b>Topic 1.</b> Modern history of the state and rights of European countries	12	2	2	8
		<b>Topic 2.</b> Modern history of the law of the countries of Latin America and Africa	12	2	2	8
		<b>Topic 3.</b> Modern history of the law of the countries of North America	12	2	2	8
		<i>Together</i>	36	6	6	24
		<b>Total hours / ECTS credits</b>	<b>120/4,0</b>	<b>20</b>	<b>20</b>	<b>80</b>

**4.2. For applicants of higher education in the distant form of education**

№ п/п	Date (according to the schedule)	Subjects of the training course	Number in hours			
			In total	Including		
				Lectures	Practical classes, seminar classes, colloquiums, etc	Individual work
		<b>Module 1. Introduction to modern legal history</b>				
		<b>Topic 1.</b> Concepts and sources of modern legal history	15	2	-	13
		<b>Topic 2.</b> Chronological boundaries of modern legal history	11	-	-	11
		<b>Topic 3.</b> Formation of the state and law after the First World War. Law in the interbellum period.	15	-	2	13
		<b>Topic 4.</b> Development of the state and law after the Second World War.	11	-	2	9
		<i>Together</i>	52	2	4	46
		<b>Module 2. The main factors of state and legal changes in foreign countries.</b>				
		<b>Topic 1.</b> The main factors of state and legal changes in foreign	13	2	-	11

		countries in the second half of the 20th century				
		<b>Topic 2.</b> Formation of world bipolarity. Creation of the main international legal organizations.	11	-	-	11
		<b>Topic 3.</b> The most prominent legal cases of the 20th century.	11	-	-	11
		<i>Together</i>	35	2	-	33
		<b>Module 3.</b> <b>Features of the modern history of law in the regions of the world</b>				
		<b>Topic 1.</b> Modern history of the state and rights of European countries	11	2	-	9
		<b>Topic 2.</b> Modern history of the law of the countries of Latin America and Africa	11	-	-	11
		<b>Topic 3.</b> Modern history of the law of the countries of North America	11	-	-	11
		<i>Together</i>	33	2	-	31
		<b>Total hours / ECTS credits</b>	<b>120/4,0</b>	<b>6</b>	<b>4</b>	<b>110</b>

## **5. Forms of pedagogical control and means of assessment of learning outcomes**

The evaluation of the outcomes of the learning of the academic 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 academic 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, etc. The current control is aimed at checking the level of the student's preparation in studying the current 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 academic discipline, which is conducted at the end of the modules in the form of colloquiums.

An obligatory form of individual work of students is the preparation of a final written work. The maximum number of points based on the outcomes of the defense of the 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 obtain a differentiated credit is 60 points.

Distribution of points between forms of organization  
of the educational process and types of control measures

Current control							Final assessment of knowledge (differentiated credit)
Module № 1		Module № 2		Module № 3		Individual work of students	
п/з	Colloquium	п/з	Colloquium	п/з	Colloquium		
max 20	max 10	max 15	max 10	max 15	max 10	max 20	max 100

**6. Criteria for evaluating learning outcomes:**

Type of control	Scores	Criteria (for each assessment)
Current control in a practical session	Max 5	Excellent assimilation of educational material on the topic, some minor shortcomings are possible.
	4	Good assimilation of the material on the topic, but there are some mistakes.
	3	Satisfactory level of assimilation of the material, a significant number of errors.
	Min 0	Unsatisfactory level of assimilation of the material.
Colloquium	Max 10	The outcomes of processing the material are high, a small number of insignificant errors are possible.
	5	Satisfactory level of assimilation of the material, a significant number of errors.
	Min 0	Unsatisfactory level of assimilation of the material.
Final written work	Max 20	The work is designed in accordance with the requirements of the department. The work does not contain methodological errors, there are references to sources and own conclusions. In the defense, in-depth knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	15	The work is designed in accordance with the requirements of the department. The work contains minor methodological errors, there are references to sources, there are own conclusions. During the defense, sufficient knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	10	The work is designed in accordance with the requirements of the department, but with minor errors. The work contains methodological and content errors, there are references to sources, there are own conclusions.

		During the defense, sufficient knowledge of the topic was demonstrated, but there were problems with the argumentation of individual concepts and judgments in the work, the proof of conclusions.
	5	The work was prepared with errors and violations of cathedral requirements regarding the form of work. The work contains methodological and substantive errors, an insufficient number of sources were used to substantiate the research and conclusions. During the defense, difficulties arose regarding the disclosure of the content of the topic, providing arguments regarding individual provisions of the work and the validity and provenance of the conclusions.
	Min 0	The work is improperly designed, without references to sources, and contains methodological errors. During the defense, the author of the work cannot demonstrate knowledge of the chosen topic, provide arguments for concepts and perform information analysis. The work was performed in violation of the requirements of academic integrity.
Differentiated assessment	100	1. Comprehensive, systematic and deep knowledge of the material provided by the curriculum of the academic discipline, including orientation in the main scientific doctrines and concepts of the academic discipline. 2. Learning the main and additional literature recommended by the department. 3. Ability to individually replenish knowledge of the academic discipline and use the acquired knowledge in practical work.
	90	1. Complete knowledge of the material provided by the curriculum of the academic discipline. 2. Mastering the basic literature and getting to know the additional literature recommended by the department. 3. Ability to individually replenish knowledge of the academic discipline, understanding its importance for practical work.
	85	1. Sufficiently complete knowledge of the material provided by the program of the academic discipline, in the absence of significant errors in the answer. 2. Learning the basic literature recommended by the department. 3. Ability to individually replenish knowledge of the academic discipline, understanding its importance for practical work.
	75	1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an amount sufficient for further study and future work in the profession. 2. Learning the basic literature recommended by the department. 3. Errors and significant inconsistencies in the answer to the assessment if there is knowledge to eliminate them individually or with the help of the teacher.
counted	70	1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an amount sufficient for further study and future work in the profession. 2. Acquaintance with the basic literature recommended by the department.



		3. Errors in the answer to the test in the presence of knowledge to eliminate the most significant errors with the help of the teacher.
	60	1. Gaps in knowledge of certain parts of the main material provided by the curriculum of the academic discipline. 2. The presence of errors in answering questions on the test.
not counted	55	1. Lack of knowledge of a significant part of the main material provided by the program of the academic discipline. 2. Impossibility to continue studying or carry out professional activities without passing a repeated course in this discipline.

### ***7. Pedagogical control for students of higher education full-time / distant form of education***

#### **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
<b>A</b>	<b>Excellent</b> - Excellent execution, with only a small number of errors	counted	90 – 100
<b>B</b>	<b>Very good</b> - above average with a few errors		80 – 89
<b>C</b>	<b>Good</b> - generally correct work with a number of minor errors		75 – 79
<b>D</b>	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings		70 – 74
<b>E</b>	<b>Sufficient</b> – performance meets minimum criteria		60 – 69
<b>FX</b>	<b>Unsatisfactory</b> - work needs to be done before rewriting	not counted	35 – 59
<b>F</b>	<b>Unsatisfactory</b> - serious further work is required, a mandatory repeat course		0 – 34

### ***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-бп#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.

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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>

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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>

Freeden 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-20<sup>th</sup> 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 of Law – <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](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>