

Yaroslav Mudryi National Law University
Department of Criminal Law

SYLLABUS OF ACADEMIC DISCIPLINE
«Comparative criminal law»

Level of higher education – the second (master's) level

Degree of higher education – master's degree

Field of knowledge – 08 «Law»

Specialty – 081 «Law»

Discipline status – the student's choice

Recruitment year – 2021

Syllabus of the educational discipline «Comparative criminal law» for students of higher education of the second (master's) level of the higher field of knowledge of education 08 «Law» specialty 081 «Law». Kharkiv: Yaroslav Mudryi National Law University, 2021. 14 p.

Developer:
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updated (protocol № 9 of June 28, 2022)

Head of the department – Yuriy Ponomarenko,
Doctor of Law, Associate Professor

Data about the teacher

The name of the academic discipline	Comparative criminal law / Comparative criminal right
Type of educational discipline	At the student's choice
Teacher	Nadiia Shulzhenko, PhD, Associate Professor, assistant of the Department of Criminal Law
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Consultations	in accordance with the developed schedule of individual consultations St. Pushkinska, 77, aud . 10.
Online consultations	During training using distance technologies, consultations are held using Moodle, Zoom , etc. platforms.

Abstract of the academic discipline

General theoretical questions about comparative criminal law are revealed. The subject, method, tasks of comparative criminal law and its place in the system of sciences are determined. Modern criminal legal systems and the main trends of their development are considered. Concepts, signs and classification of criminal offenses in the criminal law of Ukraine and countries of Anglo-Saxon (England, United States of America) and Romano-German (France and Germany) legal systems are studied. The stages of committing criminal offenses in the criminal law of these countries are disclosed. Issues of complicity in a criminal offense are analyzed. Circumstances that exclude the criminal illegality of an act under the criminal law of Ukraine, England, the USA, France and Germany are outlined. Punishment and other measures are being considered. A comparative characterization of the Special part of the criminal law of Ukraine and the countries of the Anglo-Saxon (England, United States of America) and Romano-German (France and Germany) legal systems is carried out. Peculiarities of criminal responsibility for certain types of criminal offenses are studied: against national security, life and health, and property.

The purpose and tasks of the educational discipline

The purpose of the academic discipline is to form systematic knowledge about the criminal law systems of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems, their main criminal law institutions, as well as the practice of applying criminal legislation and other sources of criminal law, which is based on the comparative method.

Task:

– to develop in students of higher education the ability to fluently master the concepts and categories of comparative criminal law;

– to achieve the study by students of higher education of general and common features in the criminal law of Ukraine and the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems;

– to create among students of higher education the awareness of the uniqueness of the criminal law systems of these countries, which is determined by the peculiarities of historical development and at the same time their unity, which is based on modern processes of globalization and harmonization of national criminal law legislation;

– to form in students of higher education the skills and abilities to deal with practical situations based on the criminal norms of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems.

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

Prerequisites: «Criminal law (General part)», «Criminal law (Special part)», «International law».

Requirements: «International criminal law», «Transitional justice.

Expected learning outcomes of a student of higher education

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

RN ND - 1. Demonstrate knowledge of the concept of "comparative criminal law", its subject and method.

RN ND - 2. Explain the concept of "criminal legal system", types of criminal law systems.

RN ND – 3. To carry out a comparative legal analysis of the criminal legal acts of the countries Anglo-American and Romano-German systems of criminal law.

RN ND – 4. Name the concepts, signs of criminal offenses of Ukraine and countries of the Anglo-Saxon (England and USA) and Romano-Germanic (France and Germany) legal systems.

RN ND – 5. To demonstrate knowledge about the possibilities of previous criminal activity of Ukraine and the countries of Anglo-Saxon (England and the USA) and Romano-Germanic (France and Germany) legal systems.

RN ND – 6. Apply the provisions of criminal legislation regarding complicity and complicity during the qualification of criminal offenses of Ukraine and the countries of the Anglo-Saxon (England and the USA) and Romano-Germanic (France and Germany) legal systems regarding complicity.

RN ND – 7. To analyze the criminal legislation and the corresponding practice of the criminal law of Ukraine and the countries of Anglo-Saxon (England and the USA) and Romano-German (France and Germany) legal systems regarding punishment and its features.

RN ND – 8. To apply knowledge of sentencing and other measures of a criminal law nature in the criminal law of Ukraine and foreign countries.

RN ND – 9. To demonstrate systematic and comparative knowledge of the construction of Special parts of the criminal law of Ukraine and the countries of Anglo-Saxon (England and the USA) and Romano-Germanic (France and Germany) legal systems.

PH ND – 10. To explain the rules of application of criminal legislation during the qualification of criminal offenses according to the norms of the Special part of criminal law regarding criminal offenses against the foundations of national security.

RN ND – 11. Demonstrate knowledge and understanding of the specifics of criminal law norms and application practices regarding the qualification of criminal offenses against life and health in Ukraine and the countries of the Anglo-Saxon (England and the USA) and Romano-Germanic (France and Germany) legal systems.

RN ND – 12. To determine the regularities and trends in the development of legal norms and practices and their application regarding the qualification of criminal offenses against property in Ukraine and the countries of the Anglo-Saxon (England and the USA) and Romano-Germanic (France and Germany) legal systems.

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

No	Lecture classes (contact)		Individual work (in hours)
	Topics of lectures	Topics practical classes	
1.	Comparative criminal law, subject, method and its place in the system of sciences.	Comparative criminal law, subject, method and its place in the system of sciences.	10
2.	General characteristics of the criminal legal systems of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) countries.	General characteristics of the criminal legal systems of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) countries.	10
3.	Sources of criminal law of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems.	Sources of criminal law of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems.	12
4.	Concepts, signs and classification of criminal offenses. Composition of a criminal offence: concepts, signs and meaning.	Concepts, signs and classification of criminal offenses. Composition of a criminal offence: concepts, signs and meaning.	6
5.	Stages of committing criminal offenses.	Stages of committing criminal offenses.	6
6.	Complicity and circumstances excluding the	Complicity and circumstances excluding the	6

	criminal wrongfulness of an act in a criminal offense.	criminal wrongfulness of an act in a criminal offense.	
7.	Punishment and other criminal-legal measures.	Punishment and other criminal-legal measures.	6
8.	Comparative characteristics of the special part of the criminal law of Ukraine and the countries of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems.	Comparative characteristics of the special part of the criminal law of Ukraine and the countries of the Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems.	8
9.	Peculiarities of criminal liability for criminal offenses against national security under the criminal law of Ukraine and foreign countries.	Peculiarities of criminal liability for criminal offenses against national security under the criminal law of Ukraine and foreign countries.	8
10.	Peculiarities of criminal liability for criminal offenses against life and health and for criminal offenses against property under the criminal law of Ukraine and foreign countries.	Peculiarities of criminal liability for criminal offenses against life and health and for criminal offenses against property under the criminal law of Ukraine and foreign countries.	8
That's all			80

**Types of educational activities and independent work
for students of higher education in the correspondence form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1.	Comparative criminal law, subject, method and its place in the system of sciences.		110
2.	Concepts, signs and classification of criminal offenses. Composition of a criminal offence.	Concepts, signs and classification of criminal offenses. Composition of a criminal offence.	
3.	Comparative characteristics of the Special part of the criminal law of Ukraine and the countries of the Anglo-Saxon (England, United States of America) and Romano-Germanic (France and Germany) legal systems.	Comparative characteristics of the Special part of the criminal law of Ukraine and the countries of the Anglo-Saxon (England, United States of America) and Romano-Germanic (France and Germany) legal systems.	

Independent work of students

Independent 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 in comparative criminal law (using the practice of the countries of Anglo-Saxon (England, USA) and Romano-Germanic (France and Germany) legal systems);
- performance of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of presentations;
- abstract of scientific articles;
- preparation for practical classes and testing;
- preparation of reports abstracts for scientific and practical conferences.

Educational and methodological and information support academic discipline

Normative and legal acts

Criminal code of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

Constitution of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-бп#Text>

Criminal Code of the French Republic. URL: https://www.legislationline.org/download/id/3316/file/France_Criminal%20Code%20updated%20on%202012-10-2005.pdf

German Criminal Code. URL: https://www.gesetze-im-internet.de/englisch_stgb/

Title 18-crimes and criminal procedure off the United States Code . URL: https://www.legislationline.org/download/id/8301/file/USA_title_18_us_code_crimes_2017_en.pdf

On the Statement of the Verkhovna Rada of Ukraine "On the Russian Federation Committing Genocide in Ukraine": Resolution of the Verkhovna Rada of Ukraine dated 04/14/2022 No. 2188-IX. URL: <https://zakon.rada.gov.ua/laws/show/2188-20#Text>

Basic literature

Great Ukrainian legal encyclopedia: in 20 volumes / Nat. Acad. rights of Sciences of Ukraine, Institute of State and Law named after V.M. Koretskyi, Yaroslav Mudryi National Law University; editor V.Ya. Tatius [and others]. T.17: Criminal law / chap. editor V.Ya. Tatsius, 2017. 1064 p.

Drozdov O.M., Drozdova O.V. Legal positions of the European Court of Human Rights: an analytical review / by general ed. OHM. Drozdova, M.S. Kovtun, V.I. Kovtun Kharkiv: Factor Publishing House, 2018. 624 p.

Zhitny O. O. Criminal law of Ukraine in the international dimension

(comparative legal analysis). Kharkiv: Odyssey, 2013. 376 p.

Zubkova V.I. Criminal legislation of European countries: a comparative legal study. Moscow: Yurlytinform , 2013. 328 p.

Criminal law of Ukraine. General part: textbook / V.Ya. Tatsii , V.I. Tyutyugin , V.I. Borisov and others; edited by: V.Ya. Tatsia , V.I. Tyutyugina , V.I. Borisov. 6th ed., revision. and added Kharkiv: Pravo, 2020. 584 p.

Criminal codex of Ukraine. Scientific and practical commentary: in 2 volumes / by general ed. V.Ya. Tatsia , V.I. Borisova, V.I. Tyutyugina . 5th ed., supplement. Vol. 1: General part / Yu.V. Baulin , V.I. Borisov, V.I. Tyutyugin and others. Kharkiv: Pravo, 2013. 376 p.

Savchenko A.V. Criminal legislation of Ukraine and federal criminal legislation of the United States of America: a comprehensive comparative legal study: monograph. Kyiv: KNT, 2007. 596 p.

Starovoytova Yu.G. The general part of the criminal law of England and the USA: training. manual Kyiv: Atika , 2012. 104 p.

Havronyuk M.I. Criminal legislation of Ukraine and other states of continental Europe: comparative analysis, problems of harmonization: monograph. Kyiv: Jurisconsult, 2006. 1048 p.

Nadia Shulzhenko et al. The mechanism of international cooperation according to the UN Convention against Transnational Organized Crime, *Revista de la universidad del zulia* . 3a época . Año 11 No. 31, 2020, 377 – 390.

Shulzhenko N., Romashkin S. Internet fraud and transnational organized crime. *Juridical Tribune (Tribuna Juridica)* . 2020. Vol. 10(1). P. 162 – p. 172.

Shulzhenko N., Romashkin S., Rubashchenko M., Tatarenko H. The problematic aspects of International core crimes and transnational crimes according to International Law . *Revista de la Universidad del Zulia* . October 2020 . P. 376 - 388.

Shulzhenko N., Romashkin S., Shulzhenko O., Mokhonchuk S. (2020). Implementation of international crimes under the Rome Statute into national legal systems. *Amazonia Investiga*. 9(28), 528 – 535.

Shulzhenko N., Romashkin S. Types of individual criminal responsibility according to article 25 (3) of the Rome Statute . *Juridical Tribune (Tribuna Juridica)* . 2021. P. 72 – 80.

Additional literature

Lykhova S., Dychakivska T. Comparative criminal law: science, subject, method. *Legal Ukraine*. 2008. No. 10. P. 89–94.

Issues of criminal law in the decisions of the Constitutional Court of Ukraine: study. manual / arrangement: L.P. Brych , O.I. Denkovych , L.V. Kurylo, V.S. Yasenitskyi; view. the second, additional Lviv: LvDUVS, 2015. 264 p.

The practice of applying the provisions of the General part of the Criminal Code of Ukraine by the Supreme Court of Ukraine [Article O.P. Gorokh]; In general ed. A.A. Musicians. Kyiv: Center for Educational Literature, 2017. 524 p.

Decisions of the European Court of Human Rights in criminal cases. Protection of life, health, honor and dignity / by general ed. V.S. Kovalsky. Kyiv: Yurinkom Inter, 2019. 296 p.

Havronyuk M.I. Modern all-European criminal legislation: problems of harmonization. Kyiv: Istyna, 2005. 264 p.

Yatsenko S.S. The main issues of the General part of the criminal law of foreign countries: training. manual Kyiv: Dakor , 2013. 168 p.

Internet resources

The official web portal of the Database of Legal Positions of the Supreme Court of Ukraine <https://lpd.court.gov.ua/login>

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

The official website of the Supreme Court of Ukraine is <https://supreme.court.gov.ua/supreme>

The official web portal of the Unified State Register of Court Decisions is <https://reyestr.court.gov.ua>

The official web portal of the Constitutional Court of Ukraine is <https://ccu.gov.ua>

The official web portal of the Ministry of Internal Affairs of Ukraine is <https://mvs.gov.ua>

The official web portal of the Ministry of Justice of Ukraine is <https://minjust.gov.ua>

The official web portal of the National Police of Ukraine is <https://www.npu.gov.ua>

The official web portal of the Yaroslav Mudryi National Law University Scientific Library - <https://library.nlu.edu.ua>

The official web portal of the President of Ukraine is <https://www.president.gov.ua>

The official web portal of the Cabinet of Ministers of Ukraine is <https://www.kmu.gov.ua>

The official web portal of the Search and Analytical Portal "Court in the Palm" – <https://comp.com.ua>

The official web portal of the resource "Practice of the ECtHR. Ukrainian aspect" - <https://www.echr.com.ua/rishennia-espl/>

The official web portal of the Repository of the Yaroslav Mudryi National Law University Scientific Library – <https://dspace.nlu.edu.ua>

SENMK

Standardized electronic educational and methodological complex of the Department of Criminal Law. URL: <https://library.nlu.edu.ua/senmk/itemlist/category/114-kafedra-kriminalnogo-prava-1.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 and practical tasks, control and independent 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 articles and theses of scientific reports, presentations, 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_e_tyky.pdf).

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

Control measures

Evaluation of the results of mastering the educational discipline «Comparative criminal law» provides for 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, 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, 2, 3, 4);

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

The mandatory form of independent work of students is the preparation of an

individual final written work. The maximum number of points based on the results 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 NYU
AND	Excellent – Excellent execution, with only a small number of errors	counted	90 - 100
IN	Very good – above average with a few errors		80-89
WITH	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
IS	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