



## **THEORY OF LAW**

### **LAW 114**

### **FALL 2018**

**Instructors:** Mateeva Kamila Myrzabekovna, Esenkulova Begaiym Bekturovna

**Class Schedule:** Tu, Th, 9:25, 10:50

**Office Hours:** By appointment

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#### **I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE**

The course provides insight on law as a system of social relations regulation and as a measure of human freedom. Students will learn about sources of law, forms and typology of law, how law operates through a set of legal means, what schools of legal thought have existed, and how law influences private and public life in a society. The course is basic for further studies of law; it gives students knowledge of the fundamentals of law, of legal terminology and notions.

#### **II. PROGRAM AND COURSE LEARNING OUTCOMES**

##### **PROGRAM LEARNING OUTCOMES**

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

## COURSE LEARNING OUTCOMES

<b>Upon successful completion of the course students will be able to:</b>	<b>Law Program Learning Outcomes</b>
1. identify, describe, compare, and critically assess the core legal theories;	1
2. formulate and explain the nature and concept of state and law, describe functions of law;	1, 3
3. analyze and interpret provisions from the perspective of different legal theories;	2
4. be able to identify the norms of law, their structure; understand different sources of law;	2
5. identify and compare different legal systems;	1, 2
6. understand and be able to explain the system of drafting the law, system of law and the legislation;	4
7. explain the mechanism of implementation and enforcement of law; comprehend the legal regulation and its mechanism;	1, 3
8. explain legal consciousness and legal culture; discuss the legal behavior, violation of law and liability.	1, 3

### **III. TEACHING METHODS**

This course does not have the traditional division between lectures and seminars. There is going to be a hybrid of lecture/seminar every class (the so-called interactive lecture method). This method implies that students must read new materials beforehand and be ready to discuss the given materials in class. Such a method helps students develop a self-learning skill which they will need in further studies.

Instructors will call on students randomly to discuss the given subject or to perform any other task. Students are expected to come to classes prepared and ready to discuss the given materials. Upon instructors' request each student has to submit his/her written assignments.

**Participation.** When talking or writing, every student shall try to be understood, distill problems, discuss issues logically and bring the most persuasive and reasonable arguments, including citing the given material to be read for the class.

Class participation rules: everyone can freely express her/his opinion; everyone respects the right of the other to have his/her own opinion and the right to freely express it; only one person speaks at a time.

### **IV. COURSE REQUIREMENTS AND POLICY**

- (1) The class will meet *twice* a week. Class sessions are a mixture of lectures and interactive student-focused activities.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructors have already marked him/her as absent, the student is considered to be absent for the whole class.

- (3) CLASS ATTENDANCE is required. If the student misses more than 4 classes, the student will lose class participation and attendance points. If the student misses 50% of the whole course (irrespective of the reason for absence), the student will be assigned an “F” grade for the course.
- (4) Each student is required to be enrolled in the e-course system ([www.e-course.auca.kg](http://www.e-course.auca.kg)). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructors. Late submissions are NOT allowed. ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he/she was sick or had any other excuse on the date of the deadline.***
- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division’s Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructors may assign an “F” grade for the work or an “F” grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructors.

**Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students’ duty to stay informed of any adjustments made.**

## V. GRADING

Grading will be based upon the following components:

- 15% - Participation
- 10% - Attendance
- 35% - Mid-Term Examination
- 40% - Final Examination (Total: 100%)

For class participation, please, see section III.

The mid-term examination will be a closed book exam with multiple choice, open questions and an essay on the topics covered during the first half of the semester.

The final examination will have the same form as the mid-term with a difference that it will cover materials studied during the second half of semester.

### Grading Scale of the Law Program

A	94-100%	C	68-73%
A-	90-93%	C-	64-67%
B+	86-89%	D+	60-63%
B	80-85%	D	54-59%
B-	77-79%	D-	50-53%
C+	74-76%	F	below 50%

## VI. COURSE MATERIALS

Course materials are going to be provided from required reading materials. They will also be complemented with other materials that will be distributed beforehand in class or posted in the e-course.

**1. Required Reading Materials**

- Matuzov N.I., Malko A.V. Theory of State and law, M. 2015/2016.
- Philosophy of Law, edited by Joel Feinberg and Jules Coleman, Seventh Edition, Belmont: Thomson Wadsworth, 2004.

**2. Recommended Reading Materials**

- Raymond Wacks. Understanding Jurisprudence, An Introduction to Legal Theory, Second edition, Oxford University Press, 2009.
- Starkov O.V., Teoriya gosudarstva i prava: Uchebnoe posobie dlya vyzov, M., 2015.
- Uporov I.V. Teoriya gosudarstva i prava: Uchebnoe posobie dlya vyzov, M., 2015.

**VII. COURSE OUTLINE**

Weeks	Topics
<b>Week 1</b>	Introduction and Course Overview Theory of Law as a Discipline: Structure, Methodology, System
<b>Week 2</b>	State and the Society / Origins and Nature of the State / Types and Forms of the State
<b>Week 3</b>	Structure and Functions of State
<b>Week 4</b>	Origins of Law Social Norms
<b>Week 5</b>	Sources of Law. Forms of Law Functions of Law
<b>Week 6</b>	Legal Consciousness and Legal Culture
<b>Week 7</b>	System of Law and System of Legislation (Public and Private Law) Norm of Law, Structure of Norm of Law + REVIEW SESSION
<b>MID-TERM EXAMINATION</b>	
<b>Week 9</b>	Implementation of Law Interpretation of Law Conflict of Laws
<b>Week 10</b>	Legal Relations Legal Facts, Presumptions, and Fictions Rule of Law
<b>Week 11</b>	Legal Behavior, Violation of Law Legal Liability
<b>Week 12</b>	Legal Regulation and its Mechanism Legal Systems

<b>Week 13</b>	Natural Law
<b>Week 14</b>	Legal Positivism
<b>Week 15</b>	Legal Realism / Law and the society + REVIEW SESSION
<b>FINAL EXAMINATION</b>	