



Educational-methodical complex of the discipline is made by acting associate professor A. Oтынshieva

Based on the working curriculum on the specialty «International law»

Considered and recommended at the meeting of the department International law from «01» September 2023 year, protocol №1

Head of department

  
(signature)

Zh. Sairambaeva

**SYLLABUS**  
 Spring semester 2023-2024 academic year  
 Educational program «7M04201 - International Law»  
 1<sup>st</sup> year

ID and name of course	Independent work of the student (IWM)	Number of credits			General number of credits	Independent work of the student under the guidance of a teacher (IWMT)
		Lectures (L)	Practical classes (PC)	Lab. classes (LC)		
102901- Theory of Private International Law	4	15	30	0	5	6
ACADEMIC INFORMATION ABOUT THE COURSE						
Learning Format	Cycle, component	Lecture types	Types of practical classes	Form and platform final control		
Offline	MD. UC. M-5. UC.	Informational, debatable, problematic	Mixed form of seminars: tests, group work, case studies, etc.	Standard orally offline IS «Univer»		
<b>Lecturer</b>	Otynshiyeva Aidana Aitukyzy, acting associate professor					
<b>e-mail :</b>	Aidana-best91@mail.ru					
<b>Phone :</b>	+7 701 091 44 55					
ACADEMIC COURSE PRESENTATION						
Purpose of the course	Expected Learning Outcomes (LO) *			Indicators of LO achievement (ID)		
<p>The course develops the ability to analyze the theories of modern private international law, to be able to use this knowledge in practical situations, to understand the specifics of the legal regulation of private law relations with a foreign element. The course forms the skills of comparative legal analysis of the civil legislation of the Republic of Kazakhstan and foreign states.</p>	1. To assess the level of compliance of the legislation of the Republic of Kazakhstan with the norms of international law; to carry out the development and expert assessment of international and domestic regulatory legal acts of the Republic of Kazakhstan.			1.1 A graduate student should be able to draw independent conclusions on the subject under study		
				1.2 Summarize the results of the acquired knowledge		
				1.3 Be able to compile a glossary of private law terms, arrange it according to the necessary criteria and know the definitions of categories (concepts)		
	2. Analyze, from a legal point of view, the ratio of the Public International Law and PIL on issues of ensuring compliance with the basic principles of the Public International Law.			2.1 Working with documents in the field of private law relations		
				2.2 Apply knowledge in the examination and analysis of international private legal documents		
				2.3 The ability to ensure the rights, freedoms and legitimate interests of citizens in the private legal sphere		
	3. Systematize and summarize the issues of legal regulation of the activities of SMEs.			3.1 To summarize the results of the study of private international law		
				3.2 Compare the norms of national and foreign law and their correlation with the norms of international treaties		
				3.3 Analyze the dynamics of solving scientific problems in the field of dispute resolution		
	4. Apply to specific situations the norms of private international law and domestic legislation of the Republic of Kazakhstan in the field of regulation of foreign economic activity; negotiate with partners to conclude foreign trade transactions.			4.1 Summarize the results of the PIL study		
				4.2. Apply the norms of PIL in theory and practice		
				4.3 Draw conclusions from the causes contributing to the conflict and offer recommendations for their elimination		
	5. To give qualified legal opinions and consultations; to perform legal actions in strict accordance with international law and the legislation of the Republic of Kazakhstan; to prepare procedural documents.			5.1 To summarize the results of studying the discipline of PIL		
				5.2 To determine the impact of the PIL doctrines on modern PIL science		
				5.3 Formulate problems in the field of protection of civil rights of subjects of PIL		
<b>Prerequisites</b>	Civil Law of the Republic of Kazakhstan; Public International Law; Private International Law; International Trade law.					
<b>Postrequisites</b>	International protection of human rights; Integration law; International legal disputes.					

<b>Learning Resources</b>	<p><b>Literature:</b></p> <ol style="list-style-type: none"> <li>1. Private international law and international civil procedure. Textbook for universities (in 2 parts)/ M.K. Suleimenov. Almaty: LLP «Law Firm «Zanger», 2019.-496c.</li> <li>2. Issad M. Droit international prive.-2 ed.%E2%80%94T. 1, 2.%E2%80%94Alger, 1983wolf M. Private International Law / Translated from English %E2%80%94 M., 2021;</li> <li>3. Cheshire J., North P. Private International law / Translated from English%E2%80%94 M., 2020</li> <li>4. Paras Diwan - Private International Law. 2019. Deep &amp; Deep; 4th edition</li> <li>5. James Nafziger, Anastasia Telesetsky. Private International Law: Avoiding and Resolving Conflict of Laws. Carolina Academic Press, 2022</li> <li>6. Peter Hay, Patrick Borchers, Richard Freer. Conflict of Laws, Private International Law, Cases and Materials (University Casebook Series) 16th Edition // Foundation Press; 2021</li> </ol> <p><b>Internet resources:</b></p> <ol style="list-style-type: none"> <li>1. PARAGRAPH information system; KazNU electronic library, all dissertations on the topics</li> <li>2. webinars of IP «Paragraph» PravMedia</li> <li>3.(International Institute for the Unification of Private Law) (UNIDROIT)<a href="http://www.unidroit.org">http://www.unidroit.org</a> (The Hague Conference on Private International Law)</li> <li>4.<a href="http://www.hcch.net">http://www.hcch.net</a> (The Hague Conference on Private International Law)</li> <li>5. <a href="http://elibrary.kaznu.kz/ru">http://elibrary.kaznu.kz/ru</a></li> <li>6. <a href="https://www.cambridge.org/core/publications">https://www.cambridge.org/core/publications</a></li> <li>7. <a href="https://olrl.ouplaw.com/home/PRIL">https://olrl.ouplaw.com/home/PRIL</a></li> </ol> <p>Additional educational material, as well as documentation used for homework, will be available on your website page univ.kaznu.kz in the UMKD section.</p>
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<b>Academic course policy</b>	<p>The academic policy of the course is determined by <u>the Academic Policy and the Policy of Academic Integrity of Al-Farabi Kazakh National University</u>.</p> <p>Documents are available on the main page of IS Univer.</p> <p><b>Integration of science and education.</b> The research work of students, undergraduates and doctoral students is a deepening of the educational process. It is organized directly at the departments, laboratories, scientific and design departments of the university, in student scientific and technical associations. Independent work of students at all levels of education is aimed at developing research skills and competencies based on obtaining new knowledge using modern research and information technologies. A research university teacher integrates the results of scientific activities into the topics of lectures and seminars (practical) classes, laboratory classes and into the tasks of the IWMT, IWM, which are reflected in the syllabus and are responsible for the relevance of the topics of training sessions and assignments.</p> <p><b>Attendance.</b> The deadline for each task is indicated in the calendar (schedule) for the implementation of the content of the course. Failure to meet deadlines results in loss of points.</p> <p><b>Academic honesty.</b> Practical/laboratory classes, IWM develop the student's independence, critical thinking, and creativity. Plagiarism, forgery, the use of cheat sheets, cheating at all stages of completing tasks are unacceptable.</p> <p>Compliance with academic honesty during the period of theoretical training and at exams, in addition to the main policies, is regulated by <u>the «Rules for the final control»</u>, <u>«Instructions for the final control of the autumn / spring semester of the current academic year»</u>, <u>«Regulations on checking students' text documents for borrowings»</u>.</p> <p>Documents are available on the main page of IS Univer.</p> <p><b>Basic principles of inclusive education.</b> The educational environment of the university is conceived as a safe place where there is always support and equal attitude from the teacher to all students and students to each other, regardless of gender, race / ethnicity, religious beliefs, socio-economic status, physical health of the student, etc. All people need the support and friendship of peers and fellow students. For all students, progress is more about what they can do than what they can't. Diversity enhances all aspects of life.</p> <p>All students, especially those with disabilities, can receive counseling assistance by phone / e-mail aidana-best91@mail.ru <u>or</u> via video link in MS Teams <a href="https://teams.microsoft.com/l/meetup-join/19%3ad468695d3ea14195bf84e179593975fb%40thread.tacv2/1694063904429?context=%7b%22tid%22%3a%22b0ab71a5-75b1-4d65-81f7-f479b4978d7b%22%2c%22oid%22%3a%22f7f27e31-33e7-48cb-95d2-f66e7d87d8fd%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ad468695d3ea14195bf84e179593975fb%40thread.tacv2/1694063904429?context=%7b%22tid%22%3a%22b0ab71a5-75b1-4d65-81f7-f479b4978d7b%22%2c%22oid%22%3a%22f7f27e31-33e7-48cb-95d2-f66e7d87d8fd%22%7d</a>.</p> <p><b>Integration MOOC (massive open online course).</b> In the case of integrating MOOC into the course, all students need to register for MOOC. The deadlines for passing MOOC modules must be strictly observed in accordance with the course study schedule.</p> <p><b>ATTENTION!</b> The deadline for each task is indicated in the calendar (schedule) for the implementation of the content of the course, as well as in the MOOC. Failure to meet deadlines results in loss of points.</p>
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**INFORMATION ABOUT TEACHING, LEARNING AND ASSESSMENT**

<b>Score-rating letter system of assessment of accounting for educational achievements</b>	<b>Assessment Methods</b>
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Grade	Digital equivalent points	points, % content	Assessment according to the traditional system	Criteria-based assessment is the process of correlating actual learning outcomes with expected learning outcomes based on clearly defined criteria. Based on formative and summative assessment. <b>Formative assessment</b> is a type of assessment that is carried out in the course of daily learning activities. It is the current measure of progress. Provides an operational relationship between the student and the teacher. It allows you to determine the capabilities of the student, identify difficulties, help achieve the best results, timely correct the educational process for the teacher. The performance of tasks, the activity of work in the classroom during lectures, seminars, practical exercises (discussions, quizzes, debates, round tables, laboratory work, etc.) are evaluated. Acquired knowledge and competencies are assessed. <b>Summative assessment</b> - type of assessment, which is carried out upon completion of the study of the section in accordance with the program of the course. Conducted 3-4 times per semester when performing IWM. This is the assessment of mastering the expected learning outcomes in relation to the descriptors. Allows you to determine and fix the level of mastering the course for a certain period. Learning outcomes are evaluated.																												
A	4.0	95-100	Great																													
A-	3.67	90-94																														
B+	3.33	85-89	Fine																													
B	3.0	80-84																														
B-	2.67	75-79																														
C+	2.33	70-74																														
C	2.0	65-69																														
C-	1.67	60-64	Satisfactorily																													
D+	1.33	55-59																														
D	1.0	50-54																														
FX	0,5	25-49	Unsatisfactory																													
F	0	0-24																														
<table border="1"> <thead> <tr> <th colspan="2">Formative and summative assessment</th> <th>Points</th> <th>% content</th> </tr> </thead> <tbody> <tr> <td colspan="2">Activity at lectures</td> <td>0</td> <td></td> </tr> <tr> <td colspan="2">Work in practical classes</td> <td>42</td> <td></td> </tr> <tr> <td colspan="2">Independent work</td> <td>18</td> <td></td> </tr> <tr> <td colspan="2">Design and creative activity</td> <td>0</td> <td></td> </tr> <tr> <td colspan="2">Final control (exam)</td> <td>40</td> <td></td> </tr> <tr> <td colspan="2">TOTAL</td> <td>100</td> <td></td> </tr> </tbody> </table>					Formative and summative assessment		Points	% content	Activity at lectures		0		Work in practical classes		42		Independent work		18		Design and creative activity		0		Final control (exam)		40		TOTAL		100	
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**Calendar (schedule) for the implementation of the content of the course. Methods of teaching and learning.**

A week	Topic name	Number of hours	Max. ball
<b>MODULE 1. Concept and system of Private International Law</b>			
1	L 1. The legal nature of the PIL. The specifics of the PIL norms in the Kazakh legislation.	1	
	PC 1. To identify the place of private international law in the legal system. To consider the issues of defining the nature of the PIL in the Kazakh legal doctrine. Reveal the nature of the relationship in which the PIL is regulated. Analyze the composition of the norms of PIL and their functions. To consider and disclose the place of the PIL in the system of internal law.	2	10
2	L 2. The history of the doctrines and their impact on the development of the PIL.	1	
	PC 2. The history of the PIL doctrines and their impact on the development of the PIL. Describe the history of the emergence and diversity of the PIL doctrines and their impact on the development of PIL. Attention should be paid to three theories that determine the place of PIL in the legal system of the state, and the arguments used by their supporters.	2	10
	IWMT 1. Consultations on the implementation of IWMT 1		
3	L 3. Features of PIL regulation methods	1	
	PC 3. To consider the concept, essence and types of various methods of regulating PIL. To identify the fundamental differences between the various methods of regulating PIL, their advantages and disadvantages.	2	10
	IWM 1. To consider and analyze the place of the PIL in modern international relations and the legal system of the state « Articles from journals over the past 10 years are subject to study. essay		15
4	L 4. PIL and Public International Law.	1	
	PC 4. PIL and Public International Law. To consider issues that relate not only to the differences between the PIL and the Public International Law, but also their common features, especially when it comes to the parallel application of their norms.	2	10
5	L 5. Features of the formation and collaging of the norms of the PIL.	1	
	PC 5. Features of the formation and collaging of the norms of the PIL. Pay attention to the role of international treaties and international organizations in the formation of the PIL, as well as the relationship between the lex mercatoria and the theory of the PIL, since it is in these aspects that the intensive interaction of the PIL and the Public International Law takes place, when it is necessary to clearly distinguish them	2	10

<b>MODULE 2. Subjects and Contract law</b>			
6	L 6. Issues of application of the norms of the PIL	1	
	PC 6. Issues of application of the norms of the PIL Attention should be paid to the ways to solve the problems of applying the norms of the PIL used in the Civil Code of the Republic of Kazakhstan, their advantages and disadvantages. To consider and analyze the methods of regulation in the PIL. Thesis by N.S. Yeshniyazov «Conditions for the application of conflict of laws rules in the PIL»	2	10
	IWMT 2. Consultations on the implementation of IWM 2		
7	L 7. The legal position of the state in the PIL, the peculiarities of the legal regulation of oblique legal relations. Diagonal of public and private legal relations. The concept and elements of state immunity.	1	
	PC 7. Consolidating the material and solving practical problems on the topic: The legal status of legal entities in the PIL. Legal capacity of legal entities in private international law. Exemption from the national regime in respect of foreign legal entities, including those registered in offshore zones, in the legislation of the Republic of Kazakhstan in the field of private law.	2	10
	IWM 2. To consider and give a comparative analysis of the history of the development of the doctrine of the PIL and their impact on the development of the PIL. To view the necessary sources on this topic, especially articles on this topic over the past 10 years. Presentation.		15
RK 1			100
8	L 8. Property rights in the PIL. Conflict of laws issues of property rights. The concept of the property statute, its relation to the binding and marital status. The scope of application of the law of the country where the thing is located.	1	
	PC 8. Consolidating the material and solving practical problems on the topic: Property law in the PIL	2	8
	IWMT 3. Consultations on the implementation of IWM 3		
9	L 9. Credit and settlement relations in the PIL	1	
	PC 9. Consolidating the material and solving practical problems on the topic: Credit and settlement relations in the PIL.	2	8
	IWM 3. Consider and give an analysis of the dissertations of Abdrakhmanova E.S. «The right of ownership in the PIL»		15
10	L 10. Contractual obligations in the PIL	1	
	PC 10. Contractual obligations in the PIL Describe the foreign economic transaction. Characteristics of the concept of a foreign economic transaction. Its contents. The agreement of a foreign economic transaction. Its contents. A foreign trade contract of sale. Its types. Service agreements, etc.	2	8
	IWMT 4. Consultation on the implementation of IWM 4		
<b>MODULE 3. International civil procedure</b>			
11	L 11. Non-contractual obligations in the PIL	1	
	PC 11. Non-contractual obligations in the PIL. Reveal the concept and essence of conflict of law issues of tort obligations. Delicacy the concept of the status of the obligation, its content. The principle of the law of the place of harm. Its reflection in the legislation of different countries. Multilateral agreements.	2	8
	IWM 4. Dispute resolution in family law of private international law.		15
12	L 12. Family relations in the PIL	1	
	PC 12. Family relations in the PIL. Analysis of conflict of laws issues in the field of family law. The influence of the peculiarities of the economic structure, as well as national, domestic, religious characteristics and traditions	2	8
13	L 13. Intellectual property in the PIL	1	
	PC 13. Consolidating the material and solving practical problems on the topic	2	10
	IWMT 5. Consultation on the final exam		
14	L 14. International civil procedure. The difference in the approaches of the Civil Procedure and Civil Codes of the Republic of Kazakhstan to determine the rights and legal capacity of foreign citizens	1	
	PC 14. International civil procedure. The difference between the methods of Civil Procedure and the Civil Codes of the Republic of Kazakhstan for determining the legal capacity and legal capacity of foreign persons. Let's consider the relationship between the concepts of "jurisdiction", "competence" and "jurisdiction" in the context of international civil proceedings. International and domestic jurisdiction. Establishing a criminal record in cases involving foreigners. English, French and German models. Actions on behalf of and actions in Rome. The forum is inconvenient.	2	10
15	L 15. International commercial arbitration. Problems of conflict of laws applied in international commercial arbitration.	1	

	PC 15. International commercial arbitration. Problems of conflict of laws applied in international commercial arbitration. To consider arbitration as a form of dispute resolution and a branch of law. The nature of international commercial arbitration. The ratio of arbitration and judicial processes. Types of arbitration. Institutional and Ad hoc arbitration.	2	10
	IWMT 6. Consultation on the final exam		
RK 2			100
Final control (exam)			100
TOTAL			100

Dean \_\_\_\_\_ Delovarova L.F.

Head of Department \_\_\_\_\_ Sairambayeva Zh.T.

Lecturer \_\_\_\_\_ Oтынshiyeva A.A.



**RUBRICATOR OF THE SUMMATIVE ASSESSMENT  
CRITERIA EVALUATION OF LEARNING OUTCOMES**

Written assignment (25% of 100% MC)

Criterion	«Excellent» 20-25%	«Good» 15-20%	«Satisfactory» 10-15%	«Unsatisfactory» 0-10%
Research	The submission shows evidence of outstanding research that goes far beyond the suggested reading for the module.	The submission shows a very capable research effort with a good use of the suggested reading materials for the module, perhaps with some use of additional sources	The submission shows at least a general familiarity with the research sources suggested in the module and an ability to use these reasonably effectively	1. Research: The submission makes some reference to suggested reading material for the module, but reproduces this with little discussion or evaluation in a way that shows a limited grasp the subject matter
Knowledge	The work shows an impressive knowledge of the subject area and an exceptional ability to identify peculiar or novel aspects for consideration.	The work shows an informed knowledge of the subject area and awareness of key issues and their gravity	The work demonstrates a sound basic knowledge of the subject area and presents a clearly organised account of this	The work shows a significant lack of understanding of the issues, perhaps due to misunderstandings or shortcomings in research
Critical thinking	The discussion shows extremely incisive analysis and reasoning demonstrating an exceptional perception and capacity for independent critical evaluation of the subject area, perhaps by suggesting novel or alternative ways of addressing the issues.	There is some evidence of perceptive and evaluative thinking, and the ability to construct a reasoned and substantiated argument towards a clear conclusion	The discussion shows relatively little capacity for critical evaluation	There is a lack of coherence in the overall argument
Presentation	The essay is extremely well structured and lucidly presented, with no serious typographical or grammatical errors. There are only very minor amendments	The work is reasonably well organised with relatively few typographical or grammatical errors	The work is reasonably well organised, with some typographical or grammatical errors. Comment: Typically, an answer in this category may fall short of a merit classification because of over-dependency on secondary sources, shortcomings in coverage, misunderstandings of critical issues, or because the presentation, organisation or writing style are deficient. A bare pass mark might be awarded where the work involves a purely descriptive treatment of the subject area with little attempt to offer any evaluative discussion	The work shows serious weakness in presentation, because of a lack of structuring and/or serious grammatical or typographical errors
Letter, APA style	The writing demonstrates clarity, conciseness, and correctness. Strictly follows the APA style.	The letter demonstrates clarity, and correctness. Basically, follows the APA style.	The letter has some key errors and clarity needs to be improved. There are mistakes in following the APA style.	The writing is unclear, it is difficult to follow the content. Lots of mistakes in following the APA style.