al-Farabi Kazakh National University

Faculty of international relations

Department of international law

Educational program on the specialty  
5B030200-International Law

Syllabus of discipline

6301Comparative Law problems

Semester: autumn, 2018-2019 year

Academic Course Information

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Code | Course (discipline) | **type** | **Weekly classes** | | | Credits | **ECTS** |
| Lec. | **Sem.** | **Lab.** |
| CLP 6301 | Comparative Law problems | ED | 2 | 1 | 0 | **3** | 6 |
| Lecture | **Omirzhanov T. Yesbol** – candidate of jurisprudence, Associate professor | | | **Office hours** | | in accordance with the schedule | |
| **e-mail** | [yesbol\_1981@mail.ru](mailto:yesbol_1981@mail.ru) | | |
| phone number | 2-43-83-22, 87772686571 | | | **room** | |  | |
| assistant |  | | | **Office hours** | |  | |
| e-mail |  | | |
| phone number |  | | | **room** | |  | |

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| **Description of the course** | The Comparative Law problems is a special course, which directed to study main problems of making comparative analysis of modern legal systems. Discipline has a theoretical and elective type of training course. Discipline forms students' analytical abilities, also develops skills of working with various sources, legislative acts. The course takes the main place in the EP (educational program).  Goal and objectives of the discipline is to form a knowledge of the basic provisions of the course " Comparative Law problems"; develop the ability to self-analysis features of the state and law, the legal system and legislation as a single country or a group of countries; consolidate the knowledge through a series of independent projects and workshops.  on the basis of the discipline "Comparative Law problems," the master degree student must possess a certain level of knowledge about the main legal systems of modern world. Know about the main problems and concepts of making comparative analysis of legal systems. | | |
| **Pre-requisites**  **Post-requisites** | History of legal and political doctrines, Muslim law  - | | |
| **LIST OF REFERENCES** | 1. Bekhrus Kh. Comparative Law: text book. – М.: Transplit, 2008. 2. David R. The main modern legal systems. - М.: International relations, 2009. 3. Ignatova N. Comparative Law: lectures/ «Daneker». – Аlmaty, 2004. 4. Маlko А., Salomatin А. Comparative Law. М., 2010. 5. Маrchenko М. Comparative Law. Main part. М., Zersalo, 2011.   Available online: Additional training materials and documentation used for homework, will be available on your page on univer.kaznu.kz site. in EMCD section. | | |
| **POLICY OF THE COURSE** | 1. For each classroom you have to prepare in advance, according to the schedule below. training should be completed by the classroom, where the topic is discussed.  * IWS tasks will be distributed throughout the semester, as shown in the graph of discipline. Student passes essay or report within the specified period. Specific requirements for the research assignment will be distributed in class. All assignments will constitute 10% of the final mark of the course.   The student must perform all tasks and pass the IWS teacher. Specific requirements will be distributed in class. This task will be 15% of the final grade. When performing tasks subject to the following rules: Targets should be carried out within a specified time. in written form should be completing quests. The student must write his vision regarding the particular material. The maximum size of 3 page abstract.  Academic values: Academic honesty and integrity: independence of all tasks; inadmissibility of plagiarism, forgery, use of cribs, cheating at all stages of knowledge control, cheating the teacher and disrespectful attitude towards him. (Code of Honor of a student of KazNU). Students with disabilities can receive counseling on the above E-mail and telephone. | | |
| **Assessment policy** | **Description of** independent work | **All** | **Results** |
| Home tasks  Research work  Individual tasks  Examinations  Total | 35%  10%  15%  40%  100% | 1,2,34,5,6  2,3,4  4,5,6  1,2,3,4,5,6 |
| Your marks in in percentages:  95% - 100%: А 90% - 94%: А-  85% - 89%: В+ 80% - 84%: В 75% - 79%: В-  70% - 74%: С+ 65% - 69%: С 60% - 64%: С-  55% - 59%: D+ 50% - 54%: D- 0% -49%: F  Landmark control will be conducted on theoretical questions of discipline (for 7 weeks).  Midterm examination – 100 points. Midterm examination includes 20 theoretical questions. Every examination ticket includes 3 theoretical questions. Every question requires complete answer. Every question – 34, 33, 33 points (complete and right answer – 34, 33, 33 points, incomplete and right answer – 15 points, incomplete and not exact answer – 10 points, uncorrect answer – 0 point. Midterm examination will be hold in the written form.  Final examination – 100 points. Final examination includes 30 tests. Examination will be hold in the test form.  Criterial evaluation: evaluation of learning outcomes in relation to descriptors (checking the formation of competences on the boundary control and examinations). Summative assessment: assessment of the presence and activity of work in the classroom; evaluation of the completed task, the CDS (project / case / program) | | |

Calendar for the implementation of the content of the training course:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| week | | Name of the theme | | number of hours | | marks | |
| 1 | | 2 | | 3 | | 5 | |
| 1 | | Lecture 1. Object, method and value of the special course " comparative law " | | 2 | | 2 | |
|  | | Seminar  Comparative law as a distinct discipline and curriculum. The ratio of comparative law with other legal sciences. The subject, goals, objectives and a system of comparative law. | | 1 | | 5 | |
| 2 | | Lecture 2. "The history of the formation and development of comparative law" | | 2 | | 2 | |
|  | | Seminar  History of the formation of comparative law as a separate branch of law. First congress of Comparative Law | | 1 | | 5 | |
| 3 | | Lecture 3. Methodology of Comparative Law. | | 2 | | 2 | |
|  | | Seminar  Methodology of comparative law legislation. Types of research in comparative law. The methods of comparative legal studies. | | 1 | | 5 | |
|  | | Report 1: General rules of comparative legal analysis. | |  | | 9 | |
| 4 | | Lecture 4. "The comparative method in the study of State and Law". | | 2 | | 2 | |
|  | | Seminar  The concept and value of comparisons. The comparative legal method - private-scientific method of scientific knowledge. The theory of comparative legal method. The species and levels of the comparison means. Diachronic and synchronic comparison. Internal and external comparison. Micro- and makrocomparison. Normative and functional comparison. | | 1 | | 5 | |
|  | | Report 2: Diachronic and synchronic comparative analysis | |  | | 9 | |
| 5 | | Lecture 5. "The comparative method in theoretical and historical legal disciplines" | | 2 | | 2 | |
|  | | Seminar  Study of ancient legal systems. the legal system of the Roman Empire. A comparison of legal systems of ancient China and nomads | | 1 | | 5 | |
|  | | Report 3: Legal system of Rome Empire | |  | | 9 | |
| 6 | | Lecture 6. "The comparative method in the study of special disciplines of the national law of the Republic of Kazakhstan" | |  | | 2 | |
|  | | Seminar  Use of methods of comparative law in the study of the individual branches of law. Features of Kazakstans legal system. | |  | | 5 | |
|  | | Report 4: Peculiarities of modern legal system of Kazakhstan | |  | | 9 | |
| 7 | | Lecture 7. "The comparative method in international law" | | 2 | | 2 | |
|  | | Seminar  The value and role of comparative law in the study of the legal systems of individual states. International law as a object of comparative researche | | 1 | | 5 | |
|  | | 1 Landmark control | |  | | 15 | |
|  | | total | |  | | 100 | |
| 8 | | midterm examination | |  | | 100 | |
|  | |  | | total | | 200 | |
| 8 | | Lecture 8. Methodological problems of comparative law | | 2 | | 2 | |
|  | | Seminar  The legal system as the main category of comparative law. Determining the legal map of the world. Types of classifications of legal systems. The criteria for division of legal systems. Theories Rene David ("trichotomy") and K. Tsvaygerta ("legal circles" and "right style"). | | 1 | | 5 | |
|  | | Module 2 | |  | |  | |
| 9-10 | | Lecture 9. The legal system of modern society | | 4 | | 4 | |
|  | | Seminar  The concept of the legal system and its main features. The structure of the modern legal system. The bases of classification of legal systems. The value of the legal system for the formation and development of civil society. | | 2 | | 10 | |
|  | | Report 1: The concept of the legal system and its main features. | |  | | 12 | |
| 11 | | Lecture 10. Romano-Germanic legal family. | | 2 | | 2 | |
|  | | Seminar  Socio-economic, historical and cultural background of a Romano-Germanic law family. General and specific in the legal systems of the Romano-Germanic law family. The structure of law and the system of sources of law, Romano-Germanic law family. Legal systems adjacent to the Romano-Germanic legal family | | 1 | | 5 | |
|  | | Report 2: Historical development of Romano-Germanic law family. | |  | | 12 | |
| 12 | | Lecture 11. Anglo-Saxon legal family. | | 2 | | 2 | |
|  | | seminar.  Features of the formation of the English common law system and its sources. The sources and the system of law in the Anglo-Saxon legal family. The legal system of the United States. Features of the legal systems in the countries of the British Commonwealth. | | 1 | | 5 | |
|  | | Report 3: U.S. law: federal law and the law of the states. | |  | | 10 | |
| 13 | | Lecture 12. Religious family law | | 2 | | 2 | |
|  | | seminar.  Muslim law. The historical evolution of Islamic law. Sources of Islamic law. The originality of the major institutions and industries of Islamic law. The legal system of India. Sources of Hindu Law. | | 1 | | 5 | |
| 14 | | Lecture 13. Traditional family law | | 2 | | 2 | |
|  | | seminar.  Customary law. Traditional legal systems of some African countries. General characteristics of traditional African customary law. Sources of African customary law. Exposure to African customary law. Ways to resolve conflicts in Africa, the traditional right. | | 1 | | 5 | |
| 15 | | Lecture 14. Socialistic law family | | 2 | | 2 | |
|  | | Seminar  The formation, general characteristics and peculiarities of socialist law. Impact of ideological factors in the socialist law. System of sources of socialist law. Features systematization of socialist law. | | 1 | | 5 | |
|  | | 2 Landmark control | |  | | 10 | |
|  | | Total | |  | | 100 | |
|  | | Examination | |  | | 100 | |
|  | | Total | | 45 | | 400 | |

Head of the methodical bureau: candidate of jurisprudence,

Associate professor Mashimbaeva G.A.

Head of the International Law Department: candidate of jurisprudence,

Associate professor Sairambaeva Zh.T.

Compiler: candidate of jurisprudence, Associate professor Omirzhanov Y. T.