al-Farabi Kazakh National University

Faculty of international relations

Department of international law

Educational program on the specialty  
5B030200-International Law

Syllabus of discipline

1401Theory of state and law

Semester: autumn, 2018-2019 year

Academic Course Information

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Code | Course (discipline) | **type** | **Weekly classes** | | | Credits | **ECTS** |
| Lec. | **Sem.** | **Lab.** |
| **TGP - 1401** | Theory of state and law | СD | 1 | 1 | 0 | **2** | 3 |
| 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 | Maulen Aidana | | | **Office hours** | | in accordance with the schedule | |
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| **Description of the course** | Discipline has a theoretical and basic 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).  Objective: to strong assimilation students with the fundamental bases of jurisprudence, to familiarize with wide range of views on the origin and regularities of the development of public legal phenomena, mastering the basic legal terminology and preparation for fruitful perception of industry training disciplines.  As a result of studying the course, students will be able to know the nature and essence of state and law; the basic regularity of the formation, functioning and development of state and law, historical types and forms of state and law; To analyze, interpret and correctly use legal norms; | | |
| **Pre-requisites**  **Post-requisites** | -  History of legal and political doctrines, Comparative law | | |
| **LIST OF REFERENCES** | 1. Omirzhanov Yesbol. Тheory of state and law. Textbook. Almaty, Zhety Zhargy, 2015.  2. Ruminina V.V., Кlimenko А.V. Тheory of state and law. М., 2012.  3. Chestnov I.L. Аctual problems of theory of state and law. Saint-Petersburg, 2014.  4. Chervonuk V.I. Тheory of state and law. Textbook. М., 2012.  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 IWST 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:

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| --- | --- | --- | --- |
| week | Name of the theme | number of hours | marks |
| 1 | 2 | 3 | 5 |
| 1 | Lecture 1, 2. Definition and subject of the Theory of state and law. The emergence of the state and law. | 1 | 2 |
|  | Practical (laboratory) classes 1. Theory of the origin of the State. Discussion on the main reasons for the formation of the first state formations. To know the content of the basic theory of the origin of the state. To analyze the content of theories about the origin of the state. | 1 | 5 |
| 2 | Lecture 3,4. The concept, nature and characteristics of the state. Typology of the state. | 1 | 2 |
|  | Practical (laboratory) classes 2. The concept and typology of the state. To analyze the class and general social nature of the state. To know about the main approaches of the state typology. To consider the main types of state. | 1 | 5 |
| 3 | Lecture 3. Form of state. Form of state governance, form of rule, political regime. | 1 | 2 |
|  | Practical (laboratory) classes 3. Form of state in the different countries. Definition of form of state.  Form of government, the national-state and administrative-territorial structure, political and legal regime. | 1 | 5 |
|  | SIW 1. Political regimes (democratic and non-democratic). |  | 9 |
| 4 | Lecture 4. Functions of the state. Internal and external functions of the state bodies and officials. State apparatus. | 1 | 2 |
|  | Practical (laboratory) classes 4. Main directions (functions) of the state in the social sphere.  Definition and functions of the state. Classification of the state functions. | 1 | 5 |
|  | SIW 2. Norms of official ethics of stuff. |  | 9 |
| 5 | Lecture 5. Political system. Law-abiding state and civil society. Political parties and public unions. | 1 | 2 |
|  | Practical (laboratory) classes 5. Concept of law-abiding state: history, theory and practice.  Civil society and political system. Principle of separation of powers and enshrined in the Constitution of advanced countries. Main principles of law-abiding state. | 1 | 5 |
|  | SIW 3. Leading political parties of modern Kazakhstan: their charter, aims and tasks. |  | 9 |
|  | Module 2. |  |  |
| 6 | Lecture 6. The concept and essence of the law. Theory of the origin of the law | 1 | 2 |
|  | Practical (laboratory) classes 6. The concept and essence of the law. To consider the concept of law. Discussion on the main features of law. To analyze the main theories about the origin of law | 1 | 5 |
|  | SIW 4. Theory of the origin of the law |  | 9 |
| 7 | Lecture 7. Functions of the law. Typology of law. Forms (sources) of law. Different types of forms (sources) of law. Types of normative-legal acts | 1 | 2 |
|  | Practical (laboratory) classes 7. Correlation of law and moral, customs and corporative norms.  Regulatory system of social relations. Concept and classification of social norms. Objective and subjective law.  Regulative, security, jurisdictional, orienting and challenging function of the law | 1 | 5 |
|  | landmark control №1 |  | 15 |
|  | total |  | 100 |
|  | MIDTERM EXAMINATION |  | 100 |
| 8 | Lecture 8. Structure and system of law. Modern legal systems | 1 | 2 |
|  | Practical (laboratory) classes 8. Legal system, its elements, signs, functions. The concept and essence of the legal system. The branch of law and its features. Discussion on features of law institutions. | 1 | 5 |
| 9 | Lecture 9. Legal norms in the system of social norms. Legal relationship | 1 | 2 |
|  | Practical (laboratory) classes 9. Definition and signs of forms (sources) of law. Mononorms, types of law. Structure of the legal norm. Types of dispositions, hypothesis, sanctions. | 1 | 5 |
|  | SIW 1. SIW 1. Law of the Republic of Kazakhstan «On legal acts» dated April 6, 2016 № 480-V LRK. |  | 12 |
| 10 | Lecture 10. Legal consciousness and legal culture. Structure of legal consciousness. | 1 | 2 |
|  | Practical (laboratory) classes 10. Legal consciousness and legal culture  The concept and structure of justice. Discussion of the features of legal consciousness of Kazakhstan. Legal nihilism and its features. | 1 | 5 |
|  | SIW 2. Vectors of the legal culture in the conditions of integration. |  | 12 |
| 11 | Lecture 11. Law-making. Types of law-making. Systematization of normative-legal acts. | 1 | 2 |
|  | Practical (laboratory) classes 11. Law-making. Mechanism of law making process in the Republic of Kazakhstan. Stages of law-making. | 1 | 5 |
|  | SIW 3. Types of codes, peculiarities of their adoption. Incorporation, consolidation, codification. |  | 10 |
| 12 | Lecture 12. Realization of the legal norms. | 1 | 2 |
|  | Practical (laboratory) classes 12. Peculiarities of realization of the legal norms (blankets, sending, etc.). To give examples of individual forms of realization of the law. To discuss on the features of the execution of the law. | 1 | 5 |
| 13 | Lecture 13. The mechanism of legal regulation and legitimate behavior. Explanation of the legal norms | 1 | 2 |
|  | Practical (laboratory) classes 13. The mechanism of legal regulation and legitimate behavior  To know the essence of legal regulation. To talk about the main methods of the mechanism of legal regulation. To analyze the main types of legitimate behavior. | 1 | 5 |
| 14 | Lecture 14. Flaws in the law and ways of its removing. Legitimacy, the nomocracy and human rights. | 1 | 2 |
|  | Practical (laboratory) classes 14. Omissions in the law and ways of its removing  To know the features of the omissions in the law. Contradictions of legal acts. To give examples from the legislation of Kazakhstan. | 1 | 5 |
| 15 | Lecture 15. Offence and liability | 1 | 2 |
|  | Practical (laboratory) classes 15. Legal offence and liability  To know the concept and nature of the legal offense. To disassemble the legal offense. To tell about the features of legal responsibility | 1 | 5 |
|  | Landmark control № 2 |  | 10 |
|  | Total |  | 100 |
|  | Examination |  | 100 |
|  | Total | 30 | 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.