

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
VASYL STEFANYK PRECARPATHIAN NATIONAL  
UNIVERSITY**

**Educational-Scientific Institute of Law  
Department of Theory and History of State and Law**

**Onyshchuk I. I.**

**THEORY OF THE STATE AND LAW**

**Methodical instructions for performing  
independent work of full-time students of higher education**

**Level of higher education – first (bachelor's)**

**Educational and professional program**

**"International and European law"**

**Specialty 081 Law**

**Field of knowledge 08 Law**

**Ivano-Frankivsk – 2023**

### **UDC 340.1(075.8)**

Approved at the meeting of the Department of Theory and History of the State and Law of the Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University (protocol No. \_\_\_\_ dated \_\_\_\_ 2023).

Approved at a meeting of the Scientific and Methodological Council of the Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University (protocol No. \_\_\_\_ of \_\_\_\_ 2023).

Recommended for publication by the Academic Council of the Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University (protocol No. \_\_\_\_ of \_\_\_\_ 2023)

### **Reviewers:**

**Shutak I. D.** – Corresponding member of the National Academy of Legal Sciences of Ukraine, Professor of the Department of Law and Public Administration of the institution of higher education King Danylo University, Doctor of Legal Sciences, Professor, Honored Worker of Science and Technology of Ukraine.

**Svorak S. D.** – professor of the Department of Theory and History of the State and Law of the Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University, doctor of legal sciences, doctor of historical sciences, professor.

Developer (head of academic discipline):

**Onyshchuk I. I.** Methodical guidelines for performing independent work of full-time students of higher education under the educational and professional program "International and European Law" from the academic discipline "Theory of State and Law". Ivano-Frankivsk: Educational-Scientific Institute of Law of Vasyl Stefanyk Precarpathian National University, 2023. 95 p.

The methodological guidelines were developed on the basis of the Master's Training Plan (qualification: bachelor of Law) in the field of knowledge 08 Law, specialty 081 Law of the Educational and Professional Program "International and European Law", approved by the Academic Council of Vasyl Stefanyk Precarpathian National University on May 31, 2022 and are intended to perform independent work on the academic discipline "Theory of the State and Law".

The instructions contain general and methodical recommendations for performing independent work, questions and practical tasks for independent work. A list of recommended literature is given.

Methodical instructions are intended for students of higher education, postgraduates, scientists, teachers.

© Onyshchuk I. I., 2023

© Vasyl Stefanyk Precarpathian National University, 2023

## CONTENT

Introduction

General instructions for preparing for performing independent work

Methodical guidelines for performing independent work

Topic 1. Theory of the state and law as a science and educational discipline

Topic 2. Origin of the state.

Topic 3. Concept and essence of the state.

Topic 4. Functions of the state.

Topic 5. Form of the state.

Topic 6. Mechanism and apparatus of the state.

Topic 7. Origin and historical development of law.

Topic 8. Concept, essence and value of law.

Topic 9. Law and human. Legal status of a person.

Topic 10. Law and society. Civil society.

Topic 11. The legal state and the rule of law.

Topic 12. Law in the system of social regulation.

Topic 13. Legal regulation. Mechanism of legal regulation.

Topic 14. Law and order.

Topic 15. Legal awareness and legal culture.

Topic 16. Principles of law.

Topic 17. Legal norm.

Topic 18. Sources of law.

Topic 19. Regulatory act as a source of law.

Topic 20. Law-making.

Topic 21. Legal system.

Topic 22. The system of legislation. Systematization of normative legal acts.

Topic 23. Legal relations.

Topic 24. Interpretation of legal norms.

Topic 25. Implementation of legal norms. Application of legal norms.

Topic 26. Legal activity. Legal practice. Legal process.

Topic 27. Legal technique.

Topic 28. Legal behavior. Offense.

Topic 29. Legal responsibility.

Topic 30. Legal system. The main types of modern legal systems.

Recommended literature for the academic discipline

## INTRODUCTION

The theory of the state and law is the first discipline from which the study of jurisprudence begins in higher legal educational institutions. All sciences that are part of jurisprudence have a common object of study - the state and legal system of society. The theory of the state and law is a fundamental science that has methodological significance for all branches of legal science.

The theory of the state and law provides the most complete idea of state-legal phenomena and processes, determines the regularities of the emergence, development and functioning of the state and law, lays the foundations of political and legal culture, provides the future lawyer with general theoretical knowledge necessary for mastering other legal disciplines, as well as for practical work.

Unlike sectoral legal sciences, the theory of the state and law studies the legal system of society as a whole, its content and properties, patterns of its development and functioning. These general properties and regularities of the legal system of society constitute a specific subject of the science of the theory of the state and law.

The science of the theory of the state and law also includes a methodological part, in which methods (ways, methods, methods) of knowledge of state-legal phenomena are investigated.

Since the objects of professional activity of bachelors are social relations in the field of implementation of legal norms and solving issues of ensuring legality and law and order, bachelors in specialty 081 "Law" within the framework of studying the discipline "Theory of the State and Law" prepare for the following types of professional activities, which can be divided into the following main categories: rule-making; enforceable; law enforcement; expert consulting.

The goal of teaching the academic discipline is the formation of competencies in students of higher education that contribute to abstract and logical thinking, the ability to formulate their own thoughts, self-criticism, able to work with sources and factual material, competently and accurately formulate and express their positions, properly substantiate them, participate in argumentative discussions

To achieve the goal, the following **main tasks** are set:

- study of basic concepts of jurisprudence;

- analysis of theories, causes, patterns of emergence, development and functioning of the state and law;
- acquisition of information search skills regarding the state and legal development of Ukraine;
- analysis of various facts and phenomena, formation of own views and presentation of them in oral and written forms.

Learning outcomes. According to the requirements of the educational-professional and educational-qualification program, students of higher education should **know**:

- subject of the theory of state and law and methods of its research;
- the doctrine of the origin of the state and law;
- concepts, signs and forms of the state;
- peculiarities of building a legal state;
- structure of law and legislation;
- law-making, law enforcement and interpretation of legal norms;
- concept of offense and legal responsibility;
- concepts of legality and law and order;

**be able:**

- to be fluent in general theoretical concepts and categories;
- apply legal knowledge in legal practice;
- find the necessary legal literature and use it;
- use your knowledge to protect human rights and freedoms and justify the legality of your decisions;
- analyze social processes in the context of the analyzed problem and demonstrate one's own vision of ways to solve it;
- explain the nature of certain events and processes with an understanding of the professional and social context;
- freely use available information technologies and databases for professional activities;
- demonstrate the necessary knowledge and understanding of the essence and content of state-legal phenomena.

The educational discipline is aimed at the formation of an erudite, versatile personality capable of using the entire range of acquired competencies to achieve success in a competitive environment. Competences acquired in the process of studying the discipline will increase the competitiveness of young specialists on the labor market.

According to the order of the Ministry of Education and Culture of Ukraine No. 1379 dated 12.12.2018, students of higher education must acquire the following competencies:

**Integral competence (IC):**

The ability to solve complex specialized tasks and practical problems in the field of professional legal activity or in the process of learning, which involves the application of legal doctrines, principles and legal institutions, and is characterized by the complexity and uncertainty of conditions.

**General competences (GC):**

GC 1. Ability to abstract thinking, analysis and synthesis.

GC 2. Ability to apply knowledge in practical situations.

GC 3. Knowledge and understanding of the subject area and understanding of professional activity.

GC 7. Ability to learn and master modern knowledge.

GC 10. The ability to act on the basis of ethical considerations (motives).

GC 11. The ability to realize one's rights and responsibilities as a member of society, to realize the values of a civil (free democratic) society and the need for its sustainable development, the rule of law, the rights and freedoms of a person and a citizen in Ukraine.

GC 13. The ability to preserve and multiply moral, cultural, scientific values and achievements of society based on an understanding of the history and laws of the development of law, its place in the general system of knowledge about nature and society and in the development of society, technology and technology.

GC 14. Appreciation and respect for diversity and multiculturalism.

**Special (professional, subject) competences (SC):**

SC1. The ability to apply knowledge of the basics of the theory and philosophy of law, knowledge and understanding of the structure of the legal profession and its role in society.

SC2. Knowledge and understanding of the retrospective formation of legal and state institutions.

## **GENERAL INSTRUCTIONS FOR PERFORMING INDEPENDENT WORK**

Independent work serve students of higher education with the aim of assimilating the material of the academic discipline "Theory and History of the State and Law" as best as possible. For successful independent work, the following is recommended:

- 1) have a notebook with lecture notes. In it, you need to complete the tasks;
- 2) to write down the main terms in notebooks – both scientific and recorded in current and obsolete legal acts; analyze these concepts;
- 3) use the recommended literature, as well as other sources not listed in the list recommended for study;
- 4) to independently determine the features of concepts formulated by scientists or those contained in current legal acts that are controversial for legal science and practice, to identify gaps and conflicts in legal regulation;
- 5) fix issues that cause difficulties.

Independent work on the theory of the state and law provide for the following main goals: first, to optimally organize the educational work of students of higher education , to provide an opportunity for the manifestation of individuality; secondly, to check the quality of students of higher education ' assimilation of the relevant course topic based on their independent work with lecture notes, textbooks, scientific, non-fiction, fiction, legislation and other legal acts.

In addition to studying the theoretical issues specified in the plans, the student must perform a series of tasks before each class: terminological (learning a group of definitions and concepts given to the relevant topic), test and practical (building schemes that reflect the classification of the studied phenomena, solving legal problems, exercises).

Due attention should be paid to personal independent study of modern legal works. The main sources should be annotated before the class. The completeness of abstracts can be different, but it is impossible to turn annotating into a simple rewriting of the texts of the documents under study.

For a thorough assimilation of the educational material, only taking notes from the textbook and simply retelling it in front of the audience is not enough. This method of preparation excludes an active, creative approach of the student to the educational material, significantly limits the range of cognitive sources.

The most effective, high-quality assimilation of educational material is ensured by in-depth study, analysis, comparison and generalization of all sources determined by these plans.

It seems that an activity that is reduced to a simple repetition of the material presented in a lecture or in a textbook is not productive enough. The seminar is, first of all, a laboratory of creative thinking, and this is its main educational and methodological purpose, the greatest didactic value. Only if, after the class, students of higher education have broader and deeper knowledge than before it began, it fully justifies itself as a form of education.

Therefore, during the seminar, it is desirable to record and take notes of everything new that was heard during the class, to supplement and clarify your working records, prepared materials.

From the first steps of studying such a complex science as the theory of the state and law, it is worth getting used to the diversity of positions on certain problems. The student must strive to take a certain position on a certain issue and develop the ability to argue it.

In the process of seminar classes and independent work, it is recommended to: analyze the answers of other students of higher education, point out controversial points in their speech; to defend one's own opinion on a specific issue; to complement the speeches of colleagues in the discussion of one or another problem. A scientific report can be prepared for a seminar class, the subject of which is given in the methodological instructions, but does not limit the choice of other discussed topics of reports.

In preparation for seminars, students of higher education need to study library funds to identify new sources of a scientific nature on legal engineering, track the publication of regulatory legal acts, to perform high-quality analysis for the use of legal engineering tools and techniques.

These instructions are not universal. Their goal is to help students of higher education develop an individual, most appropriate method of preparation for classes in the theory of the state and law.

## **METHODOLOGICAL INSTRUCTIONS FOR PREPARING FOR PERFORMING INDEPENDENT WORK**

### **Topic 1. Theory of the state and law as a science and educational discipline.**

#### **Independent work (5 hours):**

1. Characteristic features of the theory of the state and law.
2. The theory of the state and law as a social science.
3. System (structure) of legal science.
4. General characteristics of certain groups of sciences in the system of jurisprudence.
5. Research methods of state-legal phenomena.
6. Classification of methods of knowledge of state and legal reality.
7. Relationship and interaction of the theory of the state and law with other social sciences.
8. The place of the theory of state and law in the system of legal science.
9. Theory of the state and law as an educational discipline. Correlation of the theory of the state and law as a science and as an educational discipline.

#### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

#### **1. Which of the definitions correctly reflects the subject of the theory of the state and law?**

- a) the subject of the theory of state and law is the study of the emergence and development of specific legal systems in all their historical distinctiveness, including random processes and phenomena;
- b) the subject of the theory of the state and law is the study of a specific field of law and legislation;
- c) the subject of the theory of the state and law – the general regularities of the emergence, development and functioning of the state and law as independent social institutions (as well as phenomena and processes organically related to them and corresponding to them).

**2. What concept denotes the sphere of human activity, the function of which is the production and theoretical systematization of objective knowledge about reality, as well as its result - the sum of knowledge that is the basis of the scientific picture of the world?**

- a) science.
- b) religion.
- c) art.

**3. How does the science of the theory of the state and law differ from the corresponding academic discipline?**

a) science studies all the regularities of the emergence, development and functioning of state-legal phenomena, and the academic discipline only those that are necessary for the further study of jurisprudence;

b) science studies not only its subject, but also the subjects of other sciences, and the academic discipline only its subject;

c) science includes both what is already known and what is yet to be known, and only what is already known is an educational discipline.

**4. What is the difference between the theory of the state and law from branch legal sciences?**

a) each sectoral science studies its subject, and the theory of the state and law are subjects of all sectoral sciences;

b) branch sciences study relevant norms, and the theory of the state and law all legislation as a whole;

c) the theory of the state and law studies the general laws of the emergence, development and functioning of the state and law, and branch sciences - the specific laws of this field of law.

**5. What functions does the science of the theory of the state and law perform?**

- a) regulatory and security;
- b) educational, compensatory and political;
- c) cognitive, integrative and methodological.

**6. What concept does this definition refer to: "A system of methods, a set of methods and techniques of research activity, knowledge about them"?**

- a) methodology;
- b) concept;
- c) paradigm.

**7. How are the subject and method of the theory of the state and law related?**

- a) the subject determines the methods of its research;
- b) methods are determined by the researcher, regardless of the subject of research;
- c) subject and method exist independently of each other.

**8. Which of the listed definitions corresponds to the concept of "special scientific methods"?**

- a) methods used in all specific sciences;
- b) methods used in several, but not all specific sciences;
- c) methods developed by specific sciences and used to understand state-legal phenomena.

**9. Which of the methods is fruitfully used for the analysis of similarities, differences and classification of legal systems?**

- a) statistical method;
- b) method of comparative jurisprudence (legal comparativistics);
- c) cybernetic method.

**10. Why is a legal experiment necessary?**

- a) for the development of legal science;
- b) in order to determine the effectiveness of the norm on a limited scale and not to spread its shortcomings to the entire territory of the state;
- c) to improve law enforcement activities.

## **Topic 2. Origin of the state.**

### **Independent work (5 hours):**

1. The contractual theory of the emergence of the state.
2. Psychological theory of the emergence of the state.
3. Theory of violence.
4. Socio-economic (historical-materialist) theory of the emergence of the state.
5. Features of the emergence of states in the modern era.
6. Factors affecting the emergence of modern states.

### **Practical tasks for independent work:**

Make a table of differences between the state and primitive society.

### Test task

**1. Is the emergence of the state due to class theory?**

- a) endless wars;
- b) the division of society into classes appeared;
- c) three major divisions of labor.

**2. In the pre-state period, power was divided into?**

- a) secular and religious;
- b) religious and military;
- c) secular, religious and military.

**3. As a result of the division of power into "branches" did a new one appear?**

- a) public authority;
- b) legislative power;
- c) judicial power.

**4. Who was the author of the theological theory of the origin of the state?**

- a) Aristotle;
- b) H. Aquinas;
- c) I. Kant;
- d) T. Hobbs.

**5. There are two ways of origin of the state it?**

- a) European and African;
- b) European and Asian;
- c) Asian and African.

**6. What was the characteristic feature of the emergence of European states?**

- a) available private property;
- b) there is no private property;
- c) private property did not have a decisive impact on the economy.

**7. What are the forms of emergence of European states?**

- a) Athenian, Roman and German
- b) Athenian, Spartan and German;
- c) Roman, Byzantine and Athenian.

**8. Who was the founder of the class theory of the origin of the state?**

- a) K. Kautskyi;
- b) T. Hobbs;

- c) K. Marks;
- d) B. Spinoza;

**9. When did two thirds of the states that exist today emerge?**

- a) before the 20th century;
- b) before the beginning of the Second World War;
- c) after the end of the Second World War;
- d) in the 20th century.

**10. According to the patriarchal theory of the origin of the state, the state arose from?**

- a) God's will;
- b) agreements between people;
- c) division of society into classes;
- d) patriarchal family.

### **Topic 3. Concept and essence of the state.**

#### **Independent work (5 hours):**

1. Historical evolution of the concept of the state. The main approaches to understanding the state: a historical perspective. Modern definition of the concept of the state.
2. Signs that distinguish the state from other similar phenomena.
3. Political (state) power. Concept of public political power. Specific features of state power. Legitimacy and legality of state power.
4. Concepts and signs of the state. State sovereignty as its central feature. Concepts, signs, structure and types of state sovereignty. Correlation of the concepts of "state sovereignty", "people's sovereignty" and "national sovereignty".
5. The social essence of the state.
6. Class and general social aspects in the social essence of the state.
7. Social mission of the state.

#### **Practical tasks for independent work:**

##### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. To what concept does the following definition refer: "A sovereign, universal organization of political power, designed to ensure the normal life of people, which has its own territory, an apparatus of coercion and collects taxes necessary for the implementation of external and internal functions"?**

- a) party;
- b) the state;
- c) society.

**2. What is the main, stable, regular feature of the state?**

- a) territory;
- b) coercion apparatus;
- c) taxes;
- d) organization of political power;
- e) sovereignty;
- f) the ability to accept legal norms.

**3. What feature distinguishes the state from other political organizations of society?**

- a) has ownership of tools and means of production;
- b) cooperates with international organizations;
- c) has the prerogative to issue universally binding legal acts, sovereignty, territory, coercion apparatus, collects taxes.

**4. What is the name of the property of the state, which is expressed in the supremacy of state power in the middle of the country and its independence outside?**

- a) legal personality;
- b) sovereignty;
- c) competence.

**5. What is the main contradiction in the essence of the state?**

- a) that the state expresses class and general social interests;
- b) in the relationship between the legitimacy of state power and the illegal activity of individual state bodies and officials;
- c) in disagreement between the state authorities and civil society.

**6. Name the characteristic features of the liberal model of the relationship between the state and the economy.**

a) individual freedom based on the inviolable right to private property. The priority of economic self-regulation before state intervention in the economy;

b) the state protects the competitive relations of commodity producers;

c) all of the above and antimonopoly legislation.

**7. What are the differences between the concepts of political and state power?**

a) the concept of political power includes the concept of state power;

b) the subjects of state power are state bodies, and the subjects of political power are not only state bodies, but also political parties and other public associations;

c) all of the above and the fact that the method of state-authority influence (coercion) is the prerogative of subjects of state power.

**8. What concept does the following definition refer to: "A set of interdependent features of the state that correspond to a certain socio-political structure of society, which, in turn, is determined by the economic basis of society"?**

a) the form of the state;

b) type of state;

c) the mechanism of the state.

**9. From the positions of which approach to the typology of states are slaveholding, feudal, capitalist (bourgeois) and socialist states distinguished?**

a) civilizational;

b) formation;

c) theological.

**10. Name the researchers whose works served as the theoretical basis for the emergence of the civilizational approach to the typology of the state.**

a) Jefferson T., Madison J., Payne T.;

b) Toynbee A., Weber M., Singer M.;

c) Marx K., Engels F., Lenin V.I.

### **Form a written answer to the question:**

1. What are the main approaches to understanding the essence of the state?
2. What are the types of power and what is the importance of power in society?
3. What is public power and how does it differ from other forms of power?
4. Explain the concept of state sovereignty.
5. What is the sovereignty of the people and the nation?
6. What is the social purpose of the state?
7. What are the functions of the state?
8. In what forms and methods are the functions of the state performed.

### **Topic 4. Functions of the state.**

#### **Independent work (5 hours):**

1. Evolution of state functions.
2. Concepts and signs of forms of implementation of state functions.
3. Concepts and types of legal forms of implementation of state functions.
4. Concepts and varieties of organizational forms of implementation of state functions.
5. Methods of implementation of state functions.
6. Factors determining the directions of state activity and the content of its functions.
7. Political, economic, social, cultural, financial, environmental, law enforcement and other internal functions of the state.
8. Functions of state defense, maintenance of world order, international cooperation and integration into the world economy as the main external functions of the state.

#### **Practical tasks for independent work:**

##### **Problematic questions and materials for discussion:**

1. What is the relationship between the dynamics of state development and its functions?

2. How can the concept, content and classification of state functions change in connection with this?

3. According to what criteria is the classification of state functions into basic and non-basic, internal and external? Justify the answers?

### **Task**

1. "All the functions that the state cannot do without are necessary for it, but at a certain stage of the state's development or in a peculiar, extreme situation, one or another function can become prominent, a priority compared to others. This is exactly what happened to the defense function of our state during the Great Patriotic War. During environmental disasters, the main function can be nature protection.

Study the recommended literature and prepare a report on the concept and content of the functions of the state, the main internal and external functions of the state.

2. Functions of the Ukrainian state at the present stage.

What factors underlie the evolution of the functions of the modern Ukrainian state?

The problems of the functions of the Ukrainian state in modern conditions are quite relevant. In the era of the transition from a nationalized economy to a variety of forms of ownership, from totalitarianism to political pluralism, the declaration of the tasks of building a democratic, legal society, etc., the functions of the state also underwent a significant transformation. Among the factors that underlie the evolution of the functions of the Ukrainian state, it is also worth mentioning the need for the modern state to participate in international cooperation to solve the global problems of our time, etc.

When explaining the topic, pay attention to the characteristics of the main factors causing changes in the functions of the Ukrainian state, including: transition to a market economy, Ukraine's integration into the world community, etc.

### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept does the definition refer to: "The main directions of the state's activity to solve the tasks facing it"?**

- a) forms of the state;
- b) functions of the state;
- c) the mechanism of the state.

**2. On what basis are the functions of the state divided into internal and external?**

- a) by types of branches of state power;
- b) by the time of action;
- c) by field of activity.

**3. What are the types of functions of the state depending on the types of branches of state power?**

- a) internal and external;
- b) permanent and temporary;
- c) legislative, executive and judicial;
- d) main and non-main.

**4. Determine which of the listed functions of the state is internal?**

- a) defense;
- b) social;
- c) integration into the world economy.

**5. What is the function of the state in maintaining a sufficient level of the country's defense capability in order to prevent and repel armed aggression and organize the fight against the subversive activities of foreign states?**

- a) ensuring peace and maintaining the world legal order;
- b) cooperation with other states in solving global problems;
- c) defense.

**6. Which feature does not directly relate to the characteristics of the economic function of the state?**

- a) formation of economic policy;
- b) management of enterprises, the share of which is state ownership is more than 50%;
- c) termination of monopoly and unfair competition;
- d) creation of conditions that ensure a dignified life and free human development.

**7. What factors are decisive in determining the direction of state activity?**

- a) the essence of the state and its social purpose;
- b) form of government and national-state system;

c) political-legal regime and administrative-territorial system.

**8. What function is characteristic of any type of state?**

a) ecological;

b) defense;

c) suppression of the resistance of the overthrown classes.

**9. What function of the state should become the main one in a civilized society?**

a) economic;

b) ecological;

c) protection of human rights and freedoms.

**10. What function is new for the Ukrainian state in the modern period?**

a) regulation of the rate of work and the rate of consumption;

b) integration into the world economy and state support of foreign investments;

c) defense.

**Topic 5. Form of the state.**

**Independent work (5 hours):**

1. Unitary state: concepts, signs and types.

2. Federation: concepts and features.

3. Confederation: concepts and signs.

4. Empire and union as historical varieties of forms of government.

5. Evolution of the monarchical form of government.

6. Historical varieties of monarchies.

7. Absolute (unlimited) and despotic monarchy.

8. Constitutional (limited) monarchy.

9. Dualistic monarchy. Parliamentary monarchy.

10. Republic: concepts, signs, types.

11. Modern varieties of the republic.

12. Presidential republic.

13. Parliamentary republic.

14. Mixed republics.

## **Practical tasks for independent work:**

### **Task:**

1. Analyze the following data: "According to the Constitution of Portugal, the head of state is the president. He appoints the prime minister. Legislative power is exercised by the Parliament. The Parliament controls the activities of the government. The government of Portugal is formed from the representatives of the parties that have a majority in the parliament. The government is responsible to the president and the parliament." Identify what form of government Portugal has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

2. Analyze the following data: "According to the Swedish Constitution," the head of state is the king. The highest body of state power is the parliament. Executive power is exercised by the government (Cabinet of Ministers), which is formed with the direct participation of the parliament and is responsible to it. Parliament has the right to dissolve the government. Define what form of government Sweden has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

3. Analyze the following data: According to the Constitution of Australia, the head of state is the Queen of Great Britain, who exercises her powers through the Governor-General, who is appointed by her. Legislative power is exercised by the parliament, executive power by the governor-general. The government is formed from the representatives of the party that won the majority in the parliament. The government is accountable to the lower house of the federal parliament. Identify what form of government Australia has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic

5) mixed republic

4. Analyze the following data: "According to the Constitution of the Federal Republic of Germany, the head of state is the federal president, the legislative body (parliament) consists of two chambers - the Bundestag and the Bundesrat. The government is headed by the chancellor, whose candidacy is proposed by the President and elected by the Bundestag. Ministers are appointed and dismissed by the President on the proposal of the Chancellor. The powers of the chancellor are quite voluminous in the state apparatus of the Federal Republic of Germany. Members of the government are responsible only to the chancellor. The Bundestag has control functions in relation to the government." Determine what form of government Germany has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

5. Analyze the following data: "According to the Constitution of Spain, the head of state is the king, who exercises powers in agreement with the head of government. Legislative power belongs to the Parliament - General Cortes. The government - the Council of Ministers - is headed by the chairman, whose candidacy is proposed by the king and approved by the parliament. Members of the government are appointed and dismissed by the king on the proposal of the head of government. The government is responsible for its activities before the parliament. Define what form of government Spain has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

6. Analyze the following data: "According to the Constitution, the Head of State of Luxembourg is the Grand Duke, who formally has executive powers. Legislative power is exercised by the Parliament - the Chamber of Deputies. In fact, executive power is exercised by the government, whose members are appointed and dismissed by the Grand Duke. The government is responsible to the parliament." Define what form of government Luxembourg has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

7. Analyze the following data: "According to the Constitution, the head of state of the Netherlands is the king (queen). Legislative power is exercised by the Parliament - States General. Executive power is exercised by the government, whose members and chairman are appointed and dismissed by the king. The government is responsible to the parliament." Determine what form of government the Kingdom of the Netherlands has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

8. Analyze the following data: "According to the Constitution of Switzerland, the legislative power is exercised by the parliament, the executive power is exercised by the government (Federal Council), which is formed from representatives of the parties with a majority in the parliament. The government is headed by the president, who is elected by the parliament. Control over the government's activities is carried out by the parliament." Define what form of government Switzerland has?

- 1) parliamentary monarchy
- 2) dualistic monarchy
- 3) presidential republic
- 4) parliamentary republic
- 5) mixed republic

9. Analyze the data: "Canada is territorially divided into 10 provinces and 2 territories." Each province has its own Constitution, electoral legislature, government, and a lieutenant governor appointed by the central government (on the advice of the provincial government). Matters that the provinces can decide on their own are fixed in Canadian legislation. Determine what form of government Canada has?

- 1) unitary state
- 2) federation
- 3) confederation

4) empire

## **Topic 6. Mechanism and apparatus of the state.**

### **Independent work (5 hours):**

1. Concepts, signs and structure of the state mechanism.
2. The concept, legal nature and purpose of the state apparatus.
3. Correlation of the concepts "state mechanism" and "state apparatus".
4. Structure of the state apparatus.
5. Principles of organization and activity of the state apparatus.
6. Concepts and signs of a state body.
7. Classification of state bodies.
8. Peculiarities of the state apparatus of Ukraine.
9. The system of state bodies of Ukraine.
10. The current state and prospects for the development of the state apparatus of Ukraine.

### **Practical tasks for independent work:**

#### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. Choose the concept for this definition "System of state bodies, with the help of which the performance of internal and external functions of the state is ensured"?**

- a) the government;
- b) state mechanism;
- c) forms of the state.

**2. Which of the listed entities are part of the state apparatus?**

- a) political parties and trade unions;
- b) representative authorities; executive and administrative bodies; judicial bodies;
- c) church.

**3. To which concept does the following definition refer "Relatively independent, structurally separate part of the state apparatus, endowed with the appropriate competence, which in the process of implementing its functions relies on the organizational, material and coercive power of the state"?**

- a) ruling party;
- b) state body;
- c) local self-government body.

**4. Name a sign that does not belong to the signs of a state body?**

- a) is formed by the will of the state and performs its functions on its behalf;
- b) performs strictly defined, legally established types of activities;
- c) has a legally established structure, competence (set of rights and obligations);
- d) the activity of the state body is based on the principle of coordination;
- e) is provided with certain material funds;
- f) is vested with powers of a state-authority nature.

**5. Determine what type of state bodies belong to bodies whose members are elected by the population?**

- a) primary;
- b) derivatives (secondary).
- c) judicial.

**6. Define which line of activity does not belong to the functions of the parliament?**

- a) adoption of laws;
- b) approval of budgets;
- c) enforcement of laws;
- d) control over the government in the form of requests, discussions regarding its activities.

**7. Which state body in Ukraine has the right to adopt normative legal acts that have the highest legal force throughout the country?**

- a) the President of Ukraine;
- b) Cabinet of Ministers of Ukraine;
- c) Verkhovna Rada of Ukraine.

**8. What is the name of the principle of organization and activity of the state apparatus, which is expressed in the construction of the main institutions (branches) of state power (legislative, executive and judicial) based on a clear demarcation of competence in order to prevent the monopolization of power in the hands of one body?**

- a) the principle of separation of powers;
- b) the principle of democratic centralism;
- c) the principle of bureaucratic centralism.

**9. Who determines the main areas of activity of the government of Ukraine in accordance with the Constitution?**

- a) the President of Ukraine;
- b) Verkhovna Rada of Ukraine;
- c) Prime Minister of Ukraine.

**10. Which body supervises the activities of courts of general jurisdiction in the forms prescribed by law?**

- a) the Supreme Court of Ukraine;
- b) the Constitutional Court of Ukraine;
- c) the Supreme Administrative Court of Ukraine.

**Topic 7. Origin and historical development of law.**

**Independent work (5 hours):**

- 1. Primary law and its forms.
- 2. Customs, traditions and taboos as regulators of behavior in primitive society.
- 3. Transformation of social regulators of primitive society's behavior into law.
- 4. Signs that distinguish the norms of law from the rules of behavior in primitive society.
- 5. Early customary law as an active factor of state formation.
- 6. Correlation of law, law and state coercion.

**Practical tasks for independent work:**

**Topics of presentations, abstracts, reports, messages, essays:**

- 1. Development of law in antiquity and the Middle Ages.
- 2. Laws of the Babylonian king Hammurabi: history of creation, structure of presentation, main institutions and norms, cultural significance.
- 3. Ancient Egyptian and ancient Indian law.
- 4. Ancient states and laws of the peoples of Western Asia.
- 5. The custom and law of the ancient Aryans according to the Avesta.
- 6. The Law of Ancient Palestine during the reign of David and Solomon.
- 7. Legal principles in the Pentateuch of Moses.
- 8. Legal ideas in the New Testament.
- 9. Development of law in Ancient Greece.

10. Laws of Lycurgus.
11. Solon's reforms, institutions of Athenian democracy, law and court.
12. Law of Ancient Rome.
13. Laws of the XII tables.
14. Sources and main institutions of Roman law.
15. Code of laws of the Byzantine emperor Justinian.
16. Law and the state in the Middle Ages.
17. Law of Kyivan Rus.
18. The Arab caliphate: the history of the organization of power and management.
19. Muslim law: origin, sources and main institutions.
20. Four schools of Muslim jurisprudence.
21. Codex of King Leovigild.
22. The emergence of common law and jury trial in England.
23. Great Charter of Freedoms of 1215.
24. From seigneurial monarchy to state-representative and absolute monarchy.
25. Medieval law of European countries (Particular systems of law and collections of laws).
26. Royal authority and legislation.
27. Feudal (local, fief, manorial) law.
28. Canon law.
29. City law.
30. Reception of Roman law.
31. Law and the state in the countries of the medieval East (India, China).
32. Tansky Code. Laws of the Min dynasty.
33. Emergence of modern law.
34. Reformation: political ideas and practice.
35. Constitutional history of England at the beginning of the modern era.
36. The English Revolution: main stages and documents.
37. Constitutional Laws of the Stuart Restoration Period and the Glorious Revolution.
38. Constitutional history of England in the XVIII-XIX centuries.
39. The English constitution in the post-revolutionary period.

40. Origin of the Cabinet of Ministers.
41. The monarch and the cabinet of ministers.
42. The origin and role of the two-party system.
43. Monarch, parliament and two-party system.
44. Constitutional history of the USA XVIII-XIX.
45. Declaration of Independence of the USA, July 4, 1776.
46. Confederation of Independent States of 1781
47. Constitutional history of France in the 19th and 20th centuries.
48. The first codification of French criminal and civil law.
49. Constitutional history and legislation of Germany in the 19th century.
50. Constitutional history and legislation of Japan.
51. Constitutional history of Canada and the countries of Latin America.
52. History of the law and the state of the modern times.
53. Changes in the post-war constitutional legislation of European countries and the USA.
54. Changes in law under the influence of global and regional processes.

## **Topic 8. Concept, essence and value of law.**

### **Independent work (5 hours):**

1. Jusnaturalism (natural-law direction) and multivariate concepts of natural law.
2. Legal positivism.
3. Normativist theory of law.
4. Sociological understanding of law and its varieties.
5. Psychological concept of law.
6. Historical school of law.
7. Marxist theory of law.
8. The problem of creating a universal concept of law and an integrative approach to legal understanding.
9. Concepts and signs of positive law.
10. The value of law and its dimensions.
11. Relationship and interaction of law and the state.
12. Spheres and methods of state influence on law.

### 13. Ways of influence of law on the state.

#### **Practical tasks for independent work:**

##### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. To which approach of legal understanding does the following definition refer: "Law is a system of universally binding, formally defined, emanating from the state and its protected norms that regulate social relations"?**

- a) to the philosophical;
- b) to the normative;
- c) to the sociological.

**2. To which approach of legal understanding does the following definition belong: "Law is a system of natural, inalienable rights that exist independently of the will of the state"?**

- a) to the normative;
- b) to sociological;
- c) to the philosophical.

**3. To which approach of legal understanding does the following definition refer: "Law is those norms that are formed and developed in society itself, the state does not create them, but only discovers them"?**

- a) to sociological;
- b) to the philosophical;
- c) to the normative.

**4. What concept does this definition refer to: "The totality of all legal norms in force in this state"?**

- a) Subjective law;
- b) legal system;
- c) objective law.

**5. To which concept does the following definition refer: "The main internal, relatively stable qualitative basis of law, which reflects its true nature and purpose in society"?**

- a) function of law;
- b) the value of the right;
- c) essence of law.

**6. Which of the listed areas of influence of law on social relations characterize the general social aspect in the essence of law?**

- a) provision of privileges and exploitation;
- b) ensuring the domination of certain classes and social groups in society;
- c) implementation of general tasks arising from the nature of society.

**7. What concept does the following definition refer to: "The ability of law to satisfy certain needs of subjects"?**

- a) principles of law;
- b) the value of the right;
- c) essence of law.

**8. What model of the relationship between the state and the law is referred to in this statement: "The state stands above the law and is not bound by it"?**

- a) liberal-democratic;
- b) realistic;
- c) totalitarian.

**9. What is the influence of the state on law?**

- a) the state creates law;
- b) the state implements legal norms in the form of law enforcement;
- c) the state provides an official interpretation of legal norms;
- d) the state ensures the protection of the law;
- e) all of the above and the fact that the state supports the harmony of the legal system.

**10. The social consequences of the relationship between economics and law are as follows:**

- a) the law inhibits the development of the economy;
- b) law contributes to the development of the economy;
- c) all of the above.

**Topics of presentations, abstracts, reports, messages, essays:**

1. Law as a reflection in the sphere of social life.
2. Law and power.
3. Law and social relations.

4. Law and politics.
5. Law and religion.
6. Law and economy.
7. Law and family.
8. Morality and law.
9. Law and justice.
10. Law and freedom.

## **Topic 9. Law and human. Legal status of a person.**

### **Independent work (5 hours):**

1. Objective and subjective law.
2. Concepts, signs and types of guarantees of human and citizen rights and freedoms.
3. National and international legal guarantees of a person's legal status.
4. International standards and protection of human rights.
5. Limitation of human and citizen rights.

### **Practical tasks for independent work:**

#### **Test task**

#### **1. What is a citizen?**

a) a biological category that determines whether a living being belongs to the human race based on certain anatomical features and physiological functions;

b) a person who belongs to the permanent population of a certain state, has a normatively established status, enjoys the protection of the state both within the borders of its territory and outside them;

c) a person who has a historically determined degree of development, enjoys the rights granted by society, and fulfills the duties assigned to him.

#### **2. According to the nature (content), the legal status is classified into:**

- a) general, individuals and legal entities, industry;
- b) individuals and legal entities, special (generic);
- c) general, special, branch.

**3. Subjective law is...?**

- a) a measure of legally possible behavior that satisfies the interests of a certain person;
- b) a measure of legally possible behavior that satisfies the interests of the state.

**4. Subjective law is established:**

- a) a certain organization;
- b) a certain group of persons;
- c) the state itself.

**5. Choose the correct statements, objective law has the following distinctive features:**

- a) are norms of direct action;
- b) needs to be specified by individual acts;
- c) extends to all spheres of social relations;
- d) refers to certain subjects.

**6. Appeals from citizens are considered and resolved within a time limit of no more than:**

- a) one month from the date of their receipt;
- b) two months from the date of their receipt;
- c) three months from the date of their receipt.

**7. According to Art. 35 of the Constitution of Ukraine, everyone has the right to freedom of worldview and religion. This right includes (continue the list):**

- a) freedom to practice any religion or not to practice any religion;
- b)
- c)

**8. The requirements for human behavior established and guaranteed by the state, the measure of necessary activity in the interests of the party to whom the subjective right belongs, are officially established:**

- a) legal rights of a person;
- b) legal obligations of a person;
- c) legal status of a person.

**9. The system of legally established and state-guaranteed rights, freedoms, legal interests and obligations of a person is:**

- a) legal rights of a person;
- b) legal obligations of a person;
- c) legal status of a person.

**10. Legally significant claims for social benefits that are not covered by the content of rights and freedoms, but are protected by the state and the law to the same extent as rights and freedoms are:**

- a) legal rights of a person;
- b) legal obligations of a person;
- c) legal status of a person;
- d) legitimate interests of a person.

**Topics of presentations, abstracts, reports, messages, essays:**

- 1. Classification of human and citizen rights and freedoms.
- 2. Historical development of human and citizen rights and freedoms.
- 3. International legal regulation of human rights in society.
- 4. Concepts and signs of the duties of a person and a citizen.
- 5. Classification of human and citizen duties.

**Topic 10. Law and society. Civil society.**

**Independent work (5 hours):**

- 1. International standards of functioning of civil society institutions, in particular, standards of the Council of Europe.
- 2. Provisions of the Recommendation of the Committee of Ministers of the Council of Europe (on the establishment and activities of non-governmental organizations) dated October 10, 2007, as well as the Fundamental Principles on the status of non-governmental organizations in Europe dated July 5, 2002.
- 3. Clientelism and corporatism as "substitutes" for civil society.
- 4. Corporatism and neocorporatism.
- 5. S. Fish on an alternative to civil society: paraholization and state corporatism.

**Practical tasks for independent work:**

**Topics of presentations, abstracts, reports, messages, essays:**

1. Personal human rights in modern law.
2. Political rights of a person (citizen) in modern law.
3. Economic, social and cultural human rights in modern law.
4. Collective human rights in modern law.
5. Theory of civil society and modern law.
6. General legal mechanisms on public associations.
7. Special legal mechanisms for public associations.
8. Legal forms of public control in domestic law.

**Test task**

**1. For the first time, the concept of "civil society" is found in the philosophical heritage of representatives of the era:**

- a) Antiquities;
- b) Renaissance;
- c) New times;
- d) Middle Ages.

**2. A thinker who used the phrase "civil society" (societas civilis) to explain the entire set of citizens who interact in the political space of the state:**

- a) Cicero;
- b) Hrushevskyi;
- c) Thomas Aquinas;
- d) Aristotle.

**3. The sphere of communication, interaction, spontaneous self-organization and self-government of free individuals on the basis of voluntarily formed associations, which is protected by the necessary laws from direct intervention and regulation by the state and in which civic values prevail:**

- a) civil society;
- b) the state;
- c) union;
- d) enterprise.

**4. Patronage organizations that pay considerable attention to organizational aspects of work and must ensure a constant supply of resources ("club benefits") to their members and supporters:**

- a) client parties;
- b) corporations;
- c) political parties;
- d) legal entities.

**5. Social capital accumulates in society in its two main interrelated institutional forms: in norms of reciprocity of interpersonal relations, in horizontal networks (networks) and:**

- a) in connection with public activity;
- b) in group interests;
- c) in institutions of social capital;
- d) in sociocultural practices.

**6. Nancy Rosenblum singled out such types of civil society as:**

- a) democratic, mediated election;
- b) democratic, functional election;
- c) democratic, pluralistic election;
- d) democratic, mediating liberal.

**7. The freedom to realize one's interests at one's own will and without "interference from external bodies" is:**

- a) negative freedom;
- b) positive freedom;
- c) negative selection;
- d) positive choice.

**8. Rights that usually oblige the state to take measures and participate in the protection of rights, which most often have a social, economic or cultural nature:**

- a) positive rights;
- b) negative rights;
- c) democratic rights;
- d) civil rights.

**9. A sign of civil society:**

- a) independence of civil society institutions from the state;
- b) non-discrimination of institutions of civil society;
- c) tolerance of civil society institutions;
- d) rule of law and justice.

**10. What is the name of the phenomenon when the political authorities are not yet able to convince society of the necessity and optimal functioning of existing state institutions and authorities?**

- a) crisis of legitimacy;
- b) economic crisis;
- c) civil society crisis;
- d) political crisis.

**Topic 11. The legal state and the rule of law.**

**Independent work (5 hours):**

- 1. Liberal, social and socialist models of the legal state.
- 2. The principle of mutual responsibility of the individual and the state.
- 3. The principle of separation of powers.
- 4. The rule of law as a general principle of international and national law.
- 5. Worldview, methodological and criterion significance of the doctrine and principle of the rule of law for the legal system of Ukraine and the Ukrainian state.

**Practical tasks for independent work:**

**Give a written answer to the question:**

- 1. How do you understand the provision: the rule of law is a state authority that recognizes the law and is at the same time limited by this right?
- 2. How to understand the thesis: "Human freedom consists in the right to do everything that is not prohibited by law"?
- 3. What is the economic basis of the rule of law?
- 4. What constitutes the social basis of the legal state?
- 5. What constitutes the moral basis of the legal state?
- 6. What is the rule of law?
- 7. What specifically manifests legal support for the free development of a person? Give examples of articles from the Constitution of Ukraine.
- 8. How to understand that the state's coercion against a person should have a legal character?

9. Name a famous foreign scientist who is considered the author of the theory of separation of powers. Name the three branches of government.

10. What are the specific functions of legislative, executive and judicial power?

11. What worldview, methodological and criterion significance does the doctrine and principle of the rule of law have for the legal system of Ukraine and the Ukrainian state?

12. What is the worldview, methodological and criterion significance of the precedent judicial practice of the ECtHR for the legal system of Ukraine and the Ukrainian state?

### **Test task**

**1. Mark the correctly named feature of the welfare state:**

- a) federalism;
- b) availability of an effective social protection system;
- c) authoritarianism;
- d) all answers are correct.

**2. Mark the correctly named features of the welfare state:**

- a) interaction of market relations with state regulation of the economy;
- b) recognizing a person as the highest social value;
- c) provision of social compromise;
- d) all answers are correct.

**3. Mark the correctly named feature of the welfare state:**

- a) ensuring the legal status of a person;
- b) ensuring the dominance of the state interest;
- c) lack of interaction with civil society;
- d) all answers are correct.

**4. Mark the correctly named principle of the welfare state:**

- a) parliamentarism;
- b) social partnership;
- c) economy;
- d) all answers are correct.

**5. Mark the correctly named principle of the welfare state:**

- a) social equality;
- b) social obligations;
- c) social justice;
- d) all answers are correct.

**5. Mark the correctly indicated socio-content features of the rule of law:**

- a) legal protection;
- b) supremacy of legal (democratic) law;
- c) sovereignty.

**6. Mark the correctly specified named socio-content features of the legal state:**

- a) legal protection of a person;
- b) the principle of distribution of power;
- c) high level of legal culture of the population.

**7. Mark the correctly specified formal features of the rule of law:**

- a) mutual responsibility of the individual and the state;
- b) indivisibility of state power;
- c) highly significant position of judicial bodies.

**8. In the answers, under which numbers are the conceptual provisions of the rule of law correctly named?**

- a) politics;
- b) in the relationship between the state and the law, the law must be primary;
- c) positive law must correspond to moral and legal values (principles of natural law);
- d) spirituality.

**9. In the answers under which numbers are the formal features of the legal state correctly indicated?**

- a) mutual responsibility of the individual and the state;
- b) indivisibility of state power;
- c) high status of judicial bodies;
- d) compliance with laws by all subjects of public life.

**10. The provision establishing that Ukraine is a social legal state is contained in:**

- a) Article 2 of the Constitution of Ukraine;
- b) Article 4 of the Constitution of Ukraine;
- c) Article 1 of the Constitution of Ukraine;
- d) Article 6 of the Constitution of Ukraine.

**Topics of presentations, abstracts, reports, messages, essays:**

1. Legal certainty as an element of the rule of law principle: doctrine and judicial practice.
2. Standards of judicial evidence as an element of the rule of law principle: legal doctrine and judicial practice.
3. Justice as an element of the rule of law principle: legal doctrine and judicial practice.
4. Proportionality as an element of the rule of law principle: legal doctrine and judicial practice.
5. Good faith as an element of the rule of law principle: legal doctrine and judicial practice.
6. The validity of a court decision as an element of the rule of law principle: legal doctrine and judicial practice.

## **Topic 12. Law in the system of social regulation.**

### **Independent work (5 hours):**

1. Corporate norms as a type of social norms.
2. Ways of emergence of law. Forms of the existence of law in primitive states.
3. Relationship between law and morality in the regulation of social relations.
4. Law and religious norms.

### **Practical tasks for independent work:**

#### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. Choose the appropriate concept for the following definition: "The entire set of interdependent and mutually conditioned rules and norms that humanity has developed in the course of its practical activities and which people are guided by when entering into relationships with each other and with nature."**

- a) legal system;
- b) system of regulatory regulation;
- c) system of legislation.

**2. Normative regulation is:**

a) regulation of people's behavior with the help of one-off decisions that relate only to a clearly defined case or to a specific person;

b) physical, mental, property or organizational influence exercised on the basis of the law by state bodies, officials and authorized public organizations for the purpose of protecting personal, public or state interests;

c) regulation of people's behavior using general rules that apply to all cases of this kind and to all subjects.

**3. Choose the appropriate concept for the following definition:**  
**"The rule of conduct that regulates relations between people."**

a) order;

b) social norm;

c) individual prescription.

**4. What are the main features of social norms that differ from technical norms?**

a) by the time of occurrence;

b) by subject of regulation;

c) by forms of attachment.

**5. Which of the following signs does not belong to social norms?**

a) have a general and mandatory character;

b) regulate social relations;

c) are created, as a rule, as a result of conscious and volitional activity of people;

d) have a one-time effect.

**6. Name the function common to all varieties of social norms:**

a) regulation of social relations (by influencing the volitional behavior of people);

b) regulation of moral relations;

c) regulation of relations in the field of legal regulation.

**7. Which normative regulators are characterized by: universally binding normativity and formal certainty?**

a) for legal norms;

b) for moral norms;

c) for corporate norms.

**8. Which of the behavior regulators is normative?**

a) ordinary;

b) valuable;

c) informative.

### **9. How are law and morality correlated in the circle of regulated social relations?**

- a) they regulate the same relations;
- b) morality regulates a wider range of relationships;
- c) the law regulates a wider range of relations;
- d) they generally regulate the same relations, but at the same time there are relations that are regulated only by morality, and there are relations that are regulated only by law.

### **10. What is the interaction of law and morality?**

- a) they support each other in regulating social relations;
- b) their requirements coincide in many respects;
- c) all of the above and the fact that the same act receives both legal and moral evaluation in the eyes of others.

### **Practical task**

1. A grandmother was sitting in the park with her four-year-old grandson. At this time, a company of young people came up and, sitting opposite, began to talk and laugh loudly (an interesting film comedy was being discussed). The grandmother asked them to speak more quietly or to go somewhere else, because loud conversations annoy her. The young people refused to fulfill the request.

Can the behavior of young people be considered a violation of public order? Can a grandmother ask for help from a police officer? How would you resolve this conflict?

## **Topic 13. Legal regulation. Mechanism of legal regulation.**

### **Independent work (5 hours):**

1. Criteria for the effectiveness of legal regulation.
2. Ways to improve the effectiveness of legal regulation.
3. Differences between legal regulation and legal influence.
4. Concepts and types of errors in legal regulation.

## **Practical tasks for independent work:**

### **Test task**

**1. The system of legal means (methods and forms) with the help of which the regulation of social relations is ensured, their compliance with the requirements of legal norms is...**

- a) mechanism of legal regulation;
- b) state coercion;
- c) legal regulation.

**2. Choose the correctly named elements of the mechanism of legal regulation:**

- a) acts of implementation of subjective rights and legal obligations of subjects;
- b) legal capacity of legal entities;
- c) actions of state authorities.

**3. Choose the correctly named elements of the mechanism of legal regulation:**

- a) actions of state authorities;
- b) legal interpretation acts;
- c) legal science.

**4. The regulation of social relations, their consolidation, protection and development carried out by civil society and the state with the help of a system of legal means is...**

- a) legal influence;
- b) legal regulation.

**5. Incentives of legal regulation are:**

- a) encouragement, obligation, subjective right;
- b) benefit, legal fact-restriction;
- c) benefit, legal fact-incentive, subjective right.

**6. Incentives depending on the content are:**

- a) permanent and substantive;
- b) material and legal, moral and legal;
- c) permanent, procedural and legal.

**7. Types of legal regulation are:**

- a) generally and specifically permissive;
- b) general and special;
- c) general and specially permissive.

**8. The scope of legal regulation is..?**

a) a set of social relations that can and should be regulated by legal means;

b) regulation of social relations, their consolidation, protection and development carried out by civil society and the state with the help of a system of legal means;

c) taken in the unity and diversity of the process of influence of law on public life, with the help of both legal and non-legal means.

**9. A set of techniques and means by which legal regulation of homogeneous social relations is carried out:**

a) the subject of legal regulation;

b) institute of law;

c) the field of law;

d) method of legal regulation.

**10. In the answers under which numbers are the signs of the subject of legal regulation correctly indicated:**

a) the presence of a legal prescription;

b) relations that are regulated or may be regulated by law;

c) availability of means of mass influence;

d) relationships subject to control.

**Topics of presentations, abstracts, reports, messages, essays:**

1. Decentralized regulation (coordination method or dispositive method).

2. Legal regulation as a type of social regulation.

3. Social means and forms of legal influence on people's behavior.

**Topic 14. Law and order.**

**Independent work (5 hours):**

1. The role of the Constitutional Court of Ukraine in strengthening legality.

2. The ratio of legality and expediency.

3. Ensuring constitutional legality in the activities of jurisdictional bodies of Ukraine.

4. Rule of law and legality.

## **Practical tasks for independent work:**

### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept is defined by the following definition: "The principle of behavior of all participants in legal relations, which means the requirement of compliance and implementation of laws and other regulatory legal acts by all state bodies, officials, public organizations and citizens"?**

- a) political and legal regime;
- b) legality;
- c) law and order.

**2. Which side (element) of the content of legality is characterized as a set of all normative legal acts, the requirements of which must be observed and fulfilled by all subjects of law?**

- a) subject side;
- b) subject party;
- c) normative side.

**3. How are legality and state discipline related?**

- a) state discipline is an integral part of legality;
- b) legality is an integral part of state discipline;
- c) legality and state discipline are correlated as overlapping concepts.

**4. How are legality and expediency related in the field of law enforcement?**

a) when making a decision in a case, you can be guided by the principle of expediency, but it is forbidden to go beyond the requirements of the law;

b) if the requirements of the law do not correspond to the real legal reality, then the principle of expediency can be used;

c) expediency and legality coincide in terms of their requirements.

**5. What is defined as the state of social relations, which is the result of the actual implementation of legislation in the conditions of the regime of legality, which ensures the unhindered use of subjective rights and the fulfillment of legal obligations by all subjects of social relations?**

- a) system of legal relations;

- b) public order;
- c) law and order.

**6. How are legality and legal order related?**

- a) law and order is the basis of legality;
- b) law and order is the result of the implementation of the requirements of legality in the everyday behavior of participants in legal relations;
- c) legality is an integral part of the legal order.

**7. What concept corresponds to the following definition: "Objective and subjective conditions, as well as special legal means and methods by which legality is ensured"?**

- a) legal responsibility;
- b) protection measures;
- c) guarantees of legality.

**8. Name one of the legal guarantees of legality:**

- a) full compliance of the current legislation with the norms and principles of the Constitution, the supremacy of the law in relation to all other state acts;
- b) lawful behavior;
- c) implementation of the right.

**9. How are legality and democracy related?**

- a) the more democracy, the less legality;
- b) the more legality, the less democracy;
- c) legality is the basis of democracy, and democracy is a necessary condition of legality.

**10. Name one of the social guarantees of legality:**

- a) equality of all forms of ownership;
- b) legal responsibility;
- c) crime prevention.

**Practical task**

1. Give a written answer to the question: "Is it possible (and how) to measure the level of legality"?

**Topic 15. Legal awareness and legal culture.**

### **Independent work (5 hours):**

1. Forms, methods and mechanism of legal education.
2. Deformations of legal awareness and their varieties.
3. Concepts, causes, forms of manifestation and measures to overcome legal nihilism.
4. The role of legal awareness in law-making and implementation of law.
5. The structure of legal awareness in Ukrainian society. Peculiarities of professional legal awareness of employees of internal affairs bodies.

### **Practical tasks for independent work:**

#### **QUESTIONNAIRE**

The state of legal awareness in modern Ukraine

I. Your opinion about the level of legal awareness in modern Ukraine:

- 1) quite high;
- 2) slowly changing during the last 20-30 years;
- 3) low;
- 4) is in a state of crisis;
- 5) Your opinion.

II. In what historical period of Ukraine's development was the level of legal awareness the highest?

- 1) before the October Revolution;
- 2) 30 years of Soviet rule;
- 3) 50 years of Soviet power;
- 4) the 1970s of Soviet power;
- 5) the 80s;
- 6) the beginning of the 90s of the 20th century;
- 7) Your opinion.

III. The level of legal awareness is higher in persons aged:

- 1) up to 10 years;
- 2) from 10 to 14 years;
- 3) from 15 to 18 years;

- 4) 20-30 years;
- 5) 30-45 years old;
- 6) 45-60 years old;
- 7) older than 60 years;
- 8) Your opinion.

IV. What are the reasons for the current state of legal awareness in Ukraine?

- 1) legal illiteracy of the population, disrespect for the law;
- 2) untimely or premature adoption of laws;
- 3) issuance of conflicting, inconsistent laws that neutralize each other;
- 4) uncoordinated actions of executive and judicial authorities at all levels;
- 5) failure to enforce laws by state bodies;
- 6) difficult financial situation, rampant crime, lack of public trust in executive and law enforcement agencies, etc.;
- 7) general decline of the moral foundations of society;
- 8) due to the development of historical events;
- 9) other.

V. What causes the growth of crime among teenagers in modern Ukraine?

- 1) confidence in one's impunity (the existing age limit for the onset of responsibility, the possibility of mitigation of punishment, conviction without actual deprivation of liberty, amnesty, etc.);
- 2) the desire to look like a "hero" in front of one's peers;
- 3) low standard of living of the family;
- 4) the desire to feel the power of one's power over someone;
- 5) mass propaganda of gangster lifestyle, "prison romance" from TV screens, on video and audio media;
- 6) direction of thoughts and life of their parents;
- 7) lack of time for parents;
- 8) teenagers have excess free time;
- 9) time, era, period of life within which modern Ukraine is developing;
- 10) other.

VI. Is it worth trying to raise legal awareness?

- 1) yes, it will help increase its level;
- 2) no, it is worth using the forced law-abiding method;
- 3) no, over time everything will fall into place;
- 4) other.

VII. What factors of public life could ensure an increase in the level of legal awareness in society?

- 1) timely adoption and implementation of laws ensuring the rights of citizens;
- 2) increasing the level of legal awareness among representatives of executive and law enforcement agencies at all levels;
- 3) growth of crime detection, strengthening of the principle of inevitability of responsibility;
- 4) intensification of work on legal education and legal education;
- 5) increasing the general level of welfare of the population;
- 6) formation of a sufficiently high level of social morality;
- 7) public legal awareness can change only over time;
- 8) other.

VIII. Information about the author:

- 1) your age;
- 2) marital status;
- 3) education (if you are getting an education, where and on what course);
- 4) profession.

Thank you for participating!

### Test task

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept does the following definition refer to: "A set of ideas, theories, concepts, feelings, emotions, moods, which express the attitude of people to the law, what has worked, what is working and what is desired"?**

- a) legal culture;
- b) legal awareness;

c) legal education.

**2. What elements are distinguished in the structure of legal awareness?**

a) legal ideology and legal psychology;

b) legal ideology and legal activism;

c) lawful behavior and offenses.

**3. To which structural element of legal awareness do feelings, legal experiences, emotions, moods belong?**

a) to behavioral elements;

b) to legal ideology;

c) to legal psychology.

**4. What phenomenon is characterized by a purposeful, as a rule, scientific or philosophical understanding of law as an integral social institution, not in its individual manifestations, but as an independent element of society?**

a) legal psychology;

b) moral consciousness;

c) legal ideology.

**5. What type of legal awareness are legal scholars?**

a) everyday;

b) professional;

c) doctrinal.

**6. In what sense does coverage have a negative, disrespectful relationship to law, legality and law and order?**

a) legal nihilism;

b) political infantilism;

c) immorality.

**7. Name the types of legal consciousness deformations:**

a) legal infantilism;

b) legal nihilism;

c) legal fetishism;

d) regeneration of legal consciousness;

e) legal demagoguery;

f) all of the above and legal idealism.

**8. How does legal nihilism differ from the rebirth of legal consciousness?**

- a) excludes criminal intent;
- b) includes criminal intent;
- c) gaps in legal knowledge in the main.

**9. Name the reason for legal nihilism in Ukrainian society:**

- a) political apathy;
- b) political radicalism;
- c) low level of legal awareness of citizens.

**10. Name one of the means of overcoming legal nihilism in Ukrainian society:**

- a) severity of punishments for offenses;
- b) cultivation of Puritan morality in society;
- c) formation of citizens' respect for the law.

### **Practical task**

Draw up the diagrams in a workbook:

- 1. "Types of legal awareness."
- 2. "The structure of legal awareness."

### **Topic 16. Principles of law.**

#### **Independent work (5 hours):**

- 1. The genesis of the principles of law.
- 2. Concepts and signs of the principles of law.
- 3. Properties of the principles of law.
- 4. Types of principles of law.
- 5. Comparison of principles of law and norms of law.
- 6. Interaction of principles of law and norms of law.
- 7. Genesis and sources of principles of European Union law.

#### **Practical tasks for independent work:**

##### **Written assignment**

- 1. To carry out a general theoretical description of the principles of law.

2. To carry out a general theoretical analysis of problems related to the principles of European Union law.

3. Identify specific features of the principles of European Union law, determine their role and significance, as well as functions in the legal system of the Union.

**Topics of presentations, abstracts, reports, messages, essays:**

1. Functions and system of principles of law.
2. Functional approach to defining the system of legal principles. The external (regulatory) influence of the principles of law as an influence on social relations and the internal (instrumental) influence of the principles on the law as a system of which they are an element.
3. The importance of the principles of law for the legal regulation of social relations: the view of different legal systems of the world.
4. Romano-Germanic and Anglo-Saxon legal families.
5. Principles of law as the primary source of law in the countries of the continental legal system.
6. The right of justice as an alternative to the possibility of direct reference to the principles of law as the legal basis for resolving a case.
7. Directions for implementation of the regulatory function in the process of law enforcement by the principles of law.
8. Determining whether the case is within the scope of the law.
9. Determination of the content of legal norms governing the case under consideration, through their systematic connection with the principles of law.
10. Implementation of the principles of law of direct regulatory influence on social relations in case of gaps in positive law.
11. Directions of implementation of the instrumental function of law principles at the stage of law enforcement.
12. Establishing the compliance of positive law with the requirements of the principles of law.
13. Assessment of the legalization process for compliance with the system of legal principles.
14. The role of the principles of law in the practice of the Constitutional Court of Ukraine and courts of general jurisdiction.
15. Assessment of the constitutionality of normative legal acts as a type of law enforcement activity.

16.Regularities of the manifestation of the principles of law during the implementation of constitutional proceedings in the form of law-enforcing and law-interpreting activities.

17. Main areas of use of the principles of law by courts of general jurisdiction.

### **Topic 17. Legal norm.**

#### **Independent work (5 hours):**

1. Concepts, signs and classification of the hypothesis of a legal norm.
2. Concepts, signs and classification of the disposition of a legal norm.
3. Concepts, signs and classification of the sanction of a legal norm.

#### **Practical tasks for independent work:**

##### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. Choose the appropriate concept for this definition: "Universally binding, formally defined, structurally organized, state-authority command that regulates social relations":**

- a) tradition;
- b) legal norm;
- c) corporate norm.

**2. Indicate the sign that does not belong to the legal norm:**

- a) universally binding normativity;
- b) formal certainty;
- c) personification of the addressee.

**3. Name the element of a legal norm that establishes a rule of conduct by granting a right and imposing a legal obligation:**

- a) sanction;
- b) hypothesis;
- c) disposition.

**4. What is the name of the element of the legal norm that fixes the measures of adverse influence on the violator of the legal norm?**

- a) hypothesis;
- b) disposition;
- c) sanction.

**5. On what basis are the sanctions of legal norms divided into simple, complex and alternative?**

- a) by degree of certainty;
- b) by volume;
- c) by the nature of the state's reaction.

**6. In what type of sanctions of legal norms is the type and amount of punishment precisely defined?**

- a) relatively defined;
- b) alternative;
- c) absolutely defined.

**7. Which element of the legal norm provides for the condition of application of the legal norm?**

- a) sanction;
- b) disposition;
- c) hypothesis.

**8. What methods of influencing people's behavior are enshrined in legal norms?**

- a) declarations, appeals;
- b) prohibitions, permits, positive obligations;
- c) moral maxims, political programs.

**9. What is this norm in terms of the degree of obligation: "If the term is not specified in the power of attorney, it remains valid for one year from the date of its certification"?**

- a) imperative;
- b) diapositive;
- c) recommendation.

**10. How are the rule of law and the article of the normative act related?**

- a) as content and form;
- b) as cause and effect;
- c) as part and whole.

### **Written assignment**

Identify and write in the notebook two articles from the above normative acts containing: a) norms-principles in the Constitution of Ukraine; b) incentive norms in the Criminal Code of Ukraine; c) imperative

norms in the Central Committee of Ukraine; d) definitive norms in the Criminal Procedure Code of Ukraine.

## **Topic 18. Sources of law.**

### **Independent work (5 hours):**

1. Legal custom as a source of law.
2. Concepts, signs and types of legal precedent.
3. Concepts, signs and types of normative-legal contract.
4. Alternative approaches to understanding the sources (forms) of law.
5. Legal doctrine.
6. Regulatory act as the main source of law. Referendum act: concepts and types.

### **Practical tasks for independent work:**

#### **Test task**

In order to consolidate the knowledge gained on this topic, write out the following tests in the workbook:

**1. What concept does the following definition refer to: "State-official methods of external expression of legal norms, giving general rules universally binding legal meaning"?**

- a) political declarations;
- b) moral principles;
- c) forms (sources) of law.

**2. How does the source of law in the special legal sense (properly the form of law) differ from the source of law in the material sense?**

a) the source of law in the special legal sense is where the norms of law are contained, and the source of law in the material sense is those factors that determine and determine the content of the norms of law;

b) the source of law in the special legal sense is the rules of conduct themselves, and the source of law in the material sense is the factors that these rules determine;

c) there is no correct answer.

**3. Select the concept for this definition: "The decision adopted by the court, which serves as a reference point (standard) for solving similar cases in the future."**

- a) an act of interpretation of the law;

- b) regulatory act;
- c) legal precedent.

**4. Which of the forms of law is defined as "a bilateral or multilateral agreement between law-making subjects containing legal norms"?**

- a) legal precedent;
- b) normative contract;
- c) legal custom.

**5. Which form of law does not have a textual reproduction in a legal document?**

- a) normative legal act;
- b) legal custom;
- c) legal precedent.

**6. Why is a normative legal act the main form (source) of Ukrainian law?**

- a) provided by the state;
- b) can be quickly issued, changed in any of its parts, which allows relatively quick response to changes in social processes;
- c) has an established form and details, the order of entry into force and the scope of action;
- d) emanates from law-making bodies endowed with the relevant competence;
- e) all of the above and is accepted in a clearly marked procedural order.

**7. What is the disadvantage of a legal precedent in comparison with a normative legal act?**

- a) has greater persuasive power;
- b) is the result of logic and common sense, which leads to an adequate and accurate settlement of a specific case;
- c) does not exclude the possibility of arbitrariness.

**8. Which feature does not belong to legal custom?**

- a) has a local nature of action;
- b) enshrined in regulatory legal acts;
- c) is performed voluntarily, as it is based on habits.

**9. In what case does a custom become a legal custom, that is, a form (source) of law?**

- a) when it receives textual confirmation in a normative legal act;
- b) when a reference is made to custom in the law;
- c) when the custom is not prohibited by law;
- d) when the custom is prohibited by law.

**10. Indicate which means of the rule-making technique gives the content of a normative-legal act logical coherence, determines the consistency of its presentation, determines the connection between the norms of law, contributes to the complete and clear regulation of certain social relations (or their elements):**

- a) fictions;
- b) presumptions;
- c) dispositions;
- d) hypotheses;
- e) designs.

### **Practical task**

1. Are the resolutions of the Plenum of the Supreme Court of Ukraine, the legal positions of the Constitutional Court of Ukraine clarifying the procedure for applying legislation, normative acts or judicial precedents?

Give a reasoned answer in the workbook.

### **Topic 19. Regulatory act as a source of law.**

#### **Independent work (5 hours):**

1. Legal force and hierarchy of regulatory acts.
2. Direct effect of normative legal acts.
3. Basic provisions determining the effect of regulatory legal acts in space.
4. Peculiarities of the effect of normative legal acts on the number of persons.
5. Succession in relation to adopted legal acts.
6. Requirements of the normative design technique for the normative legal act.

#### **Practical tasks for independent work:**

##### **Test task**

- 1. Normative-legal act is**

a) an official act-document of authorized law-making subjects, which establishes (amends, cancels) legal norms for the purpose of regulating social relations;

b) an act-document that contains customary norms (rules of behavior formed as a result of repeated repetition of certain actions by people), which are sanctioned by the state and provided by it;

c) an act-document that contains conceptually designed legal ideas, principles developed by scientists for the purpose of improving legislation, recognized by society and recognized by the state as mandatory.

## **2. The law is:**

a) a system of norms and principles recognized by the majority of the population as a fair and equal measure of freedom, formally established and provided by the state as regulators of social relations for the purpose of harmonizing individual, social group and public interests;

b) a system of specific actions to protect and protect the rights, freedoms and legitimate interests of a person, which are carried out by a professional lawyer within the limits of the law and have legal consequences;

c) a regulatory legal act that regulates the most important social relations in order to ensure the rights and freedoms of an individual and a citizen, and is adopted in a special order by the highest representative body of the state or by direct expression of the will of the people (referendum) and has the highest legal force.

## **3. The legislative process is:**

a) the regime of social and political life, created by all subjects of law as a result of consistent implementation of prescriptions of regulatory and legal acts;

b) it is an internal structure of law objectively determined by the system of social relations, which is expressed in the unity and harmony of the applicable legal norms, logically distributed by branches, sub-branches and institutions;

c) a complex system of regulated procedures - independent, logically completed stages and organizational and technical actions for the adoption of the law.

## **4. Types of constitutions according to the form of systematization:**

a) adopted by the highest body of legislative power;

b) codified and non-codified;

c) adopted by popular vote.

## **5. A regulatory act issued on the basis of the law, in accordance**

**with the law and aimed at its implementation by specifying legislative prescriptions or establishing primary norms is:**

- a) the constitution;
- b) decree of the President of Ukraine;
- c) subordinate legal act.

**6. Define the correct concept of a normative-legal contract:**

a) a joint act-document of two or more law-making bodies containing new legal norms of a general nature, which are established by their voluntary, mutually agreed expression of will, for the purpose of regulating social relations, serves as a basis for issuing legal acts, is provided by the state in accordance with the law;

b) an act-document that is issued within the competence of a local executive body and contains legal norms;

c) a by-law normative act adopted within the competence of one or another executive authority.

**7. In the answers, under which numbers are the signs of subordinate regulatory legal acts correctly named:**

- a) contains an individual prescription;
- b) accepted by a competent subject;
- c) contains an explanatory rule;
- d) issued on the basis of the law.

**8. In the answers under which numbers are the types of laws correctly named by legal force:**

- a) resolution of the legislative body;
- b) decisions of local self-government bodies;
- c) constitutional laws;
- d) organic laws.

**9. In the answers under which numbers are the types of laws correctly named according to the time of operation:**

- a) permanent;
- b) declarative;
- c) temporary;
- d) definitive.

**10. In the answers under which numbers are the rules of entry into force of the laws of Ukraine correctly named:**

- a) from the moment of acceptance;
- b) from the moment of registration in the relevant bodies of justice;
- c) from the day of official publication;

d) after 10 days from the day of official publication, unless otherwise provided by law, but not earlier than the day of publication.

## **Topic 20. Law-making.**

### **Independent work (5 hours):**

1. Concepts and features of law-making. Subjects of law-making activity.
2. Stages of law-making activity.
3. Concept and functions of legislative technique. Structure of legislative technique.
4. Rules, techniques and means of legislative technique.
5. Sub-legal law-making and rule-making activity in Ukraine: concepts and features.

### **Practical tasks for independent work:**

#### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept does this definition refer to: "Activity of competent law-making subjects in the preparation, discussion, adoption and publication of normative legal acts"?**

- a) legal implementation;
- b) law enforcement;
- c) law-making.

**2. Which of the listed principles are the basis of law-making activity?**

- a) democracy;
- b) inevitability;
- c) science;
- d) legality;
- e) individualization;
- f) professionalism;
- g) expediency.

**3. Which of the specified stages refers to the law-making process?**

- a) legislative initiative;
- b) choice of legal norm;
- c) establishing the actual circumstances of the case.

**4. Which of the following sources of law is the result of authorized rule-making?**

- a) normative legal act;
- b) legal custom;
- c) normative contract.

**5. What does the legal validity of a regulatory act depend on?**

- a) from the time of issuing the normative legal act;
- b) from the territorial jurisdiction of the law-making body;
- c) from the competence of the law-making body, the importance of regulated relations and the type of regulatory act.

**6. On the basis of what laws are classified into general and special laws?**

- a) by the time of action;
- b) by circle of persons;
- c) by legal force.

**7. What is the supreme legal force of the law?**

- a) the law is universally binding;
- b) all other normative legal acts must strictly comply with the law;
- c) the law is issued by a competent state body;
- d) the law is issued in a special procedural order;
- e) compliance with the law is guaranteed by state coercion.

**8. What is the reverse effect of the law?**

- a) the law aggravates the previously imposed criminal punishment;
- b) extends its effect to legal facts that arose before its adoption;
- c) extends its effect to legal facts that arose after its adoption.

**9. What is the extraterritorial effect of the law?**

- a) the law applies on a limited territory of the state;
- b) the law applies throughout the entire territory of the state;
- c) the law of one state applies on the territory of another state.

**10. To what concept does the following definition refer: "A set of rules and techniques, with the help of which regulatory and legal acts are created and implemented"?**

- a) legal practice;
- b) legal technique;
- c) legal methodology.

**11. What concept does this definition refer to: "An assumption recognized as reliable until the contrary is proven"?**

- a) fiction;

- b) presumption;
- c) hypothesis.

**12. What concept does the following definition refer to: "Non-existent provision, enshrined in legislation and thereby recognized as existing"?**

- a) version;
- b) fiction;
- c) hypothesis.

**13. What concept is referred to in the following definition: "A conventional image protected by the state, a distinctive sign, which is a visible or sensory formation, to which the subject of law-making gives a special political and legal meaning, unrelated to the essence of this formation" ?**

- a) legal fiction;
- b) legal axiom;
- c) legal symbol.

**14. Which of the listed provisions is not a legal axiom?**

- a) any doubt is interpreted in favor of the accused;
- b) ignorance of the law does not exempt from responsibility for its violation;
- c) liability arises only for fault;
- d) the law does not have retroactive effect;
- e) it is unfair to punish twice for the same offense;
- f) there is no crime unless specified in the criminal law;
- g) people are born free and equal in rights;
- g) one cannot be a judge in one's own case.

**15. Which of the following definitions refers to the concept of "legal terminology"?**

- a) a certain arrangement of the material, its dismemberment and harmony;
- b) a set of words and phrases that reflect legal concepts;
- c) a system of techniques for the most appropriate use of language means in regulatory documents.

### **Practical task**

1. Complete the following situational tasks in the workbook:

- a). The ambassador of Ukraine to the state of Senegal, while driving a car, became the culprit of a traffic accident, as a result of which a citizen of

Senegal died. Will the ambassador of Ukraine be prosecuted on the territory of Senegal?

b). The twelve-year-old son of a deputy of the Verkhovna Rada of Ukraine carelessly burned a neighbor's barn. Is prior consent of the Verkhovna Rada of Ukraine required to impose civil liability on a deputy?

## **Topic 21. Legal system.**

### **Independent work (5 hours):**

1. Concept of the legal system in Ukraine.
2. Characteristics of the main branches of Ukrainian law.
3. Legal institutions: concepts and types.
2. The relationship between Ukrainian law and international law.

### **Problematic questions:**

1. What consequences can occur in social development when transferring relations in the field of health care, education, art, culture, family, marital and labor relations to private law paths?

2. What is the possibility of Ukrainian citizens filing complaints with the European Court, and what are the consequences of accepting such complaints for consideration? Can the European Court annul this or that act of national legislation (and the practice of its application) on the grounds of their non-compliance with the European Convention on the Protection of Human Rights and Fundamental Freedoms?

### **Practical tasks for independent work:**

#### **Test with one correct answer:**

#### **The legislation system consists of:**

- a) laws and by-laws, as well as decisions of the Constitutional Court of Ukraine;
- b) branches of law, legal institutions and legal norms;
- c) branches and institutes of legislation.

#### **Finish the sentence:**

#### **Industry complex (legal complex) is...**

**From the proposed statements, choose those that you think are correct:**

1. the rule of law is an element of the legislation system;

2. the legal system consists of legal norms, legal institutions and branches of law;

3. the legal system consists of normative legal acts, legislative institutions and branches of law;

4. the purpose of systematization is to establish links between regulatory and legal acts;

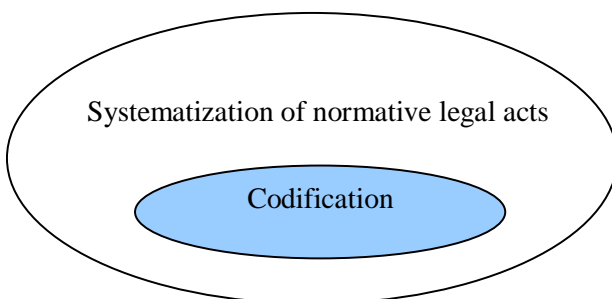
5. codification of legislation can be official and unofficial.

**Find and fix the error:**

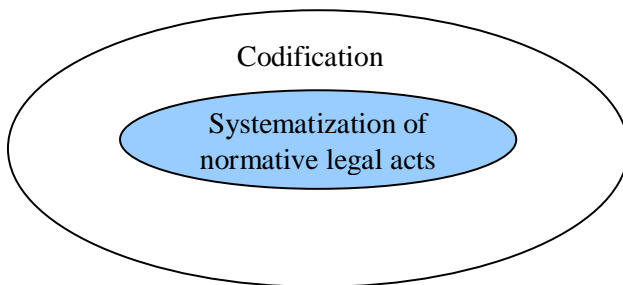
The legal system is an external form of law, which consists of legal norms and normative legal acts and is a reflection of the legal system.

**Choose the correct option from the suggested schematic images:**

**I.**



**II.**



**Find legal institutes in the indicated fields of law (for example, in the field of labor law there is an institute of working time and rest time):**

- criminal Law;
- family law;
- civil law.

**Topic 22. The system of legislation. Systematization of normative legal acts.**

**Independent work (6 hours):**

1. Code of laws as a special systematization of normative legal acts.
2. Accounting of normative legal acts.
3. Codification acts: concepts, types, place in the system of normative acts.

**Practical tasks for independent work:**

**Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept does the following definition refer to: "Activity aimed at improving and streamlining legislation"?**

- a) systematization of legislation;
- b) legislation system;
- c) legal system.

**2. What is the significance of the systematization of normative legal acts?**

- a) is an integral condition for the improvement of normative and legal acts;
- b) is one of the most important methods of interpretation;
- c) serves as an indicator of the state of law and order.

**3. Which of the listed forms is not related to the systematization of normative legal acts?**

- a) accounting;
- b) authorization;
- c) consolidation.

**4. Name the type of systematization of normative legal acts, in which they are combined according to chronological and (or) subject criteria into various collections and collections?**

- a) identification;
- b) codification;
- c) incorporation.

**5. Choose the appropriate concept for this definition: "Organization of legal norms in the process of law-making by competent bodies, when previously valid laws, other normative acts are canceled, legal norms are reworked, brought into a single system and a single legally and logically integrated, agreed normative act is issued »:**

- a) legalization;
- b) codification;
- c) consolidation.

**6. What concept does the following definition refer to: "A form of systematization, in which a set of small acts issued on one or more interdependent issues is combined into one consolidated act"?**

- a) incorporation;
- b) consolidation;
- c) codification.

**7. How does codification differ from consolidation?**

- a) codification has a law-making nature, but consolidation does not;
- b) codification is always official, and consolidation can be both official and unofficial;
- c) codification is always associated with qualitative processing of regulatory material, but consolidation is not.

**8. What type of incorporation is defined as: "Approval of collections by specially authorized state bodies"?**

- a) official;
- b) semi-official;
- c) unofficial.

**9. What type of incorporation is characterized by combining regulatory and legal acts into collections based on the time of their publication?**

- a) substantive;
- b) chronological;
- c) alphabetical.

**10. What type of codified acts contains norms that determine the order of formation, structure, tasks, functions and competence of a certain system (or subsystem) of state bodies?**

- a) regulations;
- b) statutes;
- c) provisions.

**Topics of presentations, abstracts, reports, messages, essays:**

1. Logical and epistemological nature of consolidation as a method of systematization.
2. The role of consolidation in the process of formation of institutions and branches of the right
3. Features of the consolidation of domestic legislation and international legal norms as an important element of the mechanism of improvement and development of the legal system of Ukraine.

**Topic 23. Legal relations.**

**Independent work (5 hours):**

1. Correlation of law, legal norms and legal relations.
2. Legal capacity, legal capacity and tortious capacity of subjects of legal relations.
3. Subjective rights and legal obligations.
4. Problems of selection and qualification of legal facts.

**Practical tasks for independent work:**

**Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What concept is defined by the following definition: "Voluntary social relations arising in accordance with the norms of law and legal facts, the participants of which are endowed with subjective rights and bear legal obligations"?**

- a) offence;
- b) legal relations;

c) legal personality.

**2. What are the legal prerequisites for the emergence of legal relations?**

- a) legal norms, legal personality and legal fact;
- b) subjects of law, objects of law and legal facts;
- c) subjective rights and legal obligations.

**3. To what type of legal relations are those in which all participants are identified by name (subjective right holders and legal obligation holders)?**

- a) absolute;
- b) relative;
- c) all of the above.

**4. Select the appropriate concept for this definition: "A measure of proper behavior offered to a person and provided with the possibility of state coercion, which must be followed by a person in the interests of the authorized":**

- a) lawful behavior;
- b) legal responsibility;
- c) legal obligation.

**5. Which element of legal relations includes the following three powers: a) the possibility of certain behavior of the authorized person; b) the possibility to demand certain actions from the obliged person; c) the possibility of forced performance of duties by applying to the competent state authorities?**

- a) legal obligation;
- b) subjective law;
- c) legal fact.

**6. What subjects of law have legal capacity and legal capacity at the same time?**

- a) at legal entities;
- b) in individuals;
- c) both in those and in others.

**7. What concept does this definition refer to: "The ability of a person to acquire and exercise rights and obligations provided for by legal norms"?**

- a) legal capacity;
- b) legal capacity;
- c) legal personality.

**8. What is tortious capacity?**

- a) it is the subject's ability to personally enter into civil law agreements by his actions;
- b) it is the possibility of the subject to have subjective rights and legal obligations provided by the norms of law;
- c) it is the ability of the subject to bear legal responsibility for the offense committed by the legal norms.

**9. What is the name of the right that belongs to a specific person?**

- a) positive law;
- b) natural law;
- c) subjective law.

**10. What concept is defined by the following definition: "Participants of legal relations who have subjective rights and legal obligations"?**

- a) subject of law;
- b) subject of legal relations;
- c) the subject of the offense.

**11. What kind of legal subjects are the church and its regional communities, denominations?**

- a) natural persons;
- b) legal entities;
- c) the church is not a subject of law.

**12. Name a legal fact that arises regardless of the will and consciousness of the subject of law?**

- a) marital status;
- b) arson that resulted in the destruction of someone else's property;
- c) a flood that caused the loss of the insured property.

**13. By what criteria are law-creating, law-changing and law-terminating legal facts distinguished?**

- a) by the duration of existence of actual circumstances;
- b) by legal consequences;

c) on a voluntary basis.

14. What is the object of legal relations?

a) it is a real (material or spiritual) good, the use and protection of which is directed to the subjective right and legal obligation;

b) this is a person to whom coercive measures are applied due to the commission of an offense;

c) this is a life circumstance with which the rule of law connects the emergence, change and termination of legal relations.

**15. Point out the difference between legal relations and relations arising on the basis of moral norms?**

a) class orientation;

b) guaranteed coercive power of the state;

c) individual character;

d) strong-willed character.

**16. Can the legal capacity of a citizen be limited?**

a) no, it can never;

b) may be limited by court order;

c) may be limited with the consent of the citizen;

d) may be limited by agreement between citizens.

### **Practical task**

1. Give (in writing) an answer to the question: "In what area and what type of legal relationship, in your opinion, needs a more specific, clear regulation"?

## **Topic 24. Interpretation of legal norms.**

### **Independent work (5 hours):**

1. The role of the Constitutional Court of Ukraine in the interpretation of the norms of the Constitution of Ukraine.

2. Signs and peculiarities of legal norms that cause the need for interpretation.

3. The purpose of interpreting legal norms in such a form of legal implementation as the application of legal norms.

4. Trends in the development of legislation as a subject of interpretation during the years of Ukraine's independence.
5. Techniques and rules of interpretation.

### **Practical tasks for independent work:**

#### **Test task**

**In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:**

1. What is the subject of interpretation in law?
  - a) laws and bylaws;
  - b) the will of the legislator, expressed in the rule of law;
  - c) act of official interpretation.
2. Which of the listed stages does not relate to the process of interpreting legal norms?
  - a) legal clarification initiative;
  - b) generalization of legal practice;
  - c) elaboration of the explanatory text;
  - d) discussion of the text by the Verkhovna Rada;
  - e) adoption of a decision in the case and its publication.
3. What elements does the process of interpreting legal norms consist of?
  - a) legal psychology and legal ideology;
  - b) preparation and discussion;
  - c) clarification and explanation.
4. What causes the need to interpret legal norms?
  - a) the rule of law is of a general nature, and it must be applied to specific life situations;
  - b) legal norms contain many special terms and evaluative concepts;
  - c) all of the above and the fact that the legislator often uses the expression "etc", "others" when formulating normative prescriptions.
5. What is the object of interpretation in law?
  - a) normative legal acts;
  - b) law enforcement acts;
  - c) the will of the legislator, expressed in the rule of law.
6. What is the meaning of the interpretation of legal norms?
  - a) contributes to the correct legal qualification and the application of the norms of the current legislation;

b) contributes to the establishment of gaps and other deficiencies in the legislation;

c) a necessary prerequisite for strengthening legality;

d) contributes to the formation and improvement of the level of legal awareness of citizens;

e) all of the above.

**7. What method of legal interpretation consists in clarifying the content of a legal norm by comparing it with other norms and establishing its connections with them, determining the place of this norm among the norms of a given field of law and even its place in the entire legal system?**

a) historical way of interpreting the law;

b) grammatical method of interpretation of law;

c) a systematic way of interpreting the law.

**8. Who is the subject of the doctrinal interpretation of the norms of Ukrainian law?**

a) practicing lawyers;

b) journalists and writers writing on legal topics;

c) scientists in the field of jurisprudence;

d) deputies of the Verkhovna Rada of Ukraine;

e) Plenum of the Supreme Court of Ukraine.

**9. Name the types of interpretation by volume, that is, depending on the ratio of the literal meaning of the text and the actual, true content of legal norms:**

a) literal, expansive, restrictive;

b) legal and authentic;

c) doctrinal and everyday.

**10. What concept does the following definition refer to: "Legal acts adopted by competent state bodies and officials and containing clarifications of legal norms"?**

a) law enforcement acts;

b) interpretative acts;

c) normative legal acts.

**11. Which feature does not belong to the characteristics of acts of official interpretation of legal norms?**

a) have a state obligation;

b) establish new legal norms;

c) contain explanations about how to understand and apply the current legal norms.

**12. What are the types of interpretive acts depending on their legal significance?**

- a) authentic and legal;
- b) constitutional-legal, civil-legal, criminal-legal, etc.;
- c) normative and casual.

### **Practical task**

**Make diagrams in the workbook:**

- 1. Ways (techniques) of interpretation (clarification) of legal norms.
- 2. Types of interpretation of legal norms by volume.

**Topic 25. Implementation of legal norms. Application of legal norms.**

### **Independent work (4 hours):**

- 1. Difference between regulatory and interpretative legal acts.
- 2. Content and structure of law enforcement acts.
- 3. Implementation of law as an effective means of achieving the goal of legal regulation.
- 4. Contract as the main type of legal documents.
- 5. Techniques of conducting contractual work.

### **Practical tasks for independent work:**

#### **Test task**

**1. Definition: "... - the state-authority activity of competent bodies aimed at the implementation of legal norms, carried out in the forms prescribed by law regarding the adoption of individual legal decisions on specific legal cases" corresponds to the concept:**

- a) law-making;
- b) interpretation;
- c) law enforcement;
- d) local rule-making.

**2. The process of learning and assessing the legal needs of society and the state, the formation and adoption of normative legal acts by authorized subjects within the limits of the relevant procedures, is:**

- a) law-making;
- b) law enforcement;
- c) interpretation;
- d) law enforcement.

**3. Implementation of the provisions of legal norms ensured by the state in the actual lawful behavior of subjects of social relations is:**

- a) legal behavior;
- b) implementation of the right;
- c) law-making;
- d) interpretation.

**4. Individual legal acts-expression of will (decision) of an authorized subject of law, which establishes (changes, terminates) on the basis of legal norms the rights and obligations of the participants of specific legal relations or the degree of responsibility of specific persons for the offense committed by them (court decision, resolution of the investigator , prosecutor's protest, etc.), are:**

- a) acts of application of legal norms;
- b) interpretative acts;
- c) normative legal acts;
- d) regulatory agreements.

**5. A procedural document that resolves the case and restores the violated rights, issued by the court in the procedural form prescribed by law, based on consideration of the case on its merits, is:**

- a) court decision;
- b) executive document;
- c) interpretation act;
- d) legislative act.

**6. The type of implementation of the right, which is carried out when the subjects to whom the norms of the law are addressed, behave as these norms command, is:**

- a) law enforcement type of right implementation;
- b) direct type of right implementation;
- c) independent type of exercise of the right;

d) there is no correct answer.

**7. The type of implementation of the right, which is carried out when the activity of the subjects of the law regarding the implementation of the norms of the law is insufficient and the participation of the state body is required in order to implement the right proposed by the norms, is:**

- a) law enforcement type of right implementation;
- b) direct type of right realization;
- c) independent type of exercise of the right;
- d) there is no correct answer.

**8. An element of legal technique, which is a system of scientifically based and practically formed means and methods used in the creation (preparation and execution) of legally enforceable (individual) acts, is:**

- a) law-making technique;
- b) law enforcement technique;
- c) law enforcement equipment;
- d) interpretation technique.

**9. The following types of exercise of the right are distinguished:**

- a) direct and secondary;
- b) direct and enforceable;
- c) main and additional;
- d) general and optional.

**10. According to the subject composition, the following forms of legal implementation are distinguished:**

- a) general and special;
- b) main and additional;
- c) individual and collective;
- d) there is no correct answer.

### **Practical task**

1. Establish the procedure for the official interpretation of legal norms by the Constitutional Court of Ukraine.

2. Find and correct the error: "Analogy of the law is the solution of a specific case in the presence of gaps in the legislation and the absence of a similar legal norm, based on the principles of law in general or the principles of a branch or institution of a certain branch of law."

3. To prepare a scientific report on the topic "Contract as the main type of legal documents".

4. Using the literature recommended for study, justify in writing the difference between a law enforcement act and a normative legal act. Give the views of scientists on this issue.

5. Compile a table of differences between the application of legal norms and other forms of its implementation.

6. Make a table according to the sample:

<i>The technique of conducting contractual work</i>			
Technical and legal requirements for the form of the contract	Technical and legal requirements for the content of the contract	Technical and legal requirements for the structure of the contract	Stages of contractual work

## **Topic 26. Legal activity. Legal practice. Legal process.**

### **Independent work (4 hours):**

1. Features of the mechanism of procedural regulation: concepts, elements.
2. Procedural legal relations.
3. Peculiarities of types of legal process.

### **Practical tasks for independent work:**

#### **Test task**

#### **1. Legal activity is**

a) a system of specific actions to protect and protect the rights, freedoms and legitimate interests of a person, which are carried out by a professional lawyer and have legal consequences;

b) a system of specific actions to protect and protect the rights, freedoms and legitimate interests of a person, which are carried out by any citizen and do not have legal consequences;

c) procedural activity of state authorities.

**2. The normatively fixed practical activity of lawyers on the acceptance, interpretation, implementation and application of legal prescriptions as a unity of socio-legal experience that has already been accumulated and is still being accumulated is**

a) legal activity;

b) legal process;

c) legal practice.

**3. Structure of legal practice:**

a) dynamic part, static part, communicative part;

b) dynamic part, static part, procedural form;

c) principles and norms of law.

**4. Legal process is:**

a) normatively established practical activity of lawyers on acceptance, interpretation, implementation and application of legal prescriptions as a unity of socio-legal experience that has already been accumulated and is still being accumulated;

b) the order of activity of competent state bodies regulated by procedural norms, which is expressed in the system of their procedural actions for the preparation, adoption and documentation of legal decisions of a general and individual nature;

c) a system of specific actions to protect and protect the rights, freedoms and legitimate interests of a person, which are carried out by a professional lawyer and have legal consequences.

**5. A legal matter is:**

a) procedural action or decision of an official;

b) a set of documents collected together and formatted in a certain way, which relate to a certain life circumstance provided for by the law;

c) exclusively hearing the case in court.

**6. Professional legal activities related to the issuance, interpretation and application of legal prescriptions are:**

a) legal process;

- b) legal activity;
- c) legal practice;
- d) law enforcement activity.

**7. Subjects of legal practice are:**

- a) suspected of committing a crime;
- b) lawyer;
- c) a student of a law university undergoing practice at a law firm;
- d) a third party in a civil process who has not made independent claims regarding the subject of the dispute.

**8. Depending on the content, the following types of legal practice are distinguished (several answers):**

- a) law enforcement;
- b) regulatory;
- c) legal interpretation;
- d) law-making;
- e) judicial;
- e) security.

**9. The order of activity of competent state bodies regulated by procedural norms, which consists in the preparation, adoption and documentary consolidation of legal decisions of a general or individual nature, is:**

- a) law-making process;
- b) law enforcement process;
- c) legal process;
- d) criminal process.

**10. Means, techniques and rules for preparing legal acts:**

- a) legal methodology;
- b) legal technique;
- c) legal methodology;
- d) legal structures.

**Written task:**

1. Specify the components that are mandatory for each of the stages of the legal process.
2. Analyze the requirements for the legal process.

## **Topic 27. Legal technique.**

### **Independent work (4 hours):**

1. History of the development of legal technology: foreign historical and legal experience of the formation of legal technology and historical and legal analysis of the origin and development of legal technology in Ukraine.
2. Rules for creating references in normative legal acts. Rules for introducing changes and additions to normative legal acts.
3. Publication of normative acts: meaning, terms, official and unofficial sources, language, restrictive vultures.
4. Compliance of the regulatory act with the general principles of the legislation system.
5. External and internal form of the regulatory act.

### **Practical tasks for independent work:**

#### **Terminological task**

**Compile a terminological dictionary for the topic.**

#### **Test task**

**1. The content of legal technique is organically connected with the essence and features of:**

- a) rights;
- b) states;
- c) techniques;
- d) politicians.

**2. The set of original scientific approaches, methods and techniques of researching legal activity, the result of which is the drafting of legal documents, is**

- a) legal technique methodology;
- b) industry typification;
- c) normative structuring of the text of the law;
- d) normative construction.

**3. Compliance with the requirements (rules) of formal logic, which is based on a logically consistent and irrefutable statement, is**

- a) logical and linguistic techniques;
- b) normative structuring of the text of the law;
- c) normative construction;
- d) system construction.

**4. One of the main means of legal technique is:**

- a) placement of normative material in a certain order;
- b) systematic construction of regulatory material;
- c) sectoral typification of normative material;
- d) logical and linguistic methods of normative material.

**5. The set of techniques and methods of preparation, consideration, adoption and promulgation of drafts of normative-legal, law-enforcement, interpretive acts, which ensure their full, simple, accurate, economic correlation with the realities of life, the will of the legislator or interpreter, are:**

- a) legal technique;
- b) law-making;
- c) legal interpretation;
- d) law enforcement.

**6. Definition: "... are elements of a legal act that are intended to reflect the legal properties and (or) identification (designation) of a normative-legal act, do not contain regulatory provisions (inscriptions) and ensure the official nature of the document" corresponds to the concept:**

- a) articles;
- b) points;
- c) requisites;
- d) sections.

**7. The following types of legal equipment are distinguished:**

- a) legislative technique;
- b) technique of systematization of regulatory legal acts;
- c) technique of accounting for normative legal acts;
- d) all answers are correct.

**8. Choose three correct answer options. Rules for arranging text structural units**

a) all structural units of the normative legal act must have end-to-end numbering;

b) whenever possible, all large structural units should have special headings for quick and easy orientation in the normative material;

c) normative material should be placed so that more important prescriptions precede less important ones

d) all structural units of applied aspects of professional legal activity for easy orientation in regulatory material;

e) elements of formal and structural aspects of legal theory, as well as current law for quick orientation in regulatory material;

f) degrees of perfection of the form, structure and language of the law for quick and easy orientation in the normative material.

**9. Choose three types of methods of legal technique**

a) methods of structuring;

b) methods of logical presentation;

c) methods of language presentation;

d) methods of formation;

e) generalization methods;

f) development methods;

g) construction methods.

**10. Choose three correct answer options. Legal technique is a multifaceted category for expressing:**

a) applied aspects of professional legal activity;

b) formal and structural aspects of the theory of law, as well as current law;

c) the degree of perfection of the form, structure and language of the law;

d) of all structural units of the normative legal act;

e) all large structural units, which must have special headings;

f) normative material, which is placed so that more important prescriptions precede;

g) elements of the formal and structural aspects of the theory of law, as well as the current law, are less important.

**Task**

1. Using the recommended literature, give examples of five different definitions of "legal technique" and indicate the scientists who substantiated them.

2. Prepare an essay on the topic: "Approaches to the understanding of legal technology in the countries of the Romano-Germanic legal system."

## **Topic 28. Legal behavior. Offense.**

### **Independent work (4 hours):**

1. Concept and signs of an offense as illegal behavior.
2. Classification of offenses. Crimes and misdemeanors.
3. Causes and conditions of occurrence of offenses.
4. Ways to overcome offenses.

### ***Practical tasks for independent work:***

#### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. What type of legally significant behavior is defined by this definition: "Socially necessary, desirable or acceptable from the point of view of the interests of the individual and the state, the behavior of legal entities that complies with legal norms, that is guaranteed and protected by the state"?**

- a) illegal behavior;
- b) lawful behavior;
- c) legally neutral behavior.

**2. What types of legal behavior are divided into depending on the degree of activity of legal entities?**

- a) active, passive, ordinary;
- b) action, inaction;
- c) observance, execution, use.

**3. Select the concept for this definition: "Socially harmful, illegal and culpable act of a person capable of delict, which, as a legal fact, is the basis for imposing legal responsibility":**

- a) crime;
- b) offence;

c) law enforcement behavior.

**4. How do administrative offenses differ from disciplinary ones?**

a) by the subject that imposes legal responsibility;

b) degree of public danger;

c) illegal in nature.

**5. What criteria must be taken into account when determining the degree of public danger of an offense?**

a) the significance of social relations regulated by law, which became the object of illegal encroachment;

b) method, time, place of committing an illegal act;

c) the identity of the offender;

d) the amount of the damage caused;

e) all of the above.

**6. Choose the appropriate concept for the following definition: "A legal construction that includes a set of necessary and sufficient elements of an objective and subjective nature, the presence of which allows an act to be recognized as an offense, and the person who committed it to be held legally liable" :**

a) legal composition;

b) composition of the offense;

c) composition of legal relations.

**7. What characterizes an act committed with direct intent?**

a) the person is aware of the social danger of his action, foresees the occurrence of socially harmful consequences and wishes for their occurrence;

b) the person is aware of the social danger of his action, foresees the occurrence of socially harmful consequences, does not wish, but consciously allows them to occur;

c) a person foresees the possibility of the occurrence of socially dangerous consequences, but recklessly counts on their prevention.

**8. What is an objectively illegal act?**

a) socially harmful behavior committed innocently;

b) behavior that does not cause harm, but is committed in violation of legal regulations;

c) socially harmful behavior that violates the requirements of legal norms.

**9. Which component of the composition of the offense includes the following elements: 1) action as an act of volitional behavior; 2) a harmful result of the act; 3) the causal relationship between the action and the result?**

- a) the objective side of the offense;
- b) the subjective side of the offense;
- c) the object of the offense.

**10. What concept does the following definition refer to: "A set of social and biological factors that determine offenses"?**

- a) objects of the offense;
- b) causes of offenses;
- c) the objective side of the offense.

### **Practical task**

1. Determine whether the following actions of students of higher education are offenses:

- a) non-fulfillment of the teacher's educational tasks;
- b) skipping seminar classes without valid reasons;
- c) unsatisfactory answer on the exam.

If such actions (or any of them) are offenses, then what type do they belong to? Reveal their objective and subjective sides.

Analyze the reasons for such offenses by individual students of higher education of your course and suggest ways to neutralize and eliminate such violations.

## **Topic 29. Legal responsibility.**

### **Independent work (4 hours):**

- 1. Constitutional and legal responsibility.
- 2. Administrative responsibility.
- 3. Civil liability.
- 4. Disciplinary and material responsibility.
- 5. Peculiarities of criminal liability.

### **Practical tasks for independent work:**

#### **Test task**

**In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:**

**1. What concept is characterized as a requirement (obligation) for the future active, proactive, conscious lawful activity of legal entities?**

- a) positive legal responsibility;
- b) retrospective legal responsibility;
- c) social responsibility.

**2. Select the concept for this definition: "The special legal relationship arising in connection with the offense between the state in the person of its special bodies and the offender, who is entrusted with the obligation to suffer the adverse consequences provided by law for the offense committed":**

- a) moral responsibility;
- b) political responsibility;
- c) legal responsibility.

**3. Which of the listed signs does not belong to the characteristics of legal responsibility?**

- a) liability is a type of state coercive measure associated with fines and other additional deprivations;
- b) responsibility is aimed at restoring the violated subjective right;
- c) the nature and scope of additional adverse consequences arise and are realized only on the basis, within the limits of the legal norm and determined by the sanctions of the legal norms;
- d) is carried out in special procedural forms.

**4. How are offenses and legal responsibility related?**

- a) as cause and effect;
- b) as a legal fact and regulatory legal relationship;
- c) as form and content.

**5. What is the difference between legal liability and other types of state coercion - coercive measures, termination measures and protective measures?**

- a) responsibility is addressed, first of all, to the authorized person and is aimed at ensuring his interests;
- b) responsibility is directed, first of all, to the offender and occurs only in the presence of an offense;
- c) responsibility is aimed at ensuring law and order and legality.

**6. Name the normative basis of legal responsibility:**

- a) an act of applying the law;
- b) the norm of the law, which provides for the possibility of liability;
- c) composition of the offense.

**7. How are the goals and functions of legal responsibility related?**

- a) as the final result and the direction of its achievement;
- b) as a consequence and cause;
- c) these are identical concepts;
- d) purpose is a broader concept than the function of legal responsibility.

**8. Name the main functions of legal responsibility:**

- a) regulatory and security;
- b) punitive (penal) and educational;
- c) law enforcement and social.

**9. What principle of legal responsibility assumes compliance of the measure of influence chosen in relation to the offender to the goals of legal responsibility?**

- a) the principle of justice;
- b) the principle of humanism;
- c) the principle of expediency.

**10. How does the concept of "exemption from legal responsibility" differ from the concept of "exclusion of legal responsibility"?**

a) release presupposes the removal of the obligation to endure measures of state coercive influence for the offense committed, and exclusion – the inadmissibility of legal responsibility, because the composition of the offense is absent.

b) dismissal presupposes the inadmissibility of legal responsibility, because there is no composition of the offense, and the exclusion is the removal of the obligation to endure the adverse consequences provided by law for the offense committed.

c) "exemption from legal liability" and "exclusion of legal liability" are identical concepts.

**11. In what case does the exclusion of legal responsibility take place in accordance with Ukrainian legislation?**

- a) necessary defense;
- b) amnesty;

c) pardon.

**12. In what case can a person not be held legally responsible for an illegal act?**

a) the person committed an illegal act under mental or physical coercion;

b) the person committed an illegal act knowingly;

c) the illegal act was committed by a person in a state of strong mental excitement.

### **Practical task**

1. To prepare and take part in the discussion on the topic: "Positive legal responsibility: legal reality or scientific concept"?

### **Topic 30. Legal system. The main types of modern legal systems.**

#### **Independent work (4 hours):**

1. Peculiarities of the legal system of Ukraine.
2. Convergence and divergence phenomena of legal families and legal systems of our time.
3. Trends in the development of the legal system of Ukraine.
4. Legal globalization and modern legal systems.
5. Transformation of the national legal system.

#### **Practical tasks for independent work:**

##### **Test task**

In order to consolidate the acquired knowledge on this topic, answer the following tests in the workbook:

**1. To which concept does the following definition refer: "A set of interdependent, agreed and interacting legal means that regulate social relations, as well as elements characterizing the level of legal development of a country"?**

a) legal system;

b) legal system;

c) system of legislation.

**2. Select the appropriate concept for the following definition: "A set of interdependent features of legal systems corresponding to a**

**certain socio-economic formation, characterized by the unity of the economic basis and class essence":**

- a) form of law;
- b) legal family;
- c) type of right.

**3. What category serves to indicate the relative unity of legal systems that have similar legal features, and reflects those features of the named systems that are due to the similarity of their specific historical development: structure, sources, institutions and industries, legal culture?**

- a) national legal system;
- b) a group of legal systems;
- c) legal family.

**4. Name the type of law, the characteristic features of which are: consolidation of the personal dependence of the peasants; make a character; particularism; open non-economic coercion of the masses; the presence of a significant number of norms of canon law:**

- a) modern law;
- b) bourgeois law;
- c) feudal law.

**5. Name the type of law in which representatives of a certain class were not recognized as subjects of law:**

- a) feudal law;
- b) slave ownership law;
- c) bourgeois law.

**6. In what type of law was the principle of formal legal equality established for the first time (historically)?**

- a) in modern law;
- b) in the bourgeois type of law;
- c) in feudal law.

**7. What are the characteristic features of the Romano-Germanic (continental) legal system?**

- a) the main source of law is the doctrine;
- b) reception (perception, borrowing) of Roman law. The main sources of law are normative acts. Division into private and public;
- c) judicial bodies, in accordance with laws, are recognized as having the right to rulemaking.

**8. Name the characteristic features of the Anglo-Saxon legal system:**

- a) division into private and public law;
- b) the main source of law is a regulatory act;
- c) the superiority of the law created by the courts (the law of judicial practice). The main sources of law are precedents (judicial and administrative).

**9. The characteristic features of Muslim law are:**

- a) the superiority of the law created by the courts. The main sources of law are precedents (judicial and administrative);
- b) reception of Roman law. The main sources of law are normative acts;
- c) a system of norms, which is to one degree or another sanctioned and supported by the theocratic state and which covers all spheres of social life. The valid source of law is the works of legal scholars. There is no division of rights into private and public.

**10. What are the specifics of the Ukrainian legal system?**

- a) the main source of law is legal precedent;
- b) includes several legal systems;
- c) the division of the right into private and public is not recognized.

**Practical task**

1. Conduct a comparative analysis of Romano-Germanic and Anglo-Saxon legal families. Make a corresponding table in the workbook.

## **RECOMMENDED LITERATURE FOR THE EDUCATIONAL DISCIPLINE**

### **Basic literature**

1. Загальна теорія держави і права: Підруч. для студ. юрид. спец. вищ. навч. закл. / [М. В. Цвік та ін.]; За ред. М. В. Цвіка, О. В. Петришина; Нац. юрид. акад. України ім. Ярослава Мудрого. Х.: Право, 2010. 583 с.
2. Загальна теорія права: підруч. / За заг. ред. М. І. Козюбри. К.: Ваіте, 2015. 392 с.
3. Загальна теорія права: підруч. / О. В. Петришин та ін.; за ред. О. В. Петришина. Харків: Право, 2020. 568 с.
4. Крестовська Н. М., Матвєєва Л. Г. Теорія держави і права: Підручник. Практикум. Тести. К.: Юрінком Інтер, 2021. 584 с.
5. Онищук І. І. Правовий моніторинг: проблеми методології, теорії та практики: монографія. Івано-Франківськ – Дрогобич: Коло, 2017. 512 с.
6. Онищук І. І. Техніка юридичного письма в нормативно-правових актах: монографія. 2-ге вид., стер. Харків: Право, 2019. 226 с.
7. Рабінович П. М. Основи загальної теорії права та держави: Навч. посібник / Львівський національний ун-т ім. Івана Франка. Вид. 10-е, доповнене. Л.: Край, 2008. 220 с.
8. Скакун О. Ф. Теорія права і держави: підручник / Харк. нац. ун-т внутр. справ. 4-те вид., доповн. і переробл. К.: Прав. єдність, 2014. – 524 с.
9. Теорія держави та права : навч. посіб. / [Є. В. Білозьоров, В. П. Власенко, О. Б. Горова, А. М. Завальний, Н. В. Заяць та ін.] ; за заг. ред. С. Д. Гусарєва, О. Д. Тихомирова. К. : НАВС, Освіта України, 2017. 320 с.
10. Теорія держави і права в схемах та таблицях: навчальний посібник / Кол. авт.; за заг. ред. Л. Р. Наливайко. К.: «Хай-Тек Прес», 2020. 296 с.
11. Теорія держави і права : підручник / [О. М. Бандурка, О. М. Головка, О. С. Передерій та ін.] ; за заг. ред. д-ра юрид. наук, проф., акад. НАПрН України О. М. Бандурки ; МВС України, Харків. нац. ун-т внутр. справ. Харків, 2018. 416 с.

12. Теорія держави і права: навчальний посібник / Я. О. Тицька, Н. М. Крестовська, Л. Г. Матвєєва, Н. В. Атаманова, Н. Б. Арабаджи . Міжнародний гуманітарний ун-т. Одеса, 2021. 193 с.

13. Тополевський Р. Б., Федіна Н. В. Теорія держави і права: навч. посібник. Львів: ЛьвДУВС, 2020. 268 с.

### **Supporting literature**

1. Андрусак Т.Г. Теорія держави і права / Фонд сприяння розвитку укр. правової думки та пропаганди державницьких традицій «Право для України». Львів, 1997. 200 с.

2. Антологія української юридичної думки: В 6 т. / Інститут держави і права ім. В.М. Корецького НАН України / Ю.С. Шемшученко (заг.ред. ), В.Д. Бабкін (упоряд.), І.Б. Усенко (відп. ред.) К.: Видавничий Дім «Юридична книга», 2002. Т.1: Загальна теорія держави і права, філософія та енциклопедія права. 568 с.

3. Бабкіна О.В., Волинка К.Г. Теорія держави і права у схемах і визначеннях: Навч. посібник / Міжрегіональна академія управління персоналом. К.: МАУП, 2004. 144 с.

4. Бурдін М. Ю., Логвиненко І. А., Лазарєв В. В. Теорія держави та права у визначеннях та схемах : довідник. Харків : ХНУВС, 2021. 108 с.

5. Васильєв А.С., Борщевський І.В., Іванов В.В., Канзафарова І.С., Притченко Р.С., Труба В.І. Теорія права і держави: Підручник. Х.: Одіссей, 2007. 447 с.

6. Ведерніков Ю.А., Грекул В.С. Теорія держави і права: Навч. посіб. для підгот. до держ. іспиту / МВС України; Юридична академія. Д., 2002. 120 с.

7. Зайчук О. В., Оніщенко Н. М. Теорія держави і права: Академічний курс. Підручник. К. : Юрінком Інтер, 2006. 253 с.

8. Кельман М.С., Мурашин О.Г., Хома Н.М. Загальна теорія держави і права: Підручник. Л.: Новий Світ-2000, 2005. 583 с.

9. Калюжний Р.А., Тимченко С.М., Пархоменко Н.М., Легуша С.М. Загальна теорія держави і права: Навч. посіб. К.: Видавець Паливода А.В., 2007. 296 с.

10. Карпунов В.М. Теорія держави і права: Навч. посіб. для студ. вищ. навч. закл. / Луганська академія внутрішніх справ ім. 10-річчя незалежності України. 2-ге вид. Луганськ: РВВ ЛАВС, 2005. 208 с.

11. Каткова Т. Г. Теорія держави і права: навч. посіб. у визначеннях і таблицях. 2-ге вид., допов. Харків : Право, 2020. 96 с.

12. Лисенков С.Л., Колодій А.М., Тихомиров О.Д., Ковальський В.С. Теорія держави і права: Підручник / С.Л. Лисенков (ред.). К.: Юрінком Інтер, 2005. 448 с.

13. Онищук І. І. До проблеми співвідношення норми права та статті закону. Правове регулювання суспільства та проблеми теорії держави і права: матер. наук.-практ. інтернет-конференції (м. Івано-Франківськ, листопад-грудень 2012 р.). Івано-Франківськ: Лабор. акад. дослідж. прав. регул. та юрид. техніки, 2012. С. 8–10.

14. Онищук І. І. Логічна схема письмового викладу законодавчого акта. Українство: динаміка сенсів і вимірів національного буття: матеріали Всеукр. наук. конф. (м. Кривий Ріг, 9 лист. 2018 р.). Кривий Ріг: ДЮІ МВС України, 2018. С. 281–283.

15. Онищук І. І. Правова цифровізація як інтегральний метод формалізації права. Наукові записки Інституту законодавства Верховної Ради України. 2020. №6. С. 41–50. DOI: <https://doi.org/10.32886/instzak.2020.06.05>

16. Онищук І. І. Правовий моніторинг: теоретичні та прикладні засади: дис. ... доктора юрид. наук: 12.00.01; Національна академія внутрішніх справ. К., 2018. 553 с.

17. Онищук І. І. Принцип юридичної визначеності (legal certainty) у рішеннях Конституційного Суду України. Наукові записки Інституту законодавства Верховної Ради України. 2021. №5. С. 60–67. DOI: <https://doi.org/10.32886/10.32886/instzak.2021.05.07>

18. Онищук І. І. Співвідношення норм міжнародного права і біомедичної етики як систем регулювання суспільних відносин. Наукові записки Інституту законодавства Верховної Ради України. 2021. №2. С. 66–73. DOI: <https://doi.org/10.32886/instzak.2021.02.07>

19. Онищук І. І. Термінологія нормативно-правового акта. Право і безпека. 2010. № 5 (37). С. 25–29.

20. Онищук І. І. Техніка документального вираження змісту нормативно-правового акта. Університетські наукові записки Хмельницького університету управління та права. Хмельницький, 2011. С. 63–66.

21. Онищук І. І. Техніка юридичного письма: понятійно-категоріальний апарат. Вісник Національної академії правових наук України. 2013. № 3 (74). С. 87–94.

22. Онишук І. І., Бойко Г. І. Логіка юридичного конструювання. Науково-інформаційний вісник Івано-Франківського університету права ім. Короля Данила Галицького. 2015. №11. С. 38–44.

23. Осауленко О.І. Загальна теорія держави і права: Навч. посіб. для студ. ВНЗ / Київський національний ун-т внутрішніх справ. К.: Істина, 2007. 336 с.

24. Рабінович П. М. Основи загальної теорії права та держави: навч. посіб. 10-те вид., допов. Львів: Край, 2009. 224 с.

25. Скаун О.Ф. Теорія держави і права: Підручник для студ. вищ. навч. закладів / Національний ун-т внутрішніх справ. 2-ге вид. Х.: Консум, 2005. 656 с.

26. Скірський І.В. Теорія держави і права: Навч. посіб. Вінниця, 2006. 292 с.

27. Сухонос В.В. Теорія держави і права: Навч. посіб. для студ. вищ. навч. закл. Суми: Університетська книга, 2005. 536 с.

28. Теліпко В.Е. Універсальна теорія держави і права: Підручник. К.: Біноватор, 2007. 512 с.

29. Теорія держави та права : навч. посіб. / [Є. В. Білозьоров, В. П. Власенко, О. Б. Горова, А. М. Завальний, Н. В. Заяць та ін.] ; за заг. ред. С. Д. Гусарєва, О. Д. Тихомирова. К. : НАВС, Освіта України, 2017. 320 с.

30. Теорія держави і права. Збірник тестових завдань. Частина І: Навч.-метод. посібник. / Боняк В.О., Лантух І.С., Сердюк І.А., Христова Ю.В. Дніпро: Дніпр. держ. ун-т внутр. справ, 2019. 60 с.

31. Уварова О. О. Принципи права у правозастосуванні: загальнотеоретична характеристика: монографія / О. О. Уварова. Харків: «Друкарня МАДРИД», 2012. 196 с. Федоренко Г.О. Теорія держави і права: Навч.-метод. посіб. для самост. вивч. дисципліни / Київський національний економічний ун-т ім. Вадима Гетьмана. К.: КНЕУ, 2006. 232 с.

32. Федоренко Т.М. Теорія держави і права: Метод. рек. / Національний ун-т кораблебудування ім. Адмірала Макарова. Миколаїв: НУК, 2006. 40 с.

33. Юхимюк О.М. Навчальна програма з курсу «Теорія держави і права» / Волинський держ. ун-т ім. Лесі Українки. Юридичний факультет. Луцьк: РВВ «Вежа» Волинського держ. ун-ту ім. Лесі Українки, 2006. 21 с.

34. Alexander G. S. Interpreting Legal Constructivism. Cornell L. Rev. 1985. № 71. 249 p. URL: <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=4438&context=clr>
35. Barack-Erez Daphne. The doctrine of legitimate expectations and the distinction between thereliance and expectation interests. European Public Law. 2005. Vol. 11 (4). URL: <http://www.tau.ac.il/law/barakerez/articals/legitimate.pdf>.
36. Barker S., Anderson E. Cinderella at the Ball: Legislative Intent in Canadian Courts. Canadian parliamentary review. Summer 2015. P. 15–21.
37. Bix B. H. Legal Interpretation and the Philosophy of Language. Edited by Lawrence M. Solan and Peter M. Tiersma. Oxford Handbook of Language and Law. 2012. P. 145–155. DOI: 10.1093/oxfordhb/9780199572120.013.0011
38. Black's Law Dictionary. Eighth edition / editor in Chief B. A. Garner. St.Paul: Thomson-West, 2007. 1810 p.
39. Bomhoff J. Balancing Constitutional Rights: The Origins and Meanings of Postwar Legal Discourse. Cambridge University Press. 2013. P. 72–137.
40. Breyer S. On the uses of legislative history in interpreting statutes. South California Law Review. 1992. Vol. 65. P. 845–859.
41. Chesterman S. An International Rule of Law? The American Journal of Comparative Law. 2008. Vol. 56. No. 2. Pp. 331–361.
42. Dicey A.V. Introduction to the Study of the Law of the. Indianapolis: Liberty Classics, 1982. 436 p.
43. Endicott T. A. O. The Impossibility of the Rule of Law. Oxford Journal of Legal Studies. 1999. Vol. 19. P. 1–18.
44. Eskridge W. N. Jr. The New Textualism. UCLA Law Review. 1990. Vol. 37. pp. 621–691.
45. European commission for democracy through law (Venice commission). Report on the rule of law. Adopted by the Venice Commission at its 86th plenary session (Venice, 25-26 March 2011). Strasbourg, 4 April 2011. 16 p. URL: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)003rev-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-e)

46. Fallon R. H. Jr. The Meaning of Legal “Meaning” and Its Implications for Theories of Legal Interpretation. *The University of Chicago Law Review*. 2015. Vol. 82(3). P. 1235–1308.

47. Fitzmaurice G. The Law and Procedure of the International Court of Justice: Treaty Interpretation and Certain other Treaty Points. *British Year Book of International Law*. 1951. Vol. 28. P. 1–28.

48. Fleischer H. European Legal Methodology: Current Position and Future Perspectives – Europäische Methodenlehre: Stand und Perspektiven. *Rabels Zeitschrift für ausländisches und internationales Privatrecht*. 2011. Vol. 75. Num. 4. S. 700, 705.

49. Fuller Lon. Legal fictions. *Stanford University Press*. 1967. 142 p.

50. Gadamer H. G., Vérité et méthode: Les grandes lignes d’une herméneutique philosophique. Transl. P. Fruchon, J. Grondin and G. Merlio. Paris: Ed. du Seuil, 1996. 533 p.

51. Gianformaggio L. Lógica y argumentación en la interpretación jurídica o tomar a los juristas intérpretes en serio [Logica e argomentazione nell’interpretazione giuridica ovvero i giuristi interpreti presi sul serio]. *Doxa. Cuadernos de filosofía del Derecho*. 1987. №4. P. 87–108.

52. Grabert A. Dynamic Interpretation in International Criminal Law: Striking a Balance between Stability and Change. München: Herbert Utz Verlag, 2015. 244 p.

53. Gribnau H. Legal Certainty: A Matter of Principle. Retroactivity of Tax Legislation. May 2013. Tilburg Law School Research Paper No. 12/2014. P. 69–93. URL: <https://ssrn.com/abstract=2447386>

54. Groussot X. General Principles of Community Law. Groningen: Europa Law Pub, 2006. 498 p.

55. Harašić Ž. More about teleological argumentation in law. *Pravni vjesnik*. 2015. 31 (3/4). S. 23–49.

56. Hart H.L.A. Theory and Definition in Jurisprudence. *The Aristotelian Soc*. 1955. Vol. 29. P. 213–264.

57. Łętowska E. Pozaprocesowe znaczenie uzasadnień sądowych. *Państwo i Prawo*. 1997. №5. S. 3–17.

58. Liżewski B. Application of Law in the Legal Order of the Council of Europe. *Studia Iuridica Lublinensia*. 2015. Vol. 24. No. 2. 86 p.

59. Lücke H. Statutes and the Intention of the Lawmaker as the Ultimate Guide to their Applicability: History and Prospects. *Supreme Court History Program Yearbook*. 2010. 24 p.

60. Maduro M. P. Interpreting European Law: Judicial Adjudication in a Context of Constitutional Pluralism. *The European Journal of Legal Studies*. 2007. 1 (2). P. 1-21. URL: [https://cadmus.eui.eu/bitstream/handle/1814/7707/](https://cadmus.eui.eu/bitstream/handle/1814/7707/EJLS_2007_1_2_8_POI_EN.pdf?sequence=1&isAllowed=y)

EJLS\_2007\_1\_2\_8\_POI\_EN.pdf?sequence=1&isAllowed=y

61. Maringele S. *European Human Rights Law. The work of European Court of Human Rights illustrated by an assortment of selected cases*. Hamburg: Anchor Academic Publishing, 2014. 144 p.

62. McLeod I. Literal and Purposive Techniques of Legislative Interpretation: Some European Communities and English Common Law Perspectives. *Brooklyn Journal of International Law*. 2004. Vol. 29. №3. P. 1109–1134.

63. Mellinkoff, D. *The Language of the Law*. Boston, Toronto: Little, Brown and Company, 1963. 526 p.

64. Minnikes I. A., Minnikes I. V. Historical interpretation in law: content and types. *Pravoprименenie = Law Enforcement Review*. 2022. Vol. 6, no. 2. P. 5–18. DOI: 10.52468/2542-1514.2022.6(2).5-18.

65. Murray J. L. *Comparative Law Method. Report. Actes du colloque pour le cinquantième anniversaire des Traités de Rome. 2 session: Le système juridictionnel*. P. 39–47. URL: [https://curia.europa.eu/common/dpi/col\\_murray.pdf](https://curia.europa.eu/common/dpi/col_murray.pdf)

66. Onyshchuk I. I. Independence of Constitutional Justice Bodies as a Prerequisite for the Rule of Law. *Закарпатські правові читання. Право як інструмент стійкості та розвитку в умовах сучасних цивілізаційних викликів: матеріали XV Міжнар. наук.-практ. конф. (м. Ужгород, 27 квітня 2023 р.). Ужгород, 2023. Ч. II. Львів–Торунь: Liha-Pres, 2023. P. 125–129. DOI: 10.36059/978-966-397-298-5-110*

67. Packeiser K. *The general theory of terminology: a literature review and a critical discussion*. Copenhagen: Copenhagen Business School, 2009. 84 p.

68. *Principles, Definitions and Model Rules of European Private Law: Draft Common Frame of Reference (DCFR). Full Edition + GRATIS Outline Edition*. Study Group on a European Civil Code, Research Group on EC Private Law (Acquis Group) (Author), edited by: Christian Von Bar, Eric Clive, Hans Schulte-Nolke. Sellier European Law Publishers, 2009. 6100 pp.

69. Sager J. C. *A practical course in terminology processing: with a bibliography by Blaise Nkwenti-Azeh*. Amsterdam and Philadelphia: Benjamins Publishing Company, John, 1990. 254 p.

70. Schauer F. Legal Fictions Revisited. Virginia Public Law and Legal Theory Research Paper. 2011. №29. URL: [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1923314](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1923314)

71. Shecaira F. P. Sources of Law Are not Legal Norms. Ratio Juris. 2014. 16 p.

72. Shutak I. D. Onyshchuk I. I. Comprehensive approach to perception of law in the context of doctrinal views. Journal of the National Academy of Legal Sciences of Ukraine. 2021. 28(4), 42–50. DOI: 10.37635/jnalsu.28(4).2021.42-50

### **Information resources:**

1. Бібліотека Інституту Поглиблених Правничих Студій. Велика Британія <http://www.ials.sas.ac.uk/library/library.htm>

2. Наукова бібліотека ім. М. Максимовича Київського національного університету ім. Тараса Шевченка [www.library.univ.kiev.ua](http://www.library.univ.kiev.ua)

3. Наукова бібліотека Національного університету «Києво-Могилянська академія» <http://www.ukma.kiev.ua/ukmalib>

4. Національна бібліотека України ім. В.І.Вернадського <http://www.nbuv.gov.ua/>

5. Національна бібліотека Франції <http://www.bnf.fr/>

6. Національна Парламентська бібліотека України <http://www.nplu.kiev.ua/>

7. Німецькі бібліотеки <http://www.ddb.de/>

8. Українська правнича фундація <http://www.ulf.com.ua/>

9. Центр європейського і порівняльного права <http://www.eclc.gov.ua/>

10. Центр розвитку українського законодавства <http://www.ulde.kiev.ua/news.php>

11. Юридична бібліотека Школи права Йельського університету <http://www.law.yale.edu/library/>

12. European Court of Human Rights <https://hudoc.echr.coe.>

13. Supreme Court of the United States <https://www.supremecourt.gov/>

14. The Council of Europe <https://www.coe.int/ru/web/portal>