

**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**

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THEORY OF THE STATE AND LAW

**Methodical instructions for preparing
for seminar classes 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

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The instructions contain general and methodical recommendations for preparing for seminar classes, questions for seminar classes, as well as practical tasks. A list of recommended literature is given.

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

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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 PREPARATION FOR SEMINAR CLASSES

Seminar classes 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. The seminar classes will take place in the form of discussion of the most controversial and problematic issues, as well as by performing tasks of a practical nature. For successful preparation for these classes, the following is recommended:

- 1) have a notebook with lecture notes. In it, you need to complete the tasks that will be discussed in the seminar classes;
- 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.

Seminar classes 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 seminar classes in the theory of the state and law.

METHODOLOGICAL INSTRUCTIONS FOR PREPARING FOR SEMINAR CLASSES

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

Keywords: jurisprudence (legal science), theory of state and law (general theory of law and state), emergence of theory of state and law, subject of theory of state and law, structure of theory of state and law, functions of theory of state and law, methodology of legal science, methodology theories of the state and law, methods of scientific research.

The purpose of the seminar: to reveal the content of the theory of the state and law as a science and educational discipline, to show its role in the formation and development of the legal state. To learn the main theoretical provisions of the theory of the state and law: concept, subject and method of legal regulation, system and tasks. Aim students of higher education at studying issues of the theory of the state and law, which they need for further study of other branch disciplines.

Plan of the seminar session (2 hours):

1. Legal science: concept, object, subject, functions.
2. The concept, subject and structure of the theory of the state and law.
3. The emergence of the theory of the state and law and the historical stages of its development.
4. Functions of the theory of the state and law.
5. Concept of methodology and method of the theory of the state and law.

Terminological task

Write in a personal legal dictionary and learn the definitions of the following terms: "science", "philosophy", "sociology", "political science", "subject of science", "method of science", "subject of science, theory of the state and law", "subject of educational discipline theory of the state and law", "general scientific method", "special method", "private scientific method", "dialectics", "formal legal method", "method of comparative jurisprudence", "legal experiment".

Topic 2. Origin of the state.

Key words: primitive society, tribe, ancestral custom, division of labor, nationality, slavery, state, national state, the reason for the formation of the state, theological theory, patriarchal theory, contractual theory, theory of violence.

The purpose of the seminar: to form an idea and system of knowledge about: the main theories of the origin of the state; the theory of the Neolithic revolution; a multifactorial approach to the origin of the state; to find out the regularities and ways of formation of the state, to learn to characterize the regularities of the formation of the state and to analyze the ways of its formation.

Plan of the seminar session (2 hours):

1. Organization of social power in primitive society and its structure.
2. Signs of the state that distinguish it from the power of primitive society.
3. Theories of the origin of the state.
4. The main regularities and contingencies of the emergence of the state.
5. Peculiarities of state formation in different countries of the world.

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

1. General laws of the emergence of the state.
2. Peculiarities of the origin of the state in different countries of the world.
3. General characteristics of theories (concepts) of the emergence of the state.
4. The main reasons and conditions for the emergence of the state. Patriarchal theory of the emergence of the state.
5. The European way of the origin of the state.
6. The Asian way of the origin of the state. Theological theory of the emergence of the state.

Topic 3. Concept and essence of the state.

Key words: genesis of the state, genesis of the concept of "state", state, political (state) power, signs of the state, state sovereignty, popular sovereignty, national sovereignty, social essence of the state, social purpose of the state.

The purpose of the seminar: to understand the concept of the state as a special type of social power, to clearly and fully identify its features. Define the essence of the state. To be able to justify the relative independence of the state in relation to society, to show the difference of the state from other institutions and organizations of modern society.

Plan of the seminar session (2 hours):

1. The concept of the state and state power, its difference from other social entities.
2. Signs and essence of the state.
3. State sovereignty: concepts and signs.
4. The ratio of state, people's and national sovereignty.

Terminological task

Write in a personal legal dictionary and learn the definitions of the following concepts: "state", "state sovereignty", "taxes", "territory", "essence of the state".

Topic 4. Functions of the state.

Key words: functions, functions of social institutions, functions of the state, internal functions of the state, political function, economic function, social function, cultural function, external functions of the state, defense function of the state, function of international cooperation, forms of implementation of state functions, legal forms of implementation of state functions, organizational forms of implementation of state functions, methods of implementation of state functions.

The purpose of the seminar: to consider the concept of functions of the state and their social nature. To achieve a clear idea of the classification of state functions. Learn the content of the main internal and external functions of the Ukrainian state and show trends in their development. To provide in-depth knowledge about the forms and methods of implementation of state functions.

Plan of the seminar session (2 hours):

1. The concept and content of state functions.
2. The relationship between the essence of the state and its functions.
3. Classification of state functions.
4. The concept and general characteristics of the internal functions of the modern state.
5. Concept and general characteristics of the external functions of the modern state.

Terminological task

Write in a personal legal dictionary and study the definitions of the concepts: "state functions", "internal state functions", "external state functions", "permanent state functions", "temporary state functions", "function of a state body", "form of implementation of a state function ", "method of implementation of the function of the state".

Practical task

Draw up the diagrams in the workbook:

- 1) "Main internal functions of the state";
- 2) "Main external functions of the state";
- 3) "Legal forms of implementation of state functions";
- 4) "Methods of implementation of state functions".

Topic 5. Form of the state.

Key words: form of state, form of state government, monarchy, republic, form of state system, unitary state, federation, confederation, empire, union, form of state regime, democratic state regime, totalitarian state regime, authoritarian state regime, form of state in Ukraine.

The purpose of the seminar: to clarify the category "form of the state" as one of the most important and comprehensive concepts of political science. To find out what determines the existence of various forms of the state and what factors influence their change while the essence of the state remains unchanged.

Plan of the seminar session (2 hours):

1. Concepts and elements of the state form.
2. Concepts and types of forms of state government.
3. Concepts and types of forms of government.
4. Concepts and types of forms of state-legal regime.
5. General characteristics of the form of the state system. Classification of forms of government.

Topics of abstracts, presentations, essays:

1. Concepts, signs, types of monarchy.
2. Constitutional and parliamentary monarchies.
3. Types of modern monarchies.
4. Form of government in Ukraine.
5. Democratic mode of government.
6. Non-democratic regimes of government.
7. Democratic state regime: concepts, signs, types.
8. Liberal-democratic state regime: concepts, signs, types.
9. Conservative-democratic state regime: concepts, signs, types.
10. Radical-democratic state regime: concepts, signs, types.
11. Concepts, signs and types of non-democratic regimes. Totalitarian state regime: concepts, signs, types.
12. Authoritarian state regime: concepts, signs, types. Historical varieties of the state regime.
13. The current state and problems of the state form in Ukraine.

Topic 6. Mechanism and apparatus of the state.

Keywords: state, state mechanism, structure of state mechanism, state apparatus, structure of state apparatus, state body, state body of legislative power, state body of executive power, state body of judicial power, law enforcement body, body of local self-government.

The purpose of the seminar: to understand and learn the concepts of "mechanism" and "apparatus" of the state; determine their structure, the content of the concepts "state organization", "state enterprise", "state institution", "state body", "state employee". To find out the relationship between the state mechanism and the state apparatus, their unity and conditionality.

Plan of the seminar session (2 hours):

1. The concept of the mechanism of the state and its structure.
2. State apparatus and its features.
3. State bodies and their types.
4. General characteristics of legislative, executive and judicial authorities.

Terminological task

Write down the personal legal dictionary and learn the definitions of the concepts: "state mechanism", "state organ", "state enterprise", "state institution". Тестове завдання

Topic 7. Origin and historical development of law.

Key words: law, genesis of law, causes of law, conditions of law, stages of law development, primitive law, early customary law, theories (concepts) of law.

The purpose of the seminar: to find out the main reasons and conditions for the emergence of law, to study the theories (concepts) of the emergence of law and to learn the historical process of the development of law, to consider the main legal sources of the formation of law in different nations of the world.

Plan of the seminar session (2 hours):

1. The main reasons and conditions for the emergence of the right.
2. The historical process of the emergence and development of law and its stages.
3. The main legal sources of the formation of law in different peoples of the world.
4. Theories (concepts) of the emergence of law.

5. The role of the state in the process of formation and development of law.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "law", "genesis of law", "history of law", "stages of the development of law", "primitive law", "early customary law", "theories (concepts) of the emergence of law".

Topic 8. Concept, essence and value of law.

Key words: law, understanding of law, types of understanding of law, theory of natural law, legal positivism, normativism, sociological understanding of law, psychological concept of law, historical school of law, Marxist theory of law, integrative understanding of law, essence of law, functions of law, general social functions of law, special (special legal) functions of law, interaction of law and the state, relationship between law and economy, relationship between law and politics.

The purpose of the seminar: to consider approaches to the concept of law and legal understanding, to find out the universal essence of law, to clearly and fully identify its features and functions, to formulate on this basis a detailed definition of the concept of Ukrainian law. Critically consider the development of Ukrainian law and ways of its influence on the state.

Plan of seminar class No. 1 (2 hours):

1. Legal understanding and its types based on prevailing approaches to the essence of law.
2. The concept and general characteristics of the natural-legal concept of law.
3. Concept and general characteristics of the positive legal concept of law.
4. Sociological, psychological and integrative concept of legal understanding.

Plan of seminar session No. 2 (2 hours):

1. Concepts and signs of law.
2. Principles of law.

3. Social value of law.
4. Functions of law.

Terminological task

Write to a personal legal dictionary and learn the definitions of the concepts: "law", "essence of law", "value of law", "economy", "politics".

Give a written answer to the question:

1. What are the main features that distinguish law from means of social regulation of primitive society?
2. What is the social conditioning of law?
3. Explain the concept of principles of law and their system.
4. What are statics and dynamism in the realization of the functions of law?

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

Key words: person, person, individual, citizen, legal status of a person, rights of a person, freedom of a person, duties of a person, guarantees of legal status of a person, interaction between the state and the person.

The purpose of the seminar: to form a system of knowledge about: the concept, structure and types of the legal status of a person, the evolution of human rights; learn to distinguish the categories "man", "individual", "person", "citizen"; demonstrate knowledge of fundamental human and citizen rights and freedoms; to understand the content of guarantees of human and citizen rights.

Plan of the seminar session (2 hours):

1. Correlation of the concepts "man", "person" and "citizen".
2. Legal status: concept, structure and types.
3. Generation of human rights.
4. Concepts and types of basic human and citizen rights and freedoms.
5. Legal duties of a person and a citizen.

Terminological task

Write in a personal legal dictionary and learn the definitions of the concepts: "legal status", "human rights", "citizen's rights", "objective law", "subjective law", "classification of human rights", "international standards of human rights", "guarantees of the rights and rights of a person and a citizen".

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

1. Legal relationship between a person and the state.
2. Legal status of a person.
3. Legal status and actual situation of the person.
4. The structure of a person's legal status.
5. Concept and system of individual rights and freedoms.

Topic 10. Law and society. Civil society.

Keywords: civil society, structure of civil society, functions and attributes of civil society, interest groups, political society, public space, means and centers of communication, public opinion, organized public (public) life, human rights, voluntary associations, cooperation, solidarity, trust, cooperation.

The purpose of the seminar: to form an idea and system of knowledge about: the political system of society, its structure and functions; reveal the concept, structure and functions of the political system of society; identify the place of the state in the political system of society; to understand the principles and mechanism of interaction between civil society and the state.

Plan of the seminar session (2 hours):

1. Civil society: genesis, essence and functions.
2. Concepts of civil society.
3. Civil society models.
4. Civil society and democracy.
5. Human rights as a fundamental value of civil society.

Terminological task

Write in a personal legal dictionary and learn the definitions of the concepts: "civil society", "interest groups", "public opinion", "protection of human rights", "voluntary associations", "cooperation", "solidarity", "trust", "customer party".

Give a written answer to the question:

1. Do the provisions of the Law of Ukraine "On Public Associations" meet European standards in the field of legal regulation of non-governmental organizations?
2. What is the model of 5 cultural dimensions of H. Hofstede, with the help of which it is possible to characterize and describe the dominant value systems of representatives of different countries and ethnic groups?
3. Justify whether the method of comparison with the control group is scientifically based and whether it is used in community development studies abroad?
4. What is the distortion of pluralism: monopolization of power and "total lobbying"?
5. Describe the essential features of clientelism.
6. What states are characterized by modern neocorporatism (social, liberal corporatism), which is often called "social" and "open"?

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

Key words: legal state, rule of law, legal certainty, the concept of the rule of law, the liberal model of the rule of law, the social model of the rule of law, the socialist model of the rule of law, the social state, the relationship between the rule of law and the social state, the relationship between the rule of law and civil society, prospects for the development of the rule of law state.

The purpose of the seminar: to understand the essence and value of the rule of law, the nature of civil society and the main lines of their relationship. Highlight the rule of law as a fundamental principle of the modern legal order in the world and show that the rule of law is the rule of law in society.

Plan of the seminar session (2 hours):

1. Concept and essence of the rule of law.
2. Main features and principles of the rule of law.
3. Correlation between the concepts of "legal state" and "social state".
4. Rule of law and civil society.
5. The concept and content of the rule of law.

Terminological task

Write down the personal legal dictionary and learn the definitions of the concepts: "rule of law", "social state", "relationship between the rule of law and social state", "relationship between the rule of law and civil society", "language", "consciousness", "culture".

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

1. The eternal mystery of wisdom in the context of the rule of law.
2. The concept of natural law according to the teachings of Grotius and Spinoza.
3. Define the biosocial evolutionism of the legal state.
4. What are the historical criteria of the rule of law?
5. The formula of wisdom in the rule of law: origins, priorities, forecasts.
6. Mythological space of the evolution of culture in the legal state.
7. Legality as an element of the rule of law principle: legal doctrine and judicial practice.

Topic 12. Law in the system of social regulation.

Key words: normative regulation, technical norms, social norms, customs, traditions, religious norms, moral norms, political norms, corporate norms, legal norms.

The purpose of the seminar: to form an idea about: concepts and types of social regulation; types of social norms; specifics of legal norms in the system of social regulation. Understand the main aspects of social regulation; to know the concepts and types of norms, types, forms and

methods of legal regulation; find out the relationship (unity, difference, interaction) of law and other social norms.

Plan of the seminar session (2 hours):

1. Concepts and elements of normative regulation.
2. Correlation of technical and social norms in the regulation of social relations. Classification of social norms.
3. Customs and traditions as regulators of behavior in primitive society.
4. Moral norms in the system of social norms.
5. Political norms in the system of social regulators.

A problematic question

Your attitude to the thesis: "Only love can be above the law, only mercy above law, only forgiveness above justice."

Argue your position.

Terminological task

Write to a personal legal dictionary and learn the definitions of the concepts: "morality", "corporate norm", "traditions", "business custom", "religious norm".

Practical task

1. Draw a diagram in a notebook: "The system of social norms of Ukrainian society."
2. Decide in the following situation. You - the senior operational officer of the department for combating economic crime - learned that your co-worker, operational officer Kozlov, took a bribe, promising his school friend to agree with you on the concealment of materials on illegal financial transactions of the Alfa company. What will be your reaction?

Topic 13. Legal regulation. Mechanism of legal regulation.

Key words: legal regulation, legal influence, subject of legal regulation, limits of legal regulation, types of legal regulation, methods of legal regulation, types of legal regulation, stages of legal regulation, mechanism of legal regulation.

The purpose of the seminar: to form knowledge about legal regulation and legal influence on social relations and their role in the life of

modern society. Distinguish between legal regulation and legal influence, demonstrate knowledge of legal incentives and restrictions.

Plan of the seminar session (2 hours):

1. Concepts and signs of legal regulation and legal influence.
2. Scope of legal regulation.
3. Subject and limits of legal regulation.
4. Types, methods, types of legal regulation.
5. Stages and mechanism of legal regulation.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "legal influence", "legal regulation", "limits of legal regulation", "types of legal regulation", "stages of legal regulation", "mechanism of legal regulation", "legal privileges", "legal immunities".

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

1. Basic principles of legal regulation in society.
2. Centralized regulation (method of subordination or imperative method).

Topic 14. Law and order.

Key words: legality, principles of legality, requirements of legality, guarantees of legality, law and order, principles of law and order, functions of law and order, discipline, state discipline.

The purpose of the seminar: to form a system of knowledge about: concepts of legality and legal order, principles (requirements) of legality, general conditions and special (legal) means of legality, signs and elements of legal order. To carry out a comparative analysis of the national, integrative and international legal order. Show the relationship between legality and the rule of law.

Plan of the seminar session (2 hours):

1. Concept, essence and principles of legality.
2. Correlation of legality with expediency, discipline, democracy, legal and public order.
3. Guarantees of legality: concepts and types.
4. Ways of strengthening legality and state discipline in modern conditions.

Terminological task

Write down the personal legal dictionary and learn the definitions of the concepts: "legality", "law and order", "public order", "guarantees of legality", "state discipline".

Practical task

1. Draw up the "Principles of legality" and "Guarantees of legality" schemes in a workbook.

Topic 15. Legal awareness and legal culture.

Key words: legal awareness, types of legal awareness, social legal awareness, collective legal awareness, individual legal awareness, legal ideology, legal psychology, legal culture, legal education, legal education, legal awareness deformation, legal nihilism.

The purpose of the seminar: to reveal the concept and structure, types and functions of legal awareness. Identify the types of deformations of legal awareness, find out what legal culture is, its concepts and structure, types of legal culture and peculiarities of legal mentality. Show the influence of legal education on the formation of legal awareness and legal culture.

Plan of the seminar session (2 hours):

1. Concepts, signs and types of legal awareness.
2. Levels of legal awareness. Legal psychology and legal ideology.
3. Correlation of legal awareness and law.
4. Concepts, characteristic features of the legal culture of society and man.

5. The main ways of forming and improving legal culture.

A problematic question

Discussion on the topic "Reasons of the low level of legal awareness in Ukraine" (it is possible to use the results of a questionnaire or a sociological survey).

Terminological task

Enter the personal legal dictionary and learn the definitions of the following concepts: "legal awareness", "legal ideology", "legal psychology", "deformation of legal awareness", "legal infantilism", "legal nihilism", "legal demagoguery", "legal idealism", "legal fetishism", "rebirth of legal consciousness".

Topic 16. Principles of law.

Keywords: universal principles of law, the principle of humanism, the principle of democracy, the principle of justice, the principle of freedom, the principle of equality, the principles of the legal system, features and functions of the principles of law, the rule of law, the content of the principles of law, law-making, normativity of principles.

The purpose of the seminar: to understand the essence of the principles of law as the main foundations that determine the nature, social essence and most essential properties of law. Consider and assimilate general social and special legal principles of law, sectoral and inter-sectoral principles of law, principles of law institutions.

Plan of the seminar session (2 hours):

1. The concept and main characteristics of the principles of law.
2. General principles of law.
3. Branch principles of law.
4. Interdisciplinary principles of law.
5. The concept of the principle of law and the norm of law: interaction and comparison.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "principle of humanism", "principle of democracy", "principle of justice", "principle of freedom", "principle of equality", "principles of general law", "interdisciplinary principles", "industry principles", "principles of legal institutions".

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

1. The principles of law and their role in regulating social relations from the standpoint of natural law and positivist approaches to law.
2. Natural law and positivist schools of law.
3. Peculiarities of determining the place of the principles of law in legal regulation from the standpoint of each type of legal understanding.
4. Legitimation of the principles of law.
5. The principles of law as an integrating element of positivist and natural law directions of legal thinking.
6. Concepts and features of the principles of law.
7. General characteristics of the principles of law through the establishment of a generic category to define their concept.
8. The process of formation of principles and norms of law.
9. Correlation of principles and norms of law, their common and distinguishing features.
10. The mutual influence and interaction of the principles and norms of law in the regulation of social relations.

Topic 17. Legal norm.

Key words: legal norm, classification of legal norms, regulatory norms, protective norms, norms of substantive law, norms of procedural law, hypothesis, disposition, sanction, article of a regulatory legal act.

The purpose of the seminar: to acquire an idea of the nature, structure and types of legal norms, to achieve a clear understanding of the logical construction of the legal norm and its relationship with the article of the normative legal act. To find out what is the importance of the classification of legal norms for their correct application.

Plan of the seminar session (2 hours):

1. Concepts and signs of legal norms.
2. Classification of legal norms.
3. The structure of legal norms: concepts and elements.
4. Correlation between the rule of law and the article of the normative legal act.

Terminological task

Write in a personal legal dictionary and understand the definitions of the concepts: "legal norm", "logical norm", "norm-prescriptive", "hypothesis of a legal norm", "disposition of a legal norm", "sanction of a legal norm", "article of a regulatory legal act", "prohibitive legal norm", "authorizing legal norm", "special legal norm", "encouraging legal norm", "recommended legal norm", "conflicting legal norm", "definitive legal norm".

Topic 18. Sources of law.

Key words: source (form) of law, legal custom, legal precedent, normative-legal contract, normative-legal act, legal doctrine, legal ideas, law, subordinate normative-legal act, effect of normative-legal acts.

The purpose of the seminar: to study the problem of the sources of law in the material, ideological and special legal sense. Understand the concept of "form of law", learn the main types of forms of law. Learn to describe the sources of Ukrainian law.

Plan of the seminar session (2 hours):

1. Concepts and signs of the form (source) of law.
2. Types of forms (sources) of law.
3. Forms of law used in Ukraine.
4. The source of law in material, ideological and special legal content.

Terminological task

Write out the personal legal dictionary and learn the definitions of the concepts: "forms of law", "normative legal act", "normative contract", "legal precedent", "referendum act", "legal custom".

Practical task

1. Make a diagram in the workbook: "Types of forms of law".

Topic 19. Regulatory act as a source of law.

Key words: normative legal act, legal doctrine, legal ideas, law, subordinate normative legal act, effect of normative legal acts.

The purpose of the seminar: to form an idea about: concepts, signs and types of regulatory and legal acts; laws and bylaws; the effect of normative legal acts in time, in space and among persons; concepts and composition of legislation; the relationship between the legal system and the legal system. Find out the differences between the system of legislation and the system of law.

Plan of the seminar session (2 hours):

1. Concepts and signs of a normative legal act.
2. Types of normative legal acts.
3. Law: concepts, signs, types.
4. The concept, types and system of subordinate legal acts.

Independent work (6 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.

Terminological task

Write to a personal legal dictionary and learn the definitions of the concepts: "normative-legal act", "legal force of a normative-legal act", "hierarchy of normative-legal acts", "action of a normative-legal act in time", "action of a normative-legal act in space", "the effect of a normative legal act on a circle of persons", "law", "sub-legal normative legal act".

Topic 20. Law-making.

Key words: law-making, law-making, law-making activity, types of law-making, stages of law-making, norm-making, law-making activity, legislative technique, rules of legislative technique, subordinate law-making.

The purpose of the seminar: to consider the nature and principles of law-making in Ukraine, to achieve an understanding of the form of law and its varieties, a clear idea of the nature and leading role of normative legal acts in the system of forms of law. To gain knowledge about the conditions of operation of normative legal acts in time, in space and among individuals, to analyze the trends and main directions of the development of Ukrainian legislation.

Plan of the seminar session (2 hours):

1. Concepts and signs of law-making. Law-making activity.
2. Principles and functions of law-making.
3. Types of law-making.
4. Stages of law-making.
5. Concepts and signs of rule-making. The relationship between law-making and norm-making.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "law-making", "law", "sub-legal normative act", "legislative initiative", "legal technique", "reverse effect of the law", "legislative technique", "legal presumption", "legal fiction", "legal axiom", "legal construction", "legal symbol".

Practical task

1. Make a diagram of "Types of normative legal acts in Ukraine" in a work notebook.

Topic 21. Legal system.

Key words: legal system, branch of law, sub-branch of law, institution of law, norm of law, public law, private law, branches of law of Ukraine, basic branches of law, profiling branches of law, special branches of law, subject of legal regulation, method of legal regulation.

The purpose of the seminar: to form an idea about: concepts and constituent elements of the legal system; criteria for distinguishing branches of law; concepts and types of law institutions; legal communities; the relationship between the norms of international and national law, integrative and national law. To analyze the relationship between the norms of national, integrative and international law.

Plan of the seminar session (2 hours):

1. The concept of the legal system and its features.
2. Characteristics of the industry, sub-industry, institution and legal norms.
3. General characteristics of the branches of law.
4. The subject and method of legal regulation as a basis for the distribution of law into branches, sub-branches and institutions.

Problematic questions:

1. What is the direct and reverse relationship between the structural parts of the legal system of Ukraine on the one hand and the law and legislation systems of the country on the other? What is it specifically expressed in?
2. What is the practical significance of the categories "legal system" and "legislative system" in the process of law-making and law enforcement?
3. Analyze the articles of Chapter II of the Constitution of Ukraine "Rights and freedoms and duties of a person and a citizen" from the standpoint of what should be the optimal ratio of private and public (public) foundations for their transformation into life?

Practical task:

1. Divide the specified branches of law into traditional, special and procedural:

- constitutional law;

- criminal law;
- administrative law;
- labor law;
- criminal procedural law;
- financial law;
- economic and procedural law;
- civil law.

Traditional (profiling) industries	Special industries	Process industries

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

Key words: legislation, system of legislation, systematization of legislation, incorporation, codification, consolidation, collection of laws, accounting of legislation.

The purpose of the seminar: to deepen knowledge of the legal system, to develop the skills and abilities to conduct a comparative analysis of legal phenomena. To reveal ways to overcome legal nihilism and education in the spirit of respect for laws and law in general.

Plan of the seminar session (2 hours):

1. Systematization of normative legal acts: concepts, types, meanings.
2. Incorporation of normative legal acts.
3. Codification of Ukrainian legislation: concepts, types, perspectives.
4. Consolidation of Ukrainian legislation. Its difference from incorporation and codification.

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

1. Multiplicity of types of systematization of normative legal acts in Ukraine.
2. The peculiarity of the legal nature of the foundations of legislation at the current stage of development of Ukraine.
3. Systematization of subordinate legal acts in Ukraine.

Topic 23. Legal relations.

Key words: social relations legal capacity, legal relations, contractual capacity, legal content of legal relations, delictual capacity, actual content of legal relations, object of legal relations, subjective right, legal facts, legal obligation, legal actions, subjects of legal relations, crimes, legal personality, misdemeanors, legal capacity, types of legal relations.

The purpose of the seminar: to form an idea about: concepts and types of legal relations; composition (structure) of legal relations; subjects of legal relations; objects of legal relations; legal content of legal relations (subjective rights and legal obligations); prerequisites of legal relations; legal facts and factual compositions. To acquire skills to analyze the content of legal relations; deepen knowledge about subjective rights and legal obligations; analyze legal facts.

Plan of the seminar session (2 hours):

1. Concepts and main features of legal relations.
2. Content of legal relations.
3. Subjects of legal relations: concepts and types.
4. Objects of legal relations: concepts and types.
5. Legal facts and their classification.

Terminological task

Write in a personal legal dictionary and learn the definitions of the concepts: "legal relationship", "subject of law", "legal capacity", "capacity", "legal entity", "subjective right", "legitimate interest", "legal obligation" connection, "object of legal relationship", "legal fact", "event", "action", "actual composition".

Practical task

1. Give (in writing) examples of legal relationships in which you participated during the last three days. What species do they belong to? What legal facts became the basis for their emergence, and what was the object of each of these legal relations?
2. Describe the main types of subjects of legal relations (collective and individual): citizens, foreigners, stateless persons, organizations, the state - from the point of view of their legal status.

Topic 24. Interpretation of legal norms.

Key words: interpretation, interpretation (interpretation) of legal norms, types of interpretation of legal norms, methods of interpreting legal norms, act of interpreting a legal norm (interpretative legal act), official interpretation of legal norms.

The purpose of the seminar: to acquire knowledge about the essence, necessity and practical significance of the interpretation of legal norms, types and methods of interpreting legal norms, to understand the rules of application of each of them; learn to determine the type of interpretation when analyzing specific legal prescriptions.

Plan of the seminar session (2 hours):

1. Concept, necessity and significance of interpretation of legal norms.
2. Ways (techniques) of interpreting legal norms.
3. Types of interpretation of norms of Ukrainian law by subject.
4. Types of interpretation of legal norms by scope.
5. Acts of official interpretation of legal norms: concept, classification.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the following terms: "interpretation of legal norms", "official interpretation of legal norms", "casual interpretation", "normative interpretation", "unofficial interpretation of legal norms", "act of interpretation of legal norms", "doctrinal interpretation", "authentic interpretation", "expanding interpretation", "restrictive interpretation".

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.

Keywords: implementation, implementation of legal norms, forms of implementation of legal norms, use, execution, observance (observance), application of legal norms, law enforcement act, gaps in the law, analogy of law, analogy of law.

The purpose of the seminar: to form an idea about: concepts and signs of the implementation of law; forms of exercise of the right; concepts and signs of application of law; the ideology of law enforcement; process (stages) of law application. Analyze the stages of application of the law; distinguish typical and atypical application of law; learn how to classify acts of law enforcement and analyze their structure.

Plan of seminar class No. 1 (2 hours):

1. Concept of implementation of legal norms.
2. Forms and methods of implementation of legal norms.
3. Use, implementation and compliance as a form of implementation of legal norms.
2. Correlation between the implementation of legal norms and lawful behavior.

Plan of seminar session No. 2 (2 hours):

1. Concept and necessity of law enforcement.
2. Main stages of processes of application of legal norms.
3. Gaps in the law.
4. Institute of analogy in law.
5. Acts of application of legal norms: concept, classification, effectiveness of action.

Terminological task

Write down in a personal working dictionary and learn the definitions of the following concepts: "implementation of the norms of law", "observance of the law", "execution of the law", "use of the law", "application of the law", "subsidiary application of the law", "act of application of the norm of law", "analogy of law", "analogy of law", "gap in law".

Practical task

1. Conduct a comparative analysis of forms of implementation of legal norms:

The form of implementation of legal norms	Type of forms of implementation	Dependence on the will of the subject	Active form or passive form
Implementation			
Using			
Compliance			
Application			

2. From the Constitution of Ukraine, write the norms that provide for the form of implementation of the norms of law in the form of implementation and use.

3. Draft a law enforcement act of your choice (supervisor's order on hiring, city council decision, court decision).

4. Show schematically the types of interpretation of legal norms.

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

Key words: legal activity, structure, legal practice, function, legal practice, law enforcement process, legal process, law-making process, legal case, legal interpretation process.

The purpose of the seminar: to understand the essence of the content of legal activity, legal practice and the legal process. Gain knowledge about the elements of legal activity, types and stages of the legal process. To learn to characterize the peculiarities of judicial practice, to distinguish between a legal process and a legal procedure, to analyze the stages of a legal process.

Plan of the seminar session (2 hours):

1. General characteristics of legal activity
2. Concepts and features of legal practice:
3. The concept and content of the legal process.
4. Types of legal process.

Written task:

1. Find out and describe the characteristic features of legal practice.
2. Describe the peculiarities of court practice.
3. Define the legal process.
4. Answer the question: how are legal process and legal procedure related?

Topic 27. Legal technique.

Keywords: legal technique, legislative technique, legal technology, legislative technology, means of legal technique, methods of legal technique, rules of legal technique, methods of legal technique, document details.

The purpose of the seminar: to form an idea of legal technique, its types and rules, the place of the theory of legal technique in the general theory of law. To find out the peculiarities of legal technology in various legal systems of today. To acquire skills in the use of technical and legal means and methods.

Plan of the seminar session (2 hours):

1. Concept of legal technique.
2. The place of the theory of legal technique in the general theory of law.

3. The structure of legal technology.
4. Types of legal equipment.
5. Peculiarities of legal technology in various legal systems of today.

Terminological task

Compile a terminological dictionary for the topic.

Task

1. Using the recommended literature, justify in writing the essence of instrumental and qualitative approaches to understanding legal technology and name their representatives.
2. Using the recommended literature, compare in writing what types of legal techniques are distinguished by scientists.

Topic 28. Legal behavior. Offense.

Key words: legal behavior, types of legal behavior, legitimate behavior, marginal behavior, conformist behavior, ordinary behavior, socially active (principled) behavior, illegal behavior, offense, composition of offense, crime, misdemeanor.

The purpose of the seminar: formation of ideas about the nature of legal behavior, the relationship between legality, legitimacy and legitimacy; clarification of the importance of legal behavior in the activity of a lawyer, in solving the actual problems of the formation of the rule of law in Ukraine.

Plan of the seminar session (2 hours):

1. Concepts, signs and types of legal behavior.
2. Concepts and signs of lawful behavior.
3. Criteria for the classification of lawful behavior.
4. The main types of lawful behavior: marginal, conformist, ordinary, socially active (principled).

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "legal behavior", "lawful behavior", "law abuse", "marginal behavior", "conformist behavior", "habitual behavior", "legal activity", "offense", "composition of the offense", "guilt", "subject of the offence", "object of the offence", "objective side of the offence", "subjective side of the offence", "objectively illegal act", "causes of offenses".

Practical task

Complete the following tasks in writing in the workbook.

1. Make a scale of the social value of the following four options of lawful behavior in the same, legally significant situation according to the nature of the dominant motives:

- a) fear of legal sanctions;
- b) uncritical perception of norms of behavior of others;
- c) positive habit;
- d) perceived moral solidarity with the prescriptions of legal norms.

Topic 29. Legal responsibility.

Keywords: responsibility, legal responsibility, principles of legal responsibility, functions of legal responsibility, constitutional-legal responsibility, administrative responsibility, civil-legal responsibility, disciplinary responsibility, material responsibility, criminal responsibility.

The purpose of the seminar: to reveal the essence of the concept of legal responsibility, to deepen and systematize knowledge about the types and principles of legal responsibility, the grounds for bringing legal responsibility and exemption from it. Familiarize yourself with a number of problematic provisions: the existence of positive and negative liability, classification by types, etc.

Plan of the seminar session (2 hours):

1. Concept and signs of legal responsibility.
2. Principles and functions of legal responsibility.
3. Grounds for legal liability and exemption from it.
4. Stages of legal responsibility.

5. Classification of legal responsibility.

Terminological task

Write down in a personal legal dictionary and learn the definitions of the concepts: "legal responsibility", "positive legal responsibility", "retrospective legal responsibility", "state coercion", "property legal responsibility", "civil legal responsibility", "criminal responsibility", "administrative and legal responsibility", "disciplinary responsibility", "purpose of legal responsibility", "exemption from legal responsibility".

Practical task

1. Draw up schemes of signs and types of legal responsibility.
2. To establish in which articles of the Code of Ukraine on Administrative Offenses the list of bodies establishing administrative responsibility is fixed, and to comment on the extent of their competence.

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

Key words: legal family, legal system, legal system, convergence of legal systems, divergence of legal systems, Romano-Germanic legal family, Anglo-Saxon legal family, legal family of religious law, Jewish law, canon law, Muslim law, Hindu law, legal family of traditional law, legal ideology, globalization.

The purpose of the seminar: to form a system of knowledge about: the concept and structure of the legal system; criteria for classification of legal systems; legal families of the modern world; the place of the legal system of Ukraine on the legal map of the world. To analyze the features of the main legal families of today and to understand the place of the legal system of Ukraine on the legal map of the world.

Plan of seminar class No. 1 (2 hours):

1. Concepts, signs and classification of modern legal families.
2. Concept and general characteristics of the legal system.

3. Correlation of the concepts "legal family", "legal system" and "legal system".
4. Concept and structure of the legal system.

Plan of seminar session No. 2 (2 hours):

1. Classification of modern legal systems.
2. Characteristics of the Romano-Germanic legal family.
3. Characteristics of the Anglo-American legal family.
4. Characteristics of the legal family of religious law.
5. General characteristics of the legal family of traditional law.

Terminological task

Write down the personal legal dictionary and learn the definitions of the concepts: "legal system", "national legal system", "legal family", "group of legal systems", "globalization", "transformation of legal systems".

Practical task

1. Make a diagram "Classification of legal systems" in a workbook.
2. Story role-playing game: "Advantages, disadvantages and processes of rapprochement of Anglo-Saxon and Romano-Germanic legal families."

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.
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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.

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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.

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