

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
WEST UKRAINIAN NATIONAL UNIVERSITY  
LAW FACULTY**

Approved

T.a. Dean of Faculty of Law  
Nadiia MOSKALYUK  
« 31 » 08 2023



Approved

A. vice-rector for scientific and pedagogical work  
Viktor OSTROVERKHOV  
« 31 » 08 2023



**Work program  
discipline**

**«History of the state and law of foreign countries and roman law»**

Higher education degree - bachelor  
Field of knowledge - 29 International relations  
Specialty - 293 International law  
Educational and professional program – «International law»

**Department of Theory and History of State and Law**

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training, CPIT	Student-self study	Total	Exam/Credit
Full- time	1	1	30	30	4	8	48	120	Exam

*31.08.2023*  
*[Signature]*

Ternopil – WUNU, 2023

The work program was developed on the basis of the educational and professional program for Bachelor's field of knowledge 29 International relations, specialty 293 International law (approved by the Academic Council of WUNU, Protocol No 10 from 23.06.2023).

The working program was compiled by the doctor of historical sciences, professor, professor of the Department of Theory and History of the State and Law Andriy HRUBINKO

The work program was considered and approved at the meeting of the Department of Theory and History of State and Law, Protocol No. 1 dated 30.08.2023.

A. Head of Department



Natalia CHUDYK

Considered and approved by the Support group of specialty 293 International law, Protocol No. 1 dated August 31, 2023.

Head of the SGS



Yaryna ZHUKORSKA

Guarantor of EP

Liudmyla SAVANETS

## 1. The structure of Syllabus of discipline “History of state and law of foreign countries and Roman law”

Discipline – “History of state and law of foreign countries and Roman law”	Direction, profession, education level	Description of educational discipline
Number of credits of ECTS – 4	Branch of knowledge 29 International relations	Regulatory discipline cycle training. Language: English
Number of credits modules – 4	Major – 293 International law	Year of preparation – 1 Semester – 1
Number of credits modules – 2	Educationally qualification a level – Bachelor	Lectures – 30 Practical classes – 30
Total hours – 120		Student-self study – 48 hours, Training, CPIT – 8 hours individual work - 4
Week’s hours: daily from of studies – 7 hours, from them in audience – 4		Type of final control – exam.

## 2. The aim and tasks for study discipline

### 2.1. The purpose of the discipline

The course is aimed at cognition regularities of evolution of state and law of foreign countries and Roman law, study experience in the application of state legal instruments and legal technologies generated in the past and historically determined objective social processes, its use in modern state-legal systems in foreign countries.

### 2.2. Tasks of discipline

- contribute to a broader General training of students on issues and problems of history of state and law of Ukraine and foreign countries, the development of legal philosophy, is essential for the absorption and application of law in practice;
- creation of prerequisites for better absorption of such disciplines as “Theory of state and law, History of political and legal doctrines”, sectoral and cross-cutting themes;
- the formation of a scientific Outlook on the state-the legal processes occurring in the world;
- acquainted with the best achievements of the legislative art and law creation of States and peoples, eminent personalities in different historical periods;
- students the mastery of Roman legal terminology.

As a result of studying the academic discipline, the student should

#### know:

- methods of observation, description, analysis and evaluation of the effectiveness of legal systems;
- basic legal terminology and the specific terminology of the discipline, contemporary approaches to the development of state and law;
- modern views on the principles of harmonious development of jurisprudence;
- historical and legal features of the development of state and law at different historical stages in key regions and civilizations of the world;
- key trends the main forms of law and state and their influence on modern political and legal picture of the world;

- the content of the main sources of law characteristic of different historical periods, regions, States of the world;
- general patterns and specific features of development of legal systems, industries and institutions of law on the basis of chronological and region-specific guidelines;
- the background and Genesis of the Roman private law;
- the essence of the fundamental concepts and structures of the Roman private law;
- the contents of the main institutions of Roman private law.

**be able:**

- creative and to think systemically, to understand the reasons and mechanisms of occurrence, formation and development of conditions to ensure the stability of the state legal systems in different socio-economic, political, social, and cultural environments;
- work systematically on information of historical and legal content;
- to apply adequate research methods and to generate models of the processes of lawmaking and law enforcement in certain state legal systems in their historical development;
- understand and show the relationship, the development and contradictions of the phenomena of reality;
- be able to create a program of study and to implement its functional structure and dynamics of historical and legal processes and forecasting their development;
- be able to apply the evaluation criteria compliance with state legal systems the nature of socio-economic, political, socio- and ethno-cultural and religious state of society at a certain historical stage of development of civilization;
- to use professionally profiled knowledge for modeling legal systems;
- to use theoretical knowledge and practical skills for their application in the field of law;
- to carry out professional research and educational activity in the sphere of historical and legal knowledge.

**2.3. The name and description of competences, forming of which provide the study of discipline:**

- GC 8. Ability to preserve and improve moral, cultural, scientific values and achievements of society based on the understanding of the history and patterns of development of the subject area, its place in the general system of knowledge about nature and society and in the development of society, technology and technology, to use different types and forms of physical activity for active recreation and healthy lifestyle.

**2.4. Prerequisites for the study of discipline**

Study of the discipline "Theory of Law".

**2.5. Program learning outcomes:**

- LO 1. Know and understand the basics of state foreign policy, the nature and dynamics of international relations, international cooperation at the universal and regional levels, identify the legal status of subjects of international relations and the nature of interaction between them;
- LO 2. To understand the historical context of the formation of international legal norms and institutions, the values underlying them, to predict the main directions of development of international and national law;
- LO 17. To have a high level of legal awareness and legal culture, to foresee the consequences of legally significant actions and decisions for individuals, society and the state.

### **3. Program of the discipline**

#### **Content module 1. History of the state and law of the World**

##### **Topic 1. Introductory lecture. Subject, tasks, methodology of science and academic discipline**

The subject and objectives of the history of the state and the law of foreign countries.

The place of the discipline "History of the state and law of foreign countries" in the system of legal disciplines.

History of formation and methodology of science and academic discipline. The emergence and development of the general history of state and law. Historical, sociological school of law. Marxism. Soviet school of history of law. Domestic studies of the history of law.

Periodization of the history of the state and law. Formational, civilizational, stage, polylinear, civilizational discrete approaches to periodization. Western and Eastern civilizations. Sources of study of the discipline.

##### **Topic 2. State and law of the Ancient East**

Statehood in the countries of the Ancient East: historical preconditions of formation and periods of development. The process of state formation in Ancient Egypt, Babylon, India, China.

Economic characteristics and social structure of ancient Eastern societies. Class system in the countries of the Ancient East. The caste system of ancient China. Varna of Ancient India. Features of ancient Eastern slavery.

The concept of Eastern despotism, its main features and characteristics. The structure of the state mechanism of the ancient eastern states.

Sources and features of ancient Eastern law. Basic codifications. Laws of King Hammurabi, Laws of Manu, Arthashastra. Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

##### **Topic 3. State and law of Ancient Greece**

The emergence of polis organization of society and the state. Their socio-economic characteristics.

Development of the social structure and state mechanism of the Republic of Athens. Slavery. Theseus reforms. Laws of the Dragon. Amendments to the legislation by Solon. Reforms of Cleisthenes, Ephialtes and Pericles.

Formation of statehood in ancient Sparta. Authorities and their functions. State reforms.

Sources and main features of the law of the ancient Greek states. Legal system in Athens. Sources and main features of Athenian law. Sources and main features of the law of Sparta. Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

##### **Topic 4. The state in Ancient Rome**

Formation of statehood in ancient Rome. Periodization of the history of the Roman state. The struggle of patricians and plebeians. Reforms of Servius Tullius. The emergence of the Roman state.

The state mechanism of Rome during the republic. Transformations of social structure. Slavery. Legal status of the population. Development of slavery. Centurion meeting. Senate. Magistracy. Troops.

Changes in the state system in Rome at the stage of transition from republic to empire. Exacerbation of social and class contradictions in the II - I centuries. B.C. Legislation of the Gracchi. Sully's dictatorship. The first and second triumvirate.

The form of the state in ancient Rome in periods of principality and domination. Social and state system of Rome during the empire. Decline of republican institutions. Provincial Administration. Army and Praetorian Guard. Diocletian's reforms. Evolution of the state mechanism of the empire. The division of the empire into Western and Eastern. The fall of the Western Roman Empire.

Roman law: the main stages of development and sources.

##### **Topic 5. Medieval state and law of Western Europe**

Characteristics of feudalism. The meaning of the terms "Middle Ages" and "feudalism". Features and forms of feudal land ownership. Differences between Western and Eastern models of

feudalism. Political organization of feudal society. Periodization of the Middle Ages in Western Europe.

Formation of early feudal statehood in Western Europe. State of the Franks. Characteristics, sources and institutions of feudal law. "Salic truth". Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

Establishment of feudal relations in Western Europe in the X - XII centuries. Changes in social structure. Formation of states. The relationship of suzerainty-vassality. Strengthening royal power. Formation of the French state. Paris Parliament. Reforms of Henry II in England.

Estate-representative monarchy in England and France. Changes in central and local government. Grand Charter of Liberties 1215 English Parliament. French States General.

Development of the medieval state in Germany. Princely absolutism. "The Holy Roman Empire of the German Nation." Board of Electors. "Golden Bull" 1356 Reichstag. Landtags.

Absolute monarchy in Western Europe. Prerequisites for the emergence of absolutism. Central and local apparatus in an absolute monarchy. Classical absolutism of France, the incomplete nature of absolutism in England.

Sources and institutions of feudal law. Legal customs. Reception of Roman law. Royal legislation and legislative practice of parliament. Canon law. City (Magdeburg) law. Trade law. "Common law" and "law of justice" in England. Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

### **Topic 6. Medieval state and law of Byzantium and Russia**

State in Byzantium: periods of development, socio-economic characteristics. Development of feudal relations. State mechanism. Central and local government. Imperial power. Sources and features of Byzantine law. Imperial legislation. Eclogue. Agricultural law. Maritime law. Military law. Prochiron. Epanagogue. Cornflowers. Novels. Private legal collections. Church law. Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

State and law of the southern and western Slavs. The schedule of the primitive communal system and the formation of feudal relations. Formation of tribal alliances- proto-states. First and Second Bulgarian Kingdoms. "The law of the people." Feudal state of Serbs, Croats and Slovenes. "Lawyer Stefan Dusan". Early feudal and estate-representative monarchy in Poland. "Noble Republic". Diet and Diet. Neshav statutes. Constitution of 1791. The emergence and development of the Czech feudal state and law.

State and law of the Moscow principality at the stage of "gathering Russian lands". Social structure and state mechanism of the Grand Duchy of Moscow. Types and nature of feudal dependence. Sources of law: customs, "Russian Truth" and its later editions, Byzantine sources of canon law, princely legislation, approved by the National Assembly Sudebniki (Novgorod and Pskov). Sudebnik 1497 p. Legal regulation of property. Marital and family relations. Crime and punishment. Proceedings.

Moscow state during the estate-representative monarchy. The growth of the rights of the nobility. The final enslavement of the peasantry. The state mechanism of the Moscow kingdom. Strengthening the power of the monarch. Local government reforms Local government reforms. Cathedral Code 1649 p.

Absolute monarchy in Russia. State and law of the Russian Empire (second half of the seventeenth - eighteenth centuries.). Changes in social structure. Formation of the empire. Reforming the central and local government. Reforms of Peter I. Legal regulation of property. Marital and family relations. Criminal Law. Judiciary and litigation.

## **Content module 2. Roman Private Law**

### **Topic 7. State and law of England in the XVII – XIX centuries**

Bourgeois revolution of the XVII century. in England, its features and main stages. Long parliament. Civil war and the proclamation of the republic. Cromwell Protectorate. Restoration of the Stuarts. Tories and Whigs. Coup d'etat ("Glorious Revolution") 1688 p. and its place in the history of the English state.

Legislation of the English Revolution. Changes in the legal system. "Great Demonstration" in 1641. "Tools" 1653 p. Agrarian and social legislation.

Formation of a constitutional monarchy. "Brady Declaration" of 1660, "Habeas corpus act" of 1679, "Bill of Rights" of 1689 p. and "Act of Succession" 1701 p. Development of the constitutional monarchy and parliamentarism in the XVIII - XIX centuries. Establishment of the Cabinet of Ministers. Electoral reforms of 1832, 1867, 1884 - 1885 pp. Conservatives and liberals. Weakening of royal power. Strengthening the role of the Cabinet.

Changes in the law of England in the eighteenth - nineteenth centuries. Sources of law. Civil and family law. Formation of labor law as an industry. Criminal law and process.

#### **Topic 8. State and law of the United States in the XVIII – XIX centuries**

The War of Independence in North America and the formation of the United States. Features of the American Revolution. Declaration of Independence 1776 p.

Development and adoption of the US Constitution. Articles of Confederation 1781 p. US Constitution 1787 p. Bill of Rights 1791

The form of the US state. Formation of the state mechanism and political system. Congress. President. US Supreme Court.

The struggle between North and South. Civil War 1851 - 1865 pp. and its consequences. Amendments to the Constitution. "Reconstruction of the South".

Features of US law. Sources and basic legal institutions. Reception of English "common law". Civil law. Antitrust (antitrust) legislation. The emergence of labor and environmental law as new branches of law. Family law. Criminal law and process. Stages of the criminal process.

#### **Topic 9. State and law of France in the XVII - XIX centuries**

Revolution of the XVIII century. in France, its causes and main stages. Constituent Assembly. Declaration of the Rights of Man and of the Citizen 1789 p. Constitution of 1791 p. National Convention. Elimination of the monarchy and the proclamation of the republic. Jacobin dictatorship 1793 p. Revolutionary government of the Jacobin dictatorship. Convention and its committees: public salvation and public safety. Revolutionary Tribunal. Socio-economic measures of the Jacobins.

Counter-revolutionary coup of 9 Thermidors. Constitution of 1795 p. Directory. Napoleon Bonaparte's 18th coup d'etat. Consulate. Napoleon I. Empire created a centralized state apparatus. The fall of the empire of Napoleon Bonaparte.

The law of the empire of Napoleon Bonaparte. Napoleon's Code of 1804 (Civil Code). Commercial Code of 1807. Criminal Code of 1810. Criminal Procedure Code of 1808.

Restoration of Bourbons. Charter of 1814. July Revolution and Charter of 1830 p. Revolution of 1848 p. Constitution of 1848 p. Coup d'etat of 1851. Board of Louis Bonaparte. Constitution of 1852 p. The Second Empire. Bonapartism regime. Proletarian Revolution March 18, 1871 p. and the formation of the Paris Commune. State mechanism and legislation of the Paris Commune.

Formation of the Third Republic in France. Constitutional laws of 1875 p.

#### **Topic 10. State and law of Germany in the XIX century**

The development of German statehood in the first half of the nineteenth century. The German Union of 1815. The constitutions of the German states were decreed. Customs Union of 1833

Revolution of 1848 - 1849. Prussian Constitution of 1850

Reunification of Germany. North German Union 1866 Imperial Constitution 1871 State mechanism of the German Empire. Emperor. Chancellor. Reichstag and Bundesrat.

The law of the German Empire. German Civil Code. Commercial Code of 1897. Criminal Code of 1870. Code of Criminal Procedure of 1877. Judicial system. Establishment of the prosecutor's office and the bar.

#### **Topic 11. Development of the state and law in European countries, USA and Japan in the XX – early XXI century**

General trends in the development of the state and law of Western Europe, the United States and Japan in modern times. The transition of capitalist relations to the phase of monopoly capitalism. Changing the functions and mechanisms of the state. Formation of the welfare state and civil society.

Globalization and its impact on the development of the state and law. Changes in the sources of law, the development of its traditional and new branches.

Development of the state in the United States, England and France in the interwar period (1918 - 1940). Development of state-monopoly capitalism. Strengthening the executive branch. "New Deal" by US President T. Roosevelt. Political reforms in England. Political instability in France and growing pro-fascist sentiment. Legislation of the Government of the Popular Front in 1936

Establishment and functioning of totalitarian state regimes in Germany, Italy and Japan. Revolution in Germany in November 1918 p. Weimar Constitution 1919 p. Establishment of a fascist dictatorship. The form of government in Italy after the First World War. Establishment of a fascist dictatorship. Meiji Revolution 1868 p. in Japan and the reforms of the 70-80's pp. Constitution of 1889 p. Establishment of a colonial empire and the establishment of a Nazi dictatorship in Japan.

The development of the state in Western Europe, the United States and Japan in the second half of the XX - early XXI century. Further increase in the powers of the executive branch. Democratization of suffrage. The growth of the bureaucracy. Weakening of the monarchy in England and changes in the party-political structure. Constitutional reforms of the Blair Labor governments (1997-2007). Organization of law enforcement agencies of England. France in World War II. State mechanism under the constitutions of the Fourth (1946) and Fifth (1958) republics. Formation of Germany. Bonn Constitution of 1949. Unification of Germany. Changes in the political system and form of government in the United States. Form of state in Japan under the Constitution of 1947

Specific features of the development of law in Western Europe, the United States and Japan in modern times. Development of private law and process. Contract law. Humanization of marriage and family legislation. Development of labor and social legislation. Environmental law. Changes in criminal law and process.

#### **Topic 12. Subjects of private law (persons)**

Purpose: to highlight the legal status and types of legal entities and to characterize the legal status of certain segments of the population.

Questions for discussion

1. The concept of person (subjects of law): legal status, types.
2. Legal capacity and capacity of individuals.
3. Legal status of certain categories of the population:
  - a) Roman citizens;
  - b) Latin and Peregrine;
  - c) freedmen and slaves;
  - d) columns.
4. The concept of legal entity and its legal features.

#### **Topic 13. The doctrine of lawsuit (protection of subjective rights)**

Purpose: to study the origins and genesis of the state court, to reveal the concepts and features of the Roman civil process.

Questions for discussion

1. The emergence of a state court. The concept and features of the Roman civil process.
2. Types of civil proceedings:
  - 2.1 legislation;
  - 2.2 form;
  - 2.3 extraordinary.
3. Special means of praetorian protection of citizens' rights.
4. The concept and types of claims.
5. The concept of statute of limitations. The beginning of the course, break and cessation of the statute of limitations.

#### **Topic 14. Family relationships**

Purpose: to analyze family law under Roman civil law.

Questions for discussion

1. The concept of family and family law. Agnat and cognate family.



2. Marriage and its types.
3. Conditions of marriage, the order of its conclusion and dissolution.
4. Personal and property relations between spouses.
5. Legal relations of parents and children:
  - 5.1 parental authority;
  - 5.2 mother-child relationship.
6. Guardianship and care.

#### **Topic 15. Things law**

Purpose: to characterize property law; to reveal the essence of the concept of possession, property rights, rights to other people's things; to cover the claims that protected property in Rome.

Questions for discussion

1. The concept of things, their division into genus and species.
2. The concept and types of ownership. Protection of property.
3. The concept of property rights. Content of property rights.
4. Acquisition and loss of property rights. The right of joint ownership.
5. Characteristics of lawsuits that protected property in Rome.
6. The concept and types of rights to other people's things. Easements and their types.
7. Pledge and its forms.

#### **4. Structure of a credit in an educational discipline**

##### **Full-time**

№	Topic	Number of hours					Control measures
		Lectures	Seminars	Student-self study	Individual work	Training, CPIT	
<b>Content module 1</b>							
1.	Topic 1. Introductory lecture. Subject, tasks, methodology of science and academic discipline	2	2	3			Tests, questions
2.	Topic 2. State and law of the Ancient East	2	2	3			Tests, questions
3.	Topic 3. State and law of Ancient Greece	2	2	3	1	4	Tests, questions, cases
4.	Topic 4. The state in Ancient Rome	2	2	3			Tests, questions
5.	Topic 5. Medieval state and law of Western Europe	2	2	3	1		Tests, questions
6.	Topic 6. Medieval state and law of Byzantium and Russia	2	2	3			Modular control work
<b>Content module 2</b>							
7.	Topic 7. State and law of England in the XVII – XIX centuries	2	2	3			Tests, questions, cases

8.	Topic 8. State and law of the United States in the XVIII – XIX centuries	2	2	3		4	Tests, questions, cases
9.	Topic 9. State and law of France in the XVII – XIX centuries	2	2	3	1		Tests, questions, cases
10.	Topic 10. State and law of Germany in the XIX century	2	2	3			Tests, questions, essay
11.	Topic 11. Development of the state and law in European countries, USA and Japan in the XX – early XXI century	2	2	3			Tests, questions, essay
12.	Topic 12. Subjects of private law (persons)	2	2	3			Tests, questions, cases
13.	Topic 13. The doctrine of lawsuit (protection of subjective rights)	2	2	4	1		Tests, questions, cases
14.	Topic 14. Family relationships	2	2	4			Tests, questions, cases
15.	Topic 15. Things law	2	2	4			Modular control work
	<b>Total</b>	<b>30</b>	<b>30</b>	<b>48</b>	<b>4</b>	<b>8</b>	

## 5. Topics of practical classes on the discipline

Practical classes are aimed at deepening students' theoretical knowledge and acquiring the necessary practical skills for solving specific practical situations, working with regulatory acts and their application.

Preparation for practical classes consists in the study of theoretical material, current legislation, and familiarization with special scientific literature on the subject of the class. In order to check the level of assimilation of the material, it is necessary to answer control questions and complete practical tasks.

An important form of deepening knowledge of private international law is the preparation of abstract reports by students on problematic issues of the course, their listening and discussion in classes.

### Practical class № 1

#### Topic: The main features of state and legal development of the Ancient East

Purpose: to consider the features of state and legal development of the Ancient East.

Questions for discussion

1. The social structure of ancient Eastern societies. Features of ancient Eastern slavery.
2. The structure of the state mechanism of the ancient Eastern states.
3. Sources of law of the Ancient East.
4. Laws of King Hammurabi: as a source of ancient Eastern law: a) legal regulation of property; b) marital and family relations; c) crime and punishment; d) legal proceedings.

5. Laws of Manu as a collection of ethical and moral norms of ancient India: a) legal regulation of property; b) marital and family relations; c) crime and punishment; d) legal proceedings.

### **Practical class № 2**

#### **Topic: The development of statehood in ancient Greece. Sources and main features of ancient Greek law**

Objective: to consider the peculiarities of the development of statehood and legal systems in the key cities-policies of ancient Greece.

Questions for discussion

1. Features of the social structure and state mechanism of the Republic of Athens.
2. State reforms in Athens. Theseus, Solon, Cleisthenes, Pericles.
3. Characteristics of the state in ancient Sparta.
4. Sources and main features of the law of the ancient Greek states. The law of Athens: a) legal regulation of property; b) marital and family relations; c) crime and punishment; d) legal proceedings.

### **Practical class № 3**

#### **Topic: Periods of development, forms and basic institutions of the ancient Roman state**

Purpose: to identify and characterize the peculiarities of the formation and development of the form of the state of ancient Rome.

Questions for discussion

1. Periods of state development in ancient Rome. The structure of ancient Roman society.
2. The state mechanism of tsarist Rome.
3. Social structure and form of the state of the period of the ancient Roman republic.
4. Social structure, change of forms of the state and the state mechanism of imperial Rome.

### **Practical class № 4**

#### **Topic: State and law of Western Europe at the stage of developed feudalism**

Objective: To analyze the characteristics of the development of the feudal state and law in the leading countries of Western Europe. Get acquainted with the leading monuments of Western European feudal law.

Questions for discussion

1. The formation of a class-representative monarchy in England. The Great Charter of Freedoms of 1215, its content and assessment. English Parliament.
2. Features of princely absolutism in Germany. Golden Bull of 1356: its content and significance.
3. Typology of absolute monarchy in the states of Western Europe: a comparative description.
4. Sources of law in feudal Europe.
5. "Saxon Mirror" - a monument of feudal law.
6. Characteristics of medieval criminal law in the collection "Carolina".

### **Practical class № 5**

#### **Topic: The law of the feudal state in Russia**

Purpose: to characterize the peculiarities of the development of the feudal state and law in Russia.

Questions for discussion

1. The social structure of the Moscow principality.
2. Sources of law of the Grand Duchy of Moscow. Sudebnik 1497 p. : a) legal regulation of property; b) marital and family relations; c) crime and punishment; d) trial and trial.
3. Conciliar Act of 1649: a) legal regulation of property; b) marital and family relations; c) crime and punishment; d) trial and trial. The final enslavement of the peasantry.
4. Legislation of the Russian Empire. Reforms of Peter I. The legal status of various segments of society.

### **Practical class № 6**

#### **Topic: The law of England of the revolutionary period**

Purpose: to consider the nature, stages and consequences of the English Revolution for the development of the state and law of England.

Questions for discussion

1. The causes, stages and features of the English bourgeois revolution of the XVII century.
2. Legislation of the English Revolution: a) "Great Remonstrance" in 1641; b) Navigation Act 1651 p.; c) Toleration Act 1653 p.; d) Habeas corpus act 1679 p.
3. Agrarian and social legislation of the English Revolution.
4. "Glorious Revolution" 1688 pp. And its state and legal consequences. "The Bill of Rights" 1689 p. "Act of Succession" 1701 p.

### **Practical class № 7**

#### **Topic: Constitutional and legal development of the United States at the stage of state formation**

Purpose: to analyze the peculiarities of the formation and development of the state and US law at the stage of state formation.

Questions for discussion

1. Prerequisites for the adoption and content of the Declaration of Independence of the United States.
2. Articles of the Confederation 1781 p., Their characteristics.
3. The form of government in the United States under the Constitution of 1787
4. Bill of Rights in 1791, its legal characteristics.
5. Legal consequences of the US Civil War.

### **Practical class № 8**

#### **Topic: French law of the late eighteenth - nineteenth centuries.**

Purpose: to analyze the features of political and legal development of France at the stage of the French Revolution and the establishment of the French Republic.

Questions for discussion

1. Legislation of the first stage of the French Revolution: the Declaration of the Rights of Man and of the Citizen of 1789. Constitution of 1791, other laws.
2. Legislation of the Jacobin dictatorship: a) agrarian legislation; b) Declaration of Human and Civil Rights; c) The Constitution of 1793
3. Constitutions of 1795 and 1799. Consulate.
4. Napoleon's Code (Civil Code) of 1804: structure, content, characteristics.
5. Features of the state in France after the fall of the empire of Napoleon Bonaparte. Constitution of the Third Republic of 1875

### **Practical class № 9-10**

#### **Topic: Features of the development of law in Western Europe, the United States and Japan in the XX-XXI centuries.**

Purpose: to consider general and specific trends in the development of state and law in Europe, the United States and Japan in the XX-XXI centuries.

Questions for discussion

1. Changes in the sources of law of the continental and Anglo-Saxon legal systems. The emergence of new branches of law.
2. New course legislation in the United States.
3. Weimar Constitution of 1919
4. Legislation and punitive and repressive system of fascist regimes in Germany and Italy.
5. Constitutional and legal reforms in the UK.
6. Postwar development of Germany. Constitution of Germany in 1949

7. State mechanism under the constitutions of the Fourth (1946) and Fifth (1958) republics in France.
8. The form of government in Japan under the Constitution of 1947
9. General and specific features of the development of the law of the continental and Anglo-Saxon legal systems: a) sources and basic institutions of private law; b) marriage and family law; c) labor and social legislation; d) development of environmental law; e) changes in criminal law and process; f) the system of judicial and law enforcement agencies.

#### **Practical class № 11**

##### **Topic: The concept and subject, system, stages of development of Roman law. Sources of Roman civil law**

Purpose: to reveal the scientific and methodological principles of the course, system, stages, reception and importance of Roman law in the preparation of future lawyers.

Questions for discussion

1. The concept, the subject of Roman civil law: socio-cultural and historical preconditions of formation, the role in the history of law.
2. Criteria for the division of Roman law into public and private. The system of Roman civil law and its components. Stages of development of Roman law.
3. Reception of Roman law in Europe and Ukraine.
4. The concept of sources of Roman law. Types (forms of law) of sources of Roman law:
  4. 1 custom and customary law;
  4. 2 laws and the general procedure for their publication;
  4. 3 the right of peoples;
  4. 4 praetorian law;
  4. 5 edicts of magistrates;
  4. 6 activities of Roman lawyers;
  4. 7 resolutions of the Senate;
  4. 8 imperial constitutions and their codification.
5. Codifications of Roman law (codification of Justinian). Components of the Justinian Code of Civil Law (Corpus jus civilis) and their characteristics. Digest. Code. Institutions. Novels.
6. The importance of Roman civil law and the purpose of its study by modern lawyers.

#### **Practical class № 12**

##### **Topic: Subjects of private law (persons)**

Purpose: to highlight the legal status and types of legal entities and to characterize the legal status of certain segments of the population.

Questions for discussion

1. The concept of person (subjects of law): legal status, types.
2. Legal capacity and capacity of individuals.
3. Legal status of certain categories of the population:
  - a) Roman citizens;
  - b) Latin and Peregrine;
  - c) freedmen and slaves;
  - d) columns.
4. The concept of legal entity and its legal features.

#### **Practical class № 13**

##### **Topic: The doctrine of lawsuit (protection of subjective rights)**

Purpose: to study the origins and genesis of the state court, to reveal the concepts and features of the Roman civil process.

Questions for discussion

1. The emergence of a state court. The concept and features of the Roman civil process.
2. Types of civil proceedings:

- 2.1 legislation;
- 2.2 form;
- 2.3 extraordinary.
3. Special means of praetorian protection of citizens' rights.
4. The concept and types of claims.
5. The concept of statute of limitations. The beginning of the course, break and cessation of the statute of limitations.

#### **Practical class № 14**

##### **Topic: Family relationships**

Purpose: to analyze family law under Roman civil law.

Questions for discussion

1. The concept of family and family law. Agnat and cognate family.
2. Marriage and its types.
3. Conditions of marriage, the order of its conclusion and dissolution.
4. Personal and property relations between spouses.
5. Legal relations of parents and children:
  - 5.1 parental authority;
  - 5.2 mother-child relationship.
6. Guardianship and care.

#### **Practical class № 15**

##### **Topic: Things law**

Purpose: to characterize property law; to reveal the essence of the concept of possession, property rights, rights to other people's things; to cover the claims that protected property in Rome.

Questions for discussion

1. The concept of things, their division into genus and species.
2. The concept and types of ownership. Protection of property.
3. The concept of property rights. Content of property rights.
4. Acquisition and loss of property rights. The right of joint ownership.
5. Characteristics of lawsuits that protected property in Rome.
6. The concept and types of rights to other people's things. Easements and their types.
7. Pledge and its forms.

### **6. Complex practical individual task (CPIT)**

Complex practical individual task (CPIT) in the discipline "History of State and Law of Foreign Countries and Roman Law" is performed independently by each student in the form of research of individual practical problems of social organization and state-legal systems of countries and regions of the world, Roman private law based on independent analysis texts of relevant monuments of law and current regulations, solving practical problems.

The purpose of CPIT is to master the skills of researching the main problems and sources of statehood and law of the world, in particular, Ancient Rome, which are studied in the course of the history of the state and the law of foreign countries. CPIT options are provided in a separate workbook of the discipline, which is attached to the work program.

CPIT is performed independently by each student with strict adherence to guidelines. CPIT is divided into options, each of which includes two tasks, which are:

- first, cover the key theoretical issues of the thematic blocks of the course (ie, each task corresponds to the list of topics provided by the relevant content module. This in turn provides end-to-end control of individual student work during the study of the discipline), corresponding to credit modules;

- secondly, they provide creative practical tasks for solving problems, which in turn stimulates the student to work with the sources of Roman private law, without which the effective mastering of the discipline is not possible.

Rules for choosing a variant of tasks, implementation and protection of CPIT results:

- the student chooses one variant of the task for each credit module from the offered list according to the serial number in the list of students of group;

- unauthorized change of the option number and type of task or their incorrect indication in the workbook has the consequence of not enrolling in the relevant credit module and non-admission to the exam;

- the student performs CPIT during the semester;

- the student is obliged to provide the teacher with reports on the implementation of the tasks of CPIT according to the schedule and timely submit a final workbook CPIT with all completed tasks and protection of the results of their implementation;

- the structure of the workbook, which the student hands over to the teacher for assessment, includes:

- 1) title page; 2) completed tasks.

CPIT covers all topics of the discipline. CPIT workbook is attached.

## **7. Student-self study on the discipline**

Student-self-study is the main way for students to learn educational material outside of classroom time without the participation of a teacher. The scope and content of independent work is determined by the work program and work plan within the established amount of hours from the academic discipline, methodical instructions of the teacher. The student's independent work is provided by a system of educational and methodological tools: notes of the teacher's lectures, textbooks, educational and methodical guides, monographic literature and periodicals, as well as self-monitoring tools (tests, situational tasks). Students have the opportunity to study the educational material independently in the library, classrooms and computer classrooms using the Internet, as well as at home (when receiving the appropriate package of educational and methodological literature).

1. Origins and sources of ancient Eastern law. Laws of King Hammurabi.
2. Social order and legal relations in Ancient Egypt and China.
3. Social and state system of the Republic of Athens. The law of the Athenian polis.
4. The reasons for the decline of the Roman state. The role of Roman lawyers in the development of law.
5. Estate-representative and absolute monarchy in England, France and Germany.
6. Feudal law, its sources and types.
7. The judicial system of feudal England.
8. Judiciary in Medieval Germany.
9. Formation and development of the state and law of the Byzantine Empire.
10. Characteristics of Justinian's Novel.
11. Feudal state of the Southern and Western Slavs.
12. Formation of a centralized Russian state. The main features of Russian law in the era of absolutism.
13. Features of n absolutism.
14. Formation and development of the state in the Arabs. Arab caliphate. Sharia.
15. Medieval state and law in Japan.
16. Formation of a constitutional monarchy in England.
17. The Constitution of the United States of 1787 and the Bill of Rights of 1791. The system of government of the United States.
18. The bourgeois revolution of the eighteenth century. in France and its main stages.
19. Legislation of the French Revolution. Napoleon's Codes.

20. The Second Empire in France (1852-1870).
21. Formation of the Third Republic in France. Constitution of 1875
22. Unification of Germany. Imperial Constitution of 1871. The state system of the German Empire.
23. The bourgeois revolution in Japan in 1858, the restoration of the Meiji and the reforms of 1870-80's.
24. The main changes in the state mechanism of Great Britain in the XX - early XXI century.
25. Constitution of 1946. State system of the Fourth Republic. The fifth republic in France.
26. Weimar Constitution of 1919. Establishment of the fascist dictatorship in Germany. Political regime and mechanisms of the fascist dictatorship.
27. Changes in the sources and system of law in the twentieth century. The emergence of new branches of law. Update of legislation.
28. Constitution of Japan in 1946. Development of the state system and party system.
29. Formation of nation-states in Hungary, Czechoslovakia in the interwar period. Revival of the Polish state.
30. Democratic revolutions of 1989–1990. Dismantling of the administrative-bureaucratic system of government. Defining trends in the development of the state and law of post-totalitarian countries in the late twentieth century.
31. Roman private law and civil law of Ukraine.
32. Features of the reception of Roman legal law in Ukraine.
33. Law-making and judicial activity of Sentimius Severus.
34. Stages of development of the Roman state and law.
35. The position of women in Roman marriage.
36. Legal relations of spouses.
37. Legal relations of spouses.
38. Parental authority. Adoption and legalization.
39. The concept of litigation in ancient Rome.
40. The concept of protection of civil law under Roman law of the classical and postclassical period.
41. Representation in Roman law.
42. The emergence and development of the institution of property rights in ancient Rome.
43. Protection of rights to other people's things.
44. The right of joint ownership.
45. Securing contracts: general characteristics.
46. Contracts as a basis for obligations.
47. The concept of collateral in Roman and modern civil law.
48. The concept and historical forms of the will in Rome.
49. Inheritance of Justinian's reforms.
50. The main stages of development of private law in the Roman state.
51. Reception of Roman law.
52. Sources of law of Roman law.
53. The concept and types of family in Rome.
54. Legal relations of spouses.
55. The concept of personality and its legal capacity.
56. Entities. Emergence and termination of legal entities.
57. Guardianship and care of the person.
58. The difference between the legal status of Roman citizens from the legal status of Latins, Peregrines.
59. Comparative analysis of property and contract law.
60. The concept and types of ownership.
61. The emergence and development of the institution of property rights in ancient Rome ..
62. Types of property rights.
63. Easements: concepts and types.
64. Emphyteusis and superficies.



65. The concept of contracts, the history of their development.
66. Classification of contracts.
67. Terms of validity of contracts.
68. Concluding contracts.
69. Pacts and their types.
70. Doing other people's business without a power of attorney.
71. Liabilities for unjust enrichment.
72. Concepts and types of quasi-torts.
73. The concept of torts.
74. The main stages of development of Roman inheritance law.

### **8. Training on the discipline**

Training (eng *of training*) is the pre-arranged process of modification (changes) of relation, knowledge or skills of that, who studies, through acquisition of educational experience in order to attain effective implementation in one type of activity or in certain industry. Training from discipline "History of the state and law for foreign countries and Roman law" plugs combination of methods of colloquium and discussion of students in academic groups at participation of teacher with the aim of deep study of themes of discipline, which came into question a less measure on seminar employments and taken away as priority on the independent working (see a list higher). A training aim is systematization of knowledge of students from discipline with the aim of increase of the productivity of preparation to the stowage to examination.

Recommended order of preparation of student to training of seminar: a 1) independent working of corresponding divisions of educational literature (textbooks, manuals); 2) direct prosecution of original source (using reading-books, self-controls in textbooks, Internet). The special value is folded by the independent conclusions of student, done to them as a result of analysis and comparison of separate legal materials, exposure of general state and law progress of separate countries trends. A large help the records of the preliminary listened lectures and study of additional literature, both historical and law can render in the correct understanding of original sources, that extends material of separate divisions of textbook (monographs, scientific publications and others like that).

Training is conducted at the end of semester on separate employment. On results training a teacher does a result about the level of mastering of material of themes of discipline, taken away on the independent working students.

### **9. Assessment tools and methods of demonstration of learning results**

In the process of studying of the discipline the followings methods of evaluation of educational work of student are used:

- standardized tests;
- current survey;
- credit module testing and survey;
- evaluation of the results of CPIT;
- student presentations and performances at scientific events;
- rector's control work;
- exam;
- other types of individual and group tasks.

### **10. Criteria, forms of current and final control**

Final mark (100-ball by a scale) from the discipline is determined as a middle waging size depending on specific gravity of every constituent of test credit:

Credit module 1	Credit module 2	Credit module 3	Writing Exam	Total
20	20	20	40	100%
Oral survey during	Oral survey during	Preparation of	Theoretical	

classes (1-6 topic) – 5 points per topic – max. 30 points. Modular control work – max. 70 points	classes (7-15 topic) – 5 points per topic – max. 45 points. Modular control work – max. 55 points	CPIT – max. 40 points. Protection of CPIT – max. 40 points. Participation in trainings – max. 20 points	questions (2 questions) – max. 60 points. Case (1 case) – max. 40 points
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**Rating scale:**

On the scale of university	On the national scale	One the ECTS scale
90-100	Excellent	A (excellent)
85-89	Good	B (very good)
75-84		C (good)
65-74	Satisfactory	D (satisfactory)
60-74		E (enough)
35-59	Non-satisfactory	FX (non- satisfactory with possibility of repeated passing)
1-34		F (non-satisfactory with repeated course of lectures)

**11. Instruments, equipment and software that use the discipline provided**

№	Name of theme	Number of theme
1.	History of state and law of History of state and law of foreign countries and Roman law. Textbook (reference lecture notes) – Ternopil: Vector, 2019.	1-15
2.	History of state and law of foreign countries: textbook. – Ternopil: Educational book – Bogdan, 2014.	1-15
3.	History of state and law of foreign countries (Dictionary. Educational-methodical manual). – Ternopil, 2015.	1-15
4.	Teaching materials for the course "History of state and law of foreign countries and Roman law", Ternopil: Vector, 2021.	1-15
5.	Tasks on discipline.	1-15
6.	The electronic version of the lectures and materials for distance learning.	1-15
7.	Epson EB-S05 multimedia projector (1 pc.), Year of manufacture 2018, year of operation 2019. Does not require repair. Interface: USB 2.0 Type A, USB 2.0 Type B, VGA in, HDMI in, Composite in, Cinch audio in, Wireless LAN IEEE 802.11b / g / n (optional)	1-15
8.	Basic information technology software: MS Office, telecommunication software (Internet Explorer, Opera, Google Chrome, Firefox).	1-15

**Recommended sources**

1. Hrubinko A.V., Uhach VZ History of the state and law of foreign countries and Roman law (educational and methodical materials). Ternopil: Publishing house of Volodymyr Hnatiuk TNPU, 2017. 136 p.
2. Grubinko A.V. History of the state and law of foreign countries and Roman law: a textbook. Ternopil: Publishing house of Volodymyr Hnatiuk TNPU, 2019. 384 p.
3. Bostan L.M., Bostan SK. History of the state and law of foreign countries: a textbook; [2nd ed., revised. and ext.]. Kyiv: Center for Educational Literature, 2016. 872 p.
4. Clay V.L. History of the state and law of foreign countries: textbook. K: Istina, 2009. 780 p.

5. History of the state and law of foreign countries: textbook. pos. / V. Orlenko, V. Orlenko. K.: PALIVODA A.V., 2017. 244 p.
6. Makarchuk V.S. General history of the state and law of foreign countries: textbook. K.: Attica, 2015. 675 c.
7. Trofanchuk G.I. History of the state and law of foreign countries: legal sources: a textbook. K.: Jurinkom Inter, 2018. 450 p.
8. Kalyuzhny R.A., Vovk V.M. Roman private law: a textbook for higher: textbook. K.: Attica, 2020. 408 p.
9. Bellomo, Manlio. The Common Legal Past of Europe, 1000–1800. Washington, D.C.: Catholic University of America Press, 2016.
10. Berman, Harold J. Faith and Order: The Reconciliation of Law and Religion. Atlanta: Scholars Press, 2022.
11. Law and Revolution: The Formation of the Western Legal Tradition. Cambridge: Harvard University Press, 2013.
12. Cairns, Huntingdon. Legal Philosophy from Plato to Hegel. Baltimore: Johns Hopkins University Press, 2019.
13. Hattenhauer, Hans. Europäische Rechtsgeschichte. Heidelberg: C. F. Müller, 2018.
14. Kelly, J. M. A Short History of Western Legal Theory. Oxford: Oxford University Press, 2022.
15. Robinson, O. F., T. D. Fergus, and W. M. Gordon. An Introduction to European Legal History. Abingdon: Professional Books, 2019.
16. Van Caenegem, R. C. An Historical Introduction to Private Law. Cambridge: Cambridge University Press, 2013.
17. An Historical Introduction to Western Constitutional Law. Cambridge: Cambridge University Press, 2015.

#### Information sources

1. West Ukrainian National University. Electronic repository. <http://dspace.wunu.edu.ua/>
2. NYU Library named after Yaroslav the Wise. <https://library.nyu.edu.ua/>
3. Kharkiv National University of Internal Affairs. <https://dspace.univd.edu.ua/>
4. Pravo Publishing House. <https://pravo-izdat.com.ua/>
5. Odesa Law Academy National University. Oxford Public International Law. <https://opil.ouplaw.com/>
6. JSTOR. <https://www.jstor.org/>
7. University of Michigan Law School Scholarship Repository. <https://repository.law.umich.edu>