

Yaroslav Mudryi National Law University
Department of International Private Law and Comparative Law
Department of Theory and Philosophy of Law

S Y L L A B U S
OF ACADEMIC DISCIPLINE
«Legal Systems of Today's World»

The level of higher education – the first (bachelor's) level
Degree of higher education – bachelor
Field of knowledge – 29 «International Relations»
Specialty – 293 «International Law»
Educational programme / specialization – «International Law»
Discipline status – compulsory
Year of recruitment – 2021

Course teachers:

Razmetaeva, Yulia (lectures), PhD in Law, Associate Professor of the Department of Theory of Philosophy and Law

Buriakovska, Kateryna (practical classes), PhD in Law, Assistant Professor of the Department of Theory of Philosophy and Law

Uvarova, Olena (practical classes), PhD in Law, Associate Professor of the Department of Theory of Philosophy and Law

Kharkiv, 2021

Legal Systems Of Today's World: syllabus of educational course for students of the first (bachelor's) level of higher education in the field of knowledge 29 "International Relations" specialty 293 "International Law", the Faculty of International Law. Kharkiv: Yaroslav Mudryi National Law University, 2021. 18 p.

Syllabus developers:

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Komarova, Tetyana, Associate Professor of the Department of Law of the European Union, Doctor of Law, Associate Professor

Approved at the meeting of the Theory of State and Law Department (Protocol № 1, 30 August, 2017)

Changes and additions were approved at the meeting of the Department of International Private Law and Comparative Law (Protocol № 1 of September 1, 2020)

The Head of the Department of International Private Law and Comparative Law

_____ Dmytro Lukianov

Information about the teachers

Title of the educational course	Legal Systems of Today's World
Discipline status	Compulsory
Teachers	<p>Razmetaeva Yulia, PhD in Law, Associate Professor of the Department of Theory of Philosophy and Law</p> <p>Buriakovska Kateryna, PhD in Law, Assistant Professor of the Department of Theory of Philosophy and Law</p> <p>Uvarova Olena, PhD in Law, Associate Professor of the Department of Theory of Philosophy and Law</p>
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Консультації	Students can get in touch with the teachers at the Theory and Philosophy of Law Department in accordance with the timetable of teachers' individual consultations, Pushkinska st., 77, room 38.
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Course description

“Legal Systems of Today’s World” is an educational discipline that is based on a comparative law study. It offers to students an overview of the legal diversity of the modern world, provides the rationale for classification of modern legal systems, as well as presents the main aspects of the origin of modern legal systems, and general principles of their functioning and development. This discipline is one of the compulsory elements within high-quality educational and professional training of specialists in the field of law and international relations, provided for by the higher educational institutions of Ukraine.

Purpose and tasks

The purpose of the course is to provide students with knowledge about the patterns of origin, as well as functioning and development of basic legal systems and their families – civil law, common law, families of customary and religious law, and to teach students on using comparative law method when analyzing legal issues.

The course task is to provide students with:

- (1) the knowledge of the wide range of issues related to the origin and functioning of the main legal systems of today’s world, namely about the peculiarities of sources of law, legal awareness and legal culture, practicing of law, judiciary etc.;
- (2) basic skills in identifying the most common and specific features of the legal families of the world;
- (3) basic skills using knowledge on diversity of legal traditions in the world within further professional activities – when practicing law, providing research and life-long learning.

Cross-disciplinary links

Prerequisites: «Theory of State and Law», «History of State and Law of Ukraine».

Co-requisites: «History of International Law», «Country Studies».

Post-requisites: «European Union Law», «International Law».

Course language is English

Expected learning outcomes

After completing the course, students should be able to:

- (1) demonstrate the knowledge and understanding the nature of comparative law study and method, to determine comparative law study place in the system of legal sciences.
- (2) demonstrate the knowledge and understanding of the types of comparative law research, to conduct a comparative study of legal systems or their elements.
- (3) demonstrate the knowledge and understanding of the concept “legal system”, its structure, varieties of legal systems and their features, criteria for classification of legal systems, to apply this knowledge in practice.
- (4) demonstrate knowledge of the basic characteristics of the civil law family, common law family, Latin America and Scandinavian law, families of religious and customary law, European law, their origin, and formation.
- (5) carry out a critical and systematic analysis of legal phenomena and processes within the legal systems of the civil law, common law, religious and customary legal systems
- (6) explain the nature and content of the main institutions and procedures within civil law, common law, religious and customary legal systems and features of their implementation and application.
- (7) demonstrate knowledge and understanding of the peculiarities of legal regulation in the fundamental fields within civil law and common law.
- (8) carry out logical, critical, and systematic analysis of legal acts that are being adopted within the civil law family, common law family, Latin America and Scandinavian law, families of religious and customary law, European law, their origin, and formation.
- (9) implement the comparative law method when studying other legal disciplines, practicing law, providing research and life-long learning.

Course curriculum

Dates	Lecture topics	Practical classes topics	Topics of the individual work
	Topic 1. Legal systems of today: general characteristics.	1. Legal systems of today: general characteristics.	1. The history of comparative law. 2. Comparative law research.
	Topic 2. Legal systems and legal families as the main objects of comparative law	2. Legal systems and legal families as the main objects of comparative law	1. Legal map of the world. 2. Council of Europe. 3. Legal system of Ukraine.
	Topic 3. General characteristics of the Romano-Germanic legal family	3.1. Groups and features of the Romano-Germanic legal family	1. French Law. 2. German Law
		3.2. Reception of Roman law	
	Topic 4. Sources of law of the Romano-Germanic legal family	4. Sources of law of the Romano-Germanic legal family	1. Western European and Eastern European types of reception of Roman law.
	Topic 5. Legal systems that tend to the Romano-Germanic type	5. Latin American and Scandinavian law	1. Varieties of ordinary laws. 2. Organic laws as a source of civil law 3. Ordinances as a source of civil law.
	Topic 6. General characteristics of the Anglo-American legal family.	6. General characteristics of the Anglo-American legal family	1. Ombudsman – position with origins in Scandinavia. 2. Acts of delegated

			legislation in Latin America: features of application. 3. Integration processes in Latin America.
	Topic 7. Sources of law of the Anglo-American legal family	7. Sources of law of the Anglo-American legal family	1. Statute in the legal system of England. 2. British constitutionalism. 3. Equity law.
	Topic 8. Legal systems of other countries of the Anglo-American legal family	8. US legal system. The legal system of the Commonwealth of Nations	1. Legal doctrine in the system of sources of Anglo-American law. 2. Custom as a source of law in England.
	Topic 9. Religious legal system	9.1. Muslim law. Hindu law. 9.2. Jewish law. Canon law.	1. Codification in the United States. 2. Unification of law in the United States. 3. Legal system of Canada. 4. The legal system of Australia.
	Topic 10. Customary Law.	10.1. Far Eastern law 10.2. African law	1. Universal Declaration of human rights in the Islamic world. 2. Islamic justice. 3. Vedas as a source of Hindu law. 4. The Qur'an as a source of Muslim law. 5. Criminal law and

			Criminal Procedure Codes of India.
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Individual work

42 hours are allotted to students to study individually during the course “Legal Systems Of Today’s World”, which can be divided into the following types:

- preparation and writing of individual work (essay, report, overview, PPT presentation);
- reading of additional literature on the topics of the course;
- extracurricular preparation for participation in simulation exercises;
- development of diagrams, schemes.
- completion of lecture materials;
- working with data bases;
- creation of portfolio of the initial course and its presentation;
- preparation and publication of research articles etc.;
- participation in thematic training courses, workshops.
- completion of on-line learning courses.

Information support of the discipline

Basic literature:

1. Gamal Moursi Badr (1978), Islamic Law: Its Relation to Other Legal Systems, *The American Journal of Comparative Law*, 26 (2 [Proceedings of an International Conference on Comparative Law, Salt Lake City, Utah, February 24–25, 1977]): 187–198 [196–8], doi:10.2307/839667
2. Rene David & John E.C. (1968) *Major Legal Systems in the World Today*. London, 250 p.
[http://lawfaculty.du.ac.in/files/course_material/Old_Course_Material/I%20Term%20Jurisprudence-I%20\(Legal%20Method\)%20July%202016.pdf](http://lawfaculty.du.ac.in/files/course_material/Old_Course_Material/I%20Term%20Jurisprudence-I%20(Legal%20Method)%20July%202016.pdf)
3. David C. Donald (2020) Legal System Network Effects and Global Legal Development, 10 *NOTRE DAME J. INT’L & COMP. LAW* 267-306.

- <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1126&context=n djicl>
4. Thomas Duve (2018) Legal traditions: A dialogue between comparative law and comparative legal history, *Comparative Legal History*, 6:1, 15-33, DOI: 10.1080/2049677X.2018.1469271
 5. Morris L. Cohen (1989) The Common Law in the American Legal System: The Challenge of Conceptual Research. *Law Library Journal*, Vol. 81, 13-32.
https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3959&context=fss_papers&httpsredir=1&referer=
 6. William Ewald (2001) What's So Special About American Law? *Oklahoma City University Law Review*, 26, 1083-1101.
https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2246&context=faculty_scholarship
 7. Mark Van Hoecke (2014) Do “legal systems” exist? The concept of law and comparative law.
https://www.researchgate.net/publication/292468608_Do_legal_systems_exist_The_concept_of_law_and_comparative_law
 8. Jaako Husa (2004) Classification of Legal Families Today – Is it Time for Memorial Hymn? *Revue Internationale de Droit Comparé*, vol. 56, 1, 11-38.
https://www.persee.fr/doc/ridc_0035-3337_2004_num_56_1_19249
 9. Jaakko Husa (2016) The Future of Legal Families.
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935352.001.0001/oxfordhb-9780199935352-e-26>
 10. H. Patrick Glenn (2005) Doin' the Transsystemic: Legal Systems and Legal Traditions. *MCGILL LAW JOURNAL / REVUE DE DROIT DE MCGILL*, Vol. 50, 864-898. https://www.mcgill.ca/centre-crepeau/files/centre-crepeau/Glenn_doin.pdf
 11. Weng Li. (1996) Philosophical Influences on Contemporary Chinese Law. *IND. INT'L & COMP. L. REV.*, Vol. 6:2, 327-336.
<https://mckinneylaw.iu.edu/iiclr/pdf/vol6p327.pdf>
 12. Jingjing Liu (2013) Overview of the Chinese Legal System. *Environmental Law Institute*, Vol 1(1). <https://elr.info/sites/default/files/chinaupdate1.1.pdf>
 13. Dmytro Lukianov (2015) LEGAL FAMILIES APPROACH: CONSISTENT PATTERNS AND TRENDS. *EVROPSKÝ POLITICKÝ A PRÁVNÍ DISKURZ*. Vol, 2 (1), 168-175. <https://eppd13.cz/wp-content/uploads/2015/2015-2-1/25.pdf>

14. Lukas Frederik Müller (2016) The Taxonomy of Legal Systems under Effect of Globalization: Classification of China and the United States, *Global Jurist*, Vol. 16 (1), 51-80. <https://doi.org/10.1515/gj-2015-0005>
15. Marko Novak (2013) “Ideal Types of Law from the Perspective of Psychological Typology”, *Revus*, 19, 205-232. <https://journals.openedition.org/revus/2443>
16. Akmal Yacoub (2017) A History of Law and Its Influence on Modern Criminal Law of Common and Civil Legal Systems (December 5, 2017). Available at SSRN: <https://ssrn.com/abstract=3094785> or <http://dx.doi.org/10.2139/ssrn.3094785>

Additional literature:

1. Bhandari, S. Law, Legal Systems, and Legal Families. <<http://ssrn.com/abstract=2425472>> (2014, April, 16).
2. Christopher A. Whytock (2020) The Concept of a Global Legal System (in *Transnational Law*, Cambridge University Press, 72-87)
3. Glenn, P. (2008). A Concept of Legal Tradition. *Queen’s Law Journal*, 34, 427, 431.
4. Hendry, J. Comparative Law and the (Im)Possibility of Legal Translation. <<http://ssrn.com/abstract=2256888>> (2013, April, 26).
5. Örüçü, E. (2008). What is a Mixed Legal System: Exclusion or Expansion? *Electronic Journal of Comparative Law*, vol. 12.1.
6. Pargendler, M. (2012). The Rise and Decline of Legal Families. *The American Journal of Comparative Law*, vol. 60, 1043-1074.

Web-resources:

1. The Avalon Projekt – Documents in Law, History and Diplomacy. Yale Law School. Lillian Goldman Law Library in memory of Sol Goldman: <http://avalon.law.yale.edu>
2. Classification of the Legal Systems. https://nios.ac.in/media/documents/SrSec338New/338_Introduction_To_Law_Eng/338_Introduction_To_Law_Eng_L2.pdf
3. Common Law. <https://www.investopedia.com/terms/c/common-law.asp>
4. Common law or civil law. <https://www.law.berkeley.edu/wp-content/uploads/2017/11/CommonLawCivilLawTraditions.pdf>

5. Contemporary Legal Cultures: Hybrid Legal Systems.
<https://prawo.uni.wroc.pl/sites/default/files/students-resources/Hybrid%20legal%20systems%20.pdf>
6. Dhavan, S. S. The Indian Judicial System. A Historical Survey.
http://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhavan.html
7. Foreign, Comparative, and International Law: Legal Systems.
<https://libguides.law.umich.edu/c.php?g=815412&p=5891391>
8. From Ancient Egypt to Today – History of Law and the Legal System.
<https://www.sandiegoduiaattorneynow.com/from-ancient-egypt-to-today-history-of-law-and-the-legal-system/>
9. Guide to International and Foreign Law Research.
<https://guides.law.sc.edu/c.php?g=315476&p=2108388>
10. International Legal Systems - An Introduction.
<https://www.justice.gov/archives/nsd-ovt/page/file/934636/download>
11. Introduction to Law and Legal Systems.
https://saylordotorg.github.io/text_law-for-entrepreneurs/s04-introduction-to-law-and-legal-.html
12. Japanese Law Research Guide: Legal System & Statistics.
<https://libguides.uchastings.edu/japan-law/legal-system-stats>
13. Key Features of Common Law or Civil Law Systems.
<https://ppp.worldbank.org/public-private-partnership/legislation-regulation/framework-assessment/legal-systems/common-vs-civil-law>
14. The English legal system. <https://www.iclr.co.uk/knowledge/topics/the-english-legal-system/>
15. The legal systems of the Nordic countries.
<https://nordics.info/show/artikel/the-legal-systems-of-the-nordic-countries-1/>
16. The World Justice Project Rule of Law Index.
<https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>
17. Understanding a Foreign Jurisdiction's Legal System.
<https://guides.ll.georgetown.edu/c.php?g=362128&p=2446003>

18. What is the Difference Between Common Law and Civil Law?
<https://onlinelaw.wustl.edu/blog/common-law-vs-civil-law/>
19. Where our legal system comes from (Canada).
<https://www.justice.gc.ca/eng/csj-sjc/just/03.html>

Teacher's requirements

Students are required to: regularly attend practical classes; systematically and actively work out the materials of lectures and practical classes; give a complete and thorough answer to the teacher's questions; substantiate their point of view when discussing the report; perform written practical tasks and individual work in a high-quality manner. Practical classes missed for solid reasons can be worked off by prior agreement with the teacher.

Students are encouraged to: participate in thematic events, competitions, training courses.

The teacher takes into account other educational and research achievements of the student, which are documented (diplomas, certificates, etc.).

Students are required to comply with the Code of Academic Ethics of the Yaroslav Mudryi National Law University (https://nlu.edu.ua/files/norm_doc/kodeks_academichnoyi_etyky.pdf).

The teacher pays special attention to the policy of plagiarism prevention. If signs of violation of the rules for the prevention of plagiarism or independence of writing the work are detected, a decision may be made to cancel the evaluation for the work.

Attendance at lectures and practical classes is compulsory. During both lectures and practical classes, students have the right at any time to ask the teacher questions on the topic and are invited to take an active part in the discussion. During practical classes, gadgets can be used for educational purposes only (for example, to view lecture presentations, keep notes of lectures and keep track of relevant information). In case of urgent need, students may leave the classroom without disturbing the teacher and other students.

Forms of pedagogical control, means and criteria of assessment of learning outcomes

Assessment of the results of mastering the discipline «Legal Systems of Today's World» involves the current and final control and is based on the cumulative scoring and rating system.

Ongoing monitoring control of students' knowledge includes quality control of students mastering the program material of the discipline in practical classes using the following tools: oral, written or express survey, tests, **solving practical problems or tasks** (discussing case study), essay writing, **defense of the abstract** (presenting abstract), compiling a portfolio, etc.

During the semester, students perform individual work. When performing individual work, the student is obliged to follow the rules of academic integrity and direct prevention of plagiarism. The maximum score for individual work is 10.

The form of final control of students' knowledge of the discipline is an exam. The maximum score that a student can receive for the exam is 60. The exam is taken orally with students answering random questions of the given list. The minimum score of the results of the ongoing monitoring control and individual work, for the completion of which the student is admitted to the exam, is 25.

Criteria of assessment of the discipline «Legal Systems of Today's World»:

Types of educational activities	Criteria of assessment	Score
Practical classes and individual work	<p>Practical classes work and individual work are evaluated for each module separately.</p> <p>Each module is evaluated from 0 to 15. When evaluating practical classes work and individual work the following points are taken into account:</p> <p>1) oral answers and performance of practical tasks on the subject of practical training;</p> <p>2) final module control work.</p> <p>They are evaluated under a ten-point scale: 8-10 "excellent", 5-7 – "good", 3-4 "satisfactory", 0-2 –</p>	0-30

	<p>“unsatisfactory”.</p> <p>The criteria for assessing the level of knowledge and skills of students are:</p> <p>a) correctness, completeness, depth, systematics and thoroughness of the answer to the question;</p> <p>b) the ability to substantiate their point of view, completeness and persuasiveness of the arguments;</p> <p>c) the use of basic and additional literature;</p> <p>d) references to norms of national and international law, as well as to judicial and law enforcement practice.</p> <p>The total score for the current module is defined as the average score between the average score for practical classes work and the score for the current module control.</p>	
<p>Individual work</p>	<p>Individual tasks performed by the student within his individual work are evaluated according to the following criteria:</p> <p>a) correctness, completeness, depth, systematization and thoroughness of performing;</p> <p>b) the completeness and persuasiveness of the arguments; ability to substantiate their point of view;</p> <p>c) taking into account the</p>	<p>0-10</p>

	<p>recommendations of the teacher, eliminating the identified shortcomings;</p> <p>d) the use of basic and additional literature;</p> <p>e) references to norms of national and international law, as well as to judicial and law enforcement practice.</p>	
Exam	<p>1. Comprehensive, systematic and in-depth knowledge of the material provided by the programme of the discipline, including awareness of the main scientific doctrines and concepts of the discipline.</p> <p>2. Knowing basic and additional literature recommended by the textbook.</p> <p>3. Ability to independently expand knowledge of the discipline and use the acquired knowledge in practical work.</p>	60
	<p>1. Full knowledge of the material provided by the programme of the discipline.</p> <p>2. Knowing basic and additional literature.</p> <p>3. Ability to independently expand knowledge of the discipline, understanding the importance for practical work.</p>	55

	<ol style="list-style-type: none"> 1. Sufficient complete knowledge of the material provided by the programme of the discipline, in the absence of significant inaccuracies in the answer. 2. Learning the basic literature recommended by the programme of academic discipline and the lecturer. 3. Ability to independently expand knowledge of the discipline, understanding their importance for practical work. 	45
	<ol style="list-style-type: none"> 1. Knowledge of the basic material provided by the programme of academic discipline, to the extent that allows further training and future work in the profession. 2. Knowing the basic literature recommended by the curriculum. 3. Mistakes and significant inaccuracies in answering the question with the possibility of self-correction or correction with the help of a teacher. 	40
	<ol style="list-style-type: none"> 1. Knowledge of the basic material provided by the programme of academic discipline, to the extent that allows further training and future work in the profession. 2. Learning the main literature recommended by the curriculum. 3. Mistakes in answering the question with the possibility of self-correction or correction with the help of a teacher. 	35

	<p>1. Gaps in knowledge of much of the basic material provided by the programme.</p> <p>2. The presence of significant mistakes in answering the exam.</p> <p>3. Inability to continue education or carry out professional activities without additional training in this discipline.</p>	30
	<p>1. Lack of knowledge of a significant part of the basic material provided by the curriculum.</p> <p>2. Impossibility to continue studies or carry out professional activities without taking a repeat course in this discipline</p>	0

The final grade in the discipline «Legal Systems of Today's World» is given in accordance with the following scale:

Rating on the ECTS scale	Definition	Rating on a national scale	Rating on a 100-point university scale
A	Excellent – excellent performance, with only a small number of errors	5	90 – 100
B	Very good – above average with a few errors	4	80 – 89
C	Good – generally correct work with a certain number of minor errors		75 – 79
D	Satisfactory – not bad, but with many shortcomings	3	

			70 – 74
E	Enough – meets the minimum criteria		60 – 69
FX	Unsatisfactory – you need to work before reassembling	2	35 – 59
F	Unsatisfactory – requires serious further work, mandatory re-course		0 – 34