

American University of Central Asia

Department of International and Business Law

INTRODUCTION TO THEORY OF LAW

LAW 103, 3 credits

Instructor: **Gulnaz Naamatova**

Fall 2011

Classes: M 8:00 (room 311);

M 9:25 / 10:50 (room 326)

Office hours: by appointment (Monday 12:05-14:10)

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COURSE DESCRIPTION

The course provides insight on law as a system of social relationships regulation and as a measure of human freedom. Students will learn about sources of law, forms and typology of law, how law operates through the set of legal means, what schools of legal thought have existed, and how law influences private and public life in a society. The course is basic for further studies of law – it gives students knowledge of the fundamentals of law, of legal terminology and notions.

LEARNING OUTCOMES

By the end of the course students should be able to:

1. Identify, describe, compare and critically assess the core legal theories
2. Formulate and explain the nature and concept of state and law
3. Describe functions of law,
4. Analyze and interpret provisions from the perspective of different legal theories
5. Be able to identify the norms of law
6. Understand and differentiate different sources of law
7. Identify and compare different legal systems
8. Understand and be able to explain the system of drafting the law, system of law and the legislation
9. Explain the concept of the rule of law
10. Explain the mechanism of implementation and enforcement of law
11. Discuss the legal behavior, infringement of law and liability
12. Explain the legal regulation and its mechanism

COURSE REQUIREMENTS AND POLICY

Attendance

Class attendance is required. An excused absence is possible only after the preliminary consent of the instructor or must be proved by necessary documents within a week after a student missed the class. If the student misses 3 classes without excuse or 50% of the whole course (with and without excuse), student will be given an “X” grade for the course.

Students are expected *to be on time* for classes. If a student is late for a class and the instructor has already marked him/her absent, the student is considered to be absent for the entire class, unless excused by instructors.

Cell phones and any other electronic devices *must be* either turned off or kept on silence.

Preparation

Students are expected to *come to classes prepared and ready* to discuss the given materials. Upon instructors' request each student has to submit his/her written assignments. Instructors will call on the students randomly to discuss the given subject or to perform any other task.

Participation

When talking or writing, every student shall try to be understood, distil problems, discuss issues logically and bring the most persuasive and reasonable arguments.

Class participation rules: everyone can freely express her/his opinion; everyone respects the right of the other to have his/her own opinion and the right to freely express it; only one person speaks at a time.

Legal Terms Dictionary

Every student must keep Legal Terms Dictionary, in which she/he will make records and descriptions of the legal terms used during the course.

Mid-term exam / Final exam

Mid-term exam and the final exam will have the same format. Mid-term exam will be covering the topics from Part 1 and Part 2, whereas the Final exam will cover the topics from Part 3. Both exams are taken in a written form during the class. Exams will have two parts. The first part is multiple choice test and second open-book essay form question but should be explained with own words.

Open book format means that a student will have an access to their own course materials (course materials, books, notes etc.), however a student should be aware that the time for the writing is limited. The student cannot miss or rewrite exam. If the student misses exam, F grade is given for the exam.

Academic honesty

Students must observe the AUCA *academic honesty* policy. All types of academic dishonesty (cheating, plagiarism, etc.) are strictly prohibited. A student failing to observe this requirement may receive an "F" grade for a particular work or for the whole course depending on the type of assignment and gravity of the academic dishonesty.

GRADING

The final grade for the course, which is 100%, will be determined based on the following:

Class participation	10%
Class attendance	10%
Mid-term exam	40%
Final exam	40%

Grading scale:

A	94-100%	B-	77-79%	D+	60-63%
A-	90-93%	C+	74-76%	D	54-59%
B+	86-89%	C	68-73%	D-	50-53%
B	80-85%	C-	64-67%	F	below 50%

COURSE CONTENT

Week	Date	Content
Part 1: Introduction / State		
1.	22 August	Introduction and Course Overview
2.	29 August	Theory of law as a discipline
3.	5 September	State and the Society / Origins and nature of the State / Types and forms of the State
Part 2: Legal theories		
4.	12 September	Nature of the Law / Natural law
5.	19 September	Legal positivism / Dworkin's theory
6.	26 September	Legal realism / Law and the society
7.	3 October	Critical legal theory
8.	10 October	Mid-term exam
Fall Break: October 17-23		
Part 3: Nature and Concept of Law		
9.	24 October	Functions of Law
10.	31 October	Norms of law. Forms (sources) of law. Legal systems
11.	7 November	No classes
12.	14 November	Law drafting. System of law and system of legislation
13.	21 November	Legal relationships. Legal facts, presumptions and fictions Rule of law
14.	28 November	Implementation and enforcement of law. Legal procedure Legal regulation and its mechanism
15.	5 December	Legal behavior, infringement of law and liability
	12 December	Final exam
<u>Total 15 weeks</u>		

COURSE MATERIALS

Raymond Wacks. Understanding Jurisprudence, An Introduction to Legal Theory, Second edition, Oxford University Press, 2009

Hropanyuk V.N., Teoriya gosudarstva i prava: Uchebnoe posobie dlya vyzov, M., 1997 (Can be substituted by any book on Teoriya gosudarstva i prava and Obshaya teoriya gosudarstva i prava that you like and where you find the respective themes)

Philosophy of Law, edited by Joel Feinberg and Jules Coleman, Seventh Edition, Belmont: Thomson Wadsworth, 2004

Hilaire McCoubrey and Nigel D. White, Textbook on Jurisprudence, Third Edition, Oxford University Press, 1999

COURSE CONTENT

Week	Date	Content
Part 1: Introduction. State		
1.	22 August	<u>Introduction and Course Overview</u>
2.	29 August	<u>Theory of law as a discipline</u> - Introduction. P.1-10 - Hropanyuk V.N. Glava I
3.	5 September	<u>State and the Society / Origin of the State / Nature of the State / Types and forms of the State</u> - Hropanyuk V.N. Glava II-Glava V
Part 2: Legal Theories		
4.	12 September	<u>Nature of the Law</u> - Hropanyuk V.N. Glava VIII (Except § 2) <u>Natural law</u> - Law and Morals.
5.	19 September	<u>Legal positivism</u> - Classical legal positivism. - Modern legal positivism. <u>Dworkin's theory</u> - Law as integrity.
6.	26 September	<u>Legal realism</u> - Legal realism. <u>Law and the society</u> - Law and social theory. - Hropanyuk V.N. Glava IX
7.	3 October	<u>Critical legal theory</u> - Critical race theory - Feminist theory
8.	10 October	Mid-term exam!
Fall Break: October 17-23 ☺		

9.	24 October	<u>Functions of Law</u> - Hropanyuk V.N. Glava X - Justice. Rights.
10.	31 October	<u>Norms of law. Forms (sources) of law. Legal systems</u> - Historical and anthropological jurisprudence. - Islamic Jurisprudence. Chapter 6 (extra handout) - Hropanyuk V.N. Glava XI, XII §1-§2
11.	7 November	No classes
12.	14 November	<u>Law drafting. System of law and system of legislation</u> - Lon L. Fuller, “Eight Ways to Fail to Make Law” (extra handout) - Hropanyuk V.N. Glava XII, §3-§4; Glava XV
13.	21 November	<u>Legal relationships. Legal facts, presumptions and fictions</u> <u>Rule of law</u> - The duty to obey the law. - Hropanyuk V.N. Glava XVI, XVIII
14.	28 November	<u>Implementation and enforcement of law. Legal procedure</u> - Hropanyuk V.N. Glava XIII <u>Legal regulation and its mechanism</u> - Hropanyuk V.N. Glava XVIII, §1-§4
15.	5 December	<u>Legal behavior, infringement of law and liability</u> - Hropanyuk V.N. Glava XVII - Punishment.
		Final exam!

Some changes can be made in the syllabus by the instructor.