

Approved
by the decision of the academic council of
the faculty

(name of faculty)

protocol № ____ from " __ " _____

Dean of the Faculty _____

(signature) (full name)

Recommended
at a meeting of the department

(name of the department)

protocol № ____ from " __ " _____

Head of Department _____

(signature) (full name)

SYLLABUS

FUNDAMENTALS OF THE THEORY OF THE STATE

Semester and year of study II semester 2020-2021 academic year

Educational level (first or second) first (bachelor)

Field of knowledge 07 Management and administration

Code and name of the specialty

074 Public Administration and Administration (PIA)

Lectures and practical classes according to the schedule <http://rasp.kart.edu.ua>

Teacher team:

Lecturer: Lysyak Alexander Ivanovich

(Full Name)

Lecturer's contacts:

+38 (057) 730-10-28, e-mail: a.lysyak@ukr.net

Lecturer's assistant: _____

(Full Name)

Lecturer's assistant contacts:

Course web page: <http://do.kart.edu.ua/>

Additional information resources: <http://metod.kart.edu.ua>



FUNDAMENTALS OF THE THEORY OF THE STATE

II semester 2021 syllabus course

2-IVAc

Lectures: _____ (every week), _____

Audience: _____

Practices:

2-IVAc

Lectures: _____ (every week), _____

Audience: _____

Teacher's team:

Lecturer: Lysiak Alexander Ivanovych

Contacts: a_lysyak@ukr.net

Hours of reception and consultations: 14.00-15.00 Thursday

Legislation is changing, but the basic principles of the state as the main regulator of social relations remain unchanged.

The discipline "Fundamentals of the theory of the state" occupies a leading place in the system of legal disciplines, playing an important role in the fundamental theoretical and methodological basis for industry and applied law.

This discipline is designed to form a modern and critical worldview of the future specialist on the problems of the state, it forms in-depth knowledge of students about state and legal phenomena, skills and abilities to make scientific generalizations and teaches to define, legal phenomena depending on the events taking place in society, to determine areas for improving the elements of the mechanism of legal regulation, to participate in law-making and law enforcement activities, to identify problematic issues in the state and legal sphere, to improve skills of professional legal activity.

Structural and logical scheme of the discipline "Fundamentals of the theory of state" helps students to better understand the relationship of this discipline with other legal disciplines, to understand the degree of their influence on each other, the nature of interdisciplinary links in the context of world and domestic law.

The whole course "Fundamentals of the theory of the state" is aimed at students mastering the basics of knowledge about the state, its features, varieties of forms and theories of origin. An important element of the course is the doctrine of human rights, the legal system, sources of law and the legal system, pluralism of approaches to legal understanding. An integral part of the

course is students' understanding of categories such as lawful conduct, delinquency, and legal liability.

The course aims to form and develop the following competencies of students:

1. Integral competence (the ability to solve complex specialized problems and practical problems in the field of professional legal activity or in the learning process, which involves the use of legal doctrines, principles and legal institutions and is characterized by complexity and uncertainty; distinguish between issues that are regulated and not regulated by law);

2. General competences for ability:

- to abstract thinking, analysis and synthesis;
- apply knowledge in practical situations;
- to knowledge and understanding of the subject area and professional activity;
- communicate in the state language orally and in writing, using appropriate terminology in a particular subject area;
- to the use of information and communication technologies when working with sources of law;
- constantly and continuously learn and master modern knowledge and technologies;
- be critical and self-critical, evaluate and maintain the quality of the result of professional activity;
- work in a team;
- act on the basis of ethical considerations (motives), appreciate and respect diversity and multiculturalism;
- to realize their rights and responsibilities as a member of society, to realize the values of civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine;
- formulate a personal opinion and present it with arguments;
- ability to identify and use various sources of information (bibliographies, documents, media, websites, etc.), to understand, critically and constructively evaluate and use information;
- produce new ideas (creativity).

3. Special (professional, subject) competencies:

- know the conceptual and categorical apparatus of science "Fundamentals of the theory of the state": state power, form and functions of the state, the state apparatus, the rule of law, regulations, system of legislation, etc .; general patterns of origin, development and functioning of state and legal phenomena; general patterns of origin, development and functioning of state and legal phenomena;
- understand the nature and essence of the state and law, current trends in the evolution of state forms;
- know and use different approaches to the classification of functions of the modern state;
- understand the role of the state and law in the political system of society;
- know the ways to modernize the political system of society in the era of globalization;
- understand the basics of legal regulation of public relations; factors that determine the effectiveness of the mechanism of legal regulation;
- use modern approaches to understanding legal behavior;
- identify the basic principles of structure and functioning of the legal system; principles, types, forms and mechanisms of legal policy implementation in Ukraine;
- be able to think creatively, successfully apply general theoretical concepts and constructions in solving a specific life situation;
- make full use of the acquired knowledge in order to generalize and assess the modern state and legal reality;

- use the acquired knowledge to analyze legal practice;
- to analyze the scientific and special literature on the general patterns of origin, development and functioning of state and legal phenomena, expressing their own vision of the problem under consideration;
- operate with legal concepts and categories;
- navigate in the political and legal sphere, understanding the political and legal phenomena and processes;
- to characterize the state and legal phenomena from the standpoint of current legislation, monographic and other literary sources;
- provide qualified legal opinions and advice.

4. Information competence (development of student's skills for independent search, analysis, structuring and selection of the necessary information in the field of law with the help of modern information technologies).

Communicative competence (development of student skills in teamwork through the implementation of group projects, the ability to competently lead a discussion in the research area);

Competence of personal self-improvement (elements of physical, spiritual and intellectual self-development, emotional self-regulation and self-support; support of constant thirst for self-improvement and self-knowledge).

Why should you choose this course?

Analysis of the content of the studied categories allows us to state that the important features of the rule of law are law and order and legality. In addition, an important condition for legality in public administration is the high legal culture of citizens and the executive branch, which, in turn, is a consequence of the general level of education and culture of society. That is why it seems necessary to implement a set of measures aimed at raising the level of legal culture not only of civil servants but also of the population.

We live in a state governed by the rule of law. This means that life in our country is subject to the norms and principles of law, the rule of law. Therefore, everyone should be legally literate and educated, understand their rights, duties and responsibilities.

Acquaintance with the specified course will help students to acquire the corresponding theoretical knowledge and skills, to be guided in the current legislation, to work with normative-legal acts, to apply correctly legal norms to concrete practical situations.

Course overview

This course is studied from _____ to _____, gives students the formation of legal consciousness and legal culture of student youth, assisting students in clarifying the problems of statehood and the legal system of Ukraine, legal support for the establishment of civil society, democratic state, social and legal orientation, acquaintance with the procedure for resolving commercial disputes, consideration of civil, administrative and criminal cases; acquaintance with the mechanism of protection of the rights and freedoms of the person and the citizen, formation of abilities and skills of use of regulatory legal acts.

Number of ECTS credits - ____.

Lectures - ____ hours.

Practices - ____ hours.

The course consists of one lecture per week and _____ practical classes _____. It is accompanied by text material and group tasks. Students will have the opportunity to apply the acquired knowledge and solve practical problems during discussions in the classroom.

Course resources

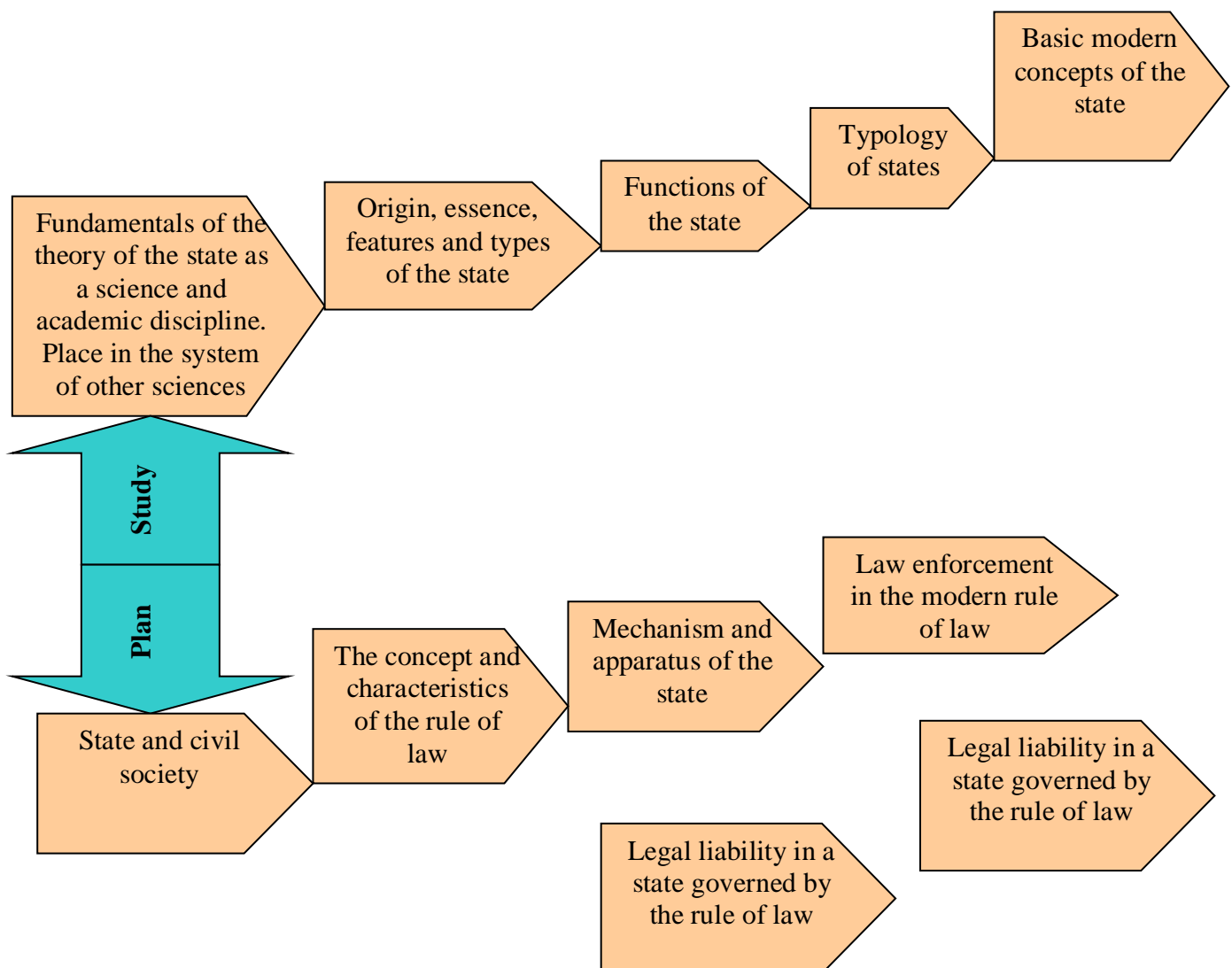
Information about the course is posted on the University website (<http://kart.edu.ua>), including the curriculum, lecture materials, tasks and rules of course evaluation).

Additional material and links to electronic resources are available on the University's website in the section "distance learning" along with the issues to consider during the preparation for discussion in the audience. The necessary preparation must be completed before the next lecture. During the discussion, we invite you to think critically about the problems of the functioning of the state as the main regulator of public relations. You have to be prepared for discussions and brainstorming - we want to know what you think!

Examples of questions for discussion are available in the manual in the University Library. Here are some of them:

- 1) The system of legislation of Ukraine.
- 2) Constitutional law - the leading branch of national law of Ukraine.
- 3) Constitutional institutions of democracy in Ukraine.
- 4) The electoral system in Ukraine. Referendums.

Course topics



Fundamentals of the theory of state / course scheme

Think	Lectures	Do it
	Reference material	
	Presentations	
	Discussion in the audience	
	Group tasks	
	Individual consultations	
	Test	

Practical classes of the course provide group solution of practical problems.

Lectures and practical classes

The list of the main lectures of the course is given below. Watch for changes in the schedule.

Week	Number of hours	Lecture topic	Number of hours	The topic of practical classes
	2	Functions, competence and modes of activity of executive bodies	1	Functions, competence and modes of activity of executive bodies
	2	Origin, essence, features and types of the state	1	Origin, essence, features and types of the state
	2	Functions of the state	1	Functions of the state
	2	Typology of the state	2	Typology of the state
	4	Form of state	2	Form of state
	2	Basic modern concepts of the state	1	Basic modern concepts of the state
Modular knowledge control				
	2	State and civil society	1	State and civil society
	2	The concept and characteristics of the rule of law	1	The concept and characteristics of the rule of law
	4	Mechanism and apparatus of the state	2	Mechanism and apparatus of the state
	2	Правореалізація в сучасній правовій державі	1	Правореалізація в сучасній правовій державі
	2	Legal liability in a state governed by the rule of law Consideration of civil, administrative, criminal cases	1	Legal liability in a state governed by the rule of law Consideration of civil, administrative, criminal cases
	2	Law and order in the modern rule of law	2	Law and order in the modern rule of law
Modular knowledge control				
Credit from the discipline				

Evaluation rules

When filling in the student's test report and test book (individual curriculum), the grade set on a 100-point scale must be transferred to the national scale (5, 4, 3,) and the ECTS scale (A, B, C, D, E)

Determination of the name on a state scale (assessment)	Determining the name on the ECTS scale	On a 100-point scale	ECTS rating
EXCELLENT - 5	Excellent - excellent performance with only a small number of errors	90-100	A
GOOD - 4	Very good - above average with a few errors	82-89	B
	Well - in general correct work with a certain number of gross errors	75-81	C
SATISFACTORY - 3	Satisfactory - not bad, but with many shortcomings	69-74	D
	Enough - the performance meets the minimum criteria	60-68	E
UNSATISFACTORY - 2	Unsatisfactory - you need to work before you get credit (without re-studying the module)	35-59	FX
	Unsatisfactory - serious further work required (re-study of the module)	<35	F

Tasks for independent work:

- Students are asked to choose one of 20 topic options for writing a report during the semester. For timely and correct performance of the task 20 points are accrued to the current modular control. For timely and partially correct performance - from 15 to 25 points. Points are not awarded for a failed task. The required amount of the task is 50% for the first modular control and 100% for the second modular control. The course of the current task and questions for discussion are sent to the teacher's e-mail or checked by him personally.
- Students must review one student's or group's work during the semester in person and express their critical remarks.

№	Topics of reports
s/n	Name topics
1	The current state and prospects for the development of the discipline, its individual areas in Ukraine
2	National sovereignty and the right of nations to self-determination. The concept of state power and its relationship with political power
3	The essence and types of internal and external functions of the state, as well as functions caused by global problems of today. Implementation of state functions
4	Typology of states by method of production (the nature of socio-economic formation)
5	Democratic and anti-democratic political regimes
6	The concept of the state in the theory of pluralistic democracy
7	Formation of civil society in Ukraine
8	Consolidation of the principles of the rule of law in the Constitution of Ukraine
9	Basic principles of organization and activity of the state apparatus
10	The ratio of normative-legal and law-enforcement act
11	Legal liability in a state governed by the rule of law

Attending lectures:

Points for this component are accrued in general, if the student did not attend more than 50% of lectures in the module without good reason. 1 point is awarded for attending each lecture. The maximum amount is 15 points.

Degree of involvement:

The purpose of the course is to engage you in a discussion, expand your learning opportunities for yourself and your peers, and give you another way to test your knowledge of law. Participation will be evaluated based on the number and accuracy of your answers. Issues, although encouraged, are not evaluated in this block. We strive to provide all students with equal and fair opportunities to increase their own involvement. The maximum amount is 10 points.

Practical training:

Evaluated by visits (up to 3 points), the degree of involvement (up to 7 points) and a brief presentation of the task (up to 5 points). The degree of involvement is determined by participation in the discussion club on jurisprudence. The maximum amount is 15 points.

Modular testing:

Evaluated by the correct answers to the test modular questions (20 questions in the test, each correct answer is evaluated in 2 points). The maximum number is 40 points per module.

Test:

The student receives a credit for the results of the modular 1st and 2nd control by accumulating points. The maximum number of points that a student can receive is 100 (up to 60 points of current control and up to 40 points of testing). The arithmetic mean of the sum of modular grades is the credit score. If the student does not agree with the proposed scores, he can increase them on the test, answering the questions of the teacher (Appendix 1).

Teacher`s team:

Lysiak Oleksandr Ivanovych (<http://kart.edu.ua/kafedra-etip-ua/istoriya-stvorennya-kafedri-etip-ua>) - lecturer on jurisprudence at UkrDUZT. He received the degree of Ph.D. in the specialty 12.00.05 - "Labor law; the right to social security "at the National University of Internal Affairs of the Ministry of Internal Affairs of Ukraine in 2005. Areas of research: labor law; social security law; agrarian law; water law; land law; environmental law; environmental ethics.

Code of Academic Integrity

Violation of the Code of Academic Integrity of the Ukrainian State University of Railway Transport is a serious violation, even if it is unintentional. The code is available at:

<http://kart.edu.ua/documentu-zvo-ua>

In particular, compliance with the Code of Academic Integrity of UkrDUZT means that all work on exams and tests must be performed individually. When working independently, students can consult with teachers and other students, but must solve problems on their own, guided by their own knowledge, skills and abilities. References to all resources and sources (for example, in reports, independent papers or presentations) should be clearly identified and properly

designed. In the case of working with other students on individual tasks, you should indicate the degree of their involvement in the work.

Integration of students with disabilities

Higher education is a leading factor in raising social status, achieving spiritual, material independence and socialization of young people with disabilities and reflects the state of development of democratic processes and humanization of society.

To integrate students with disabilities into the educational process of the Ukrainian State University of Railway Transport, a system of distance learning based on modern pedagogical, information, telecommunication technologies has been created.

Access to distance learning materials from this course can be found at: <http://do.kart.edu.ua/>

Appendix 1

QUESTIONS FOR CREDIT IN THE DISCIPLINE "FUNDAMENTALS OF THE THEORY OF THE STATE"

1. The concept of the state, its main features.
2. Classification of states.
3. State power: concepts and elements.
4. The concept of sovereignty as a mandatory quality of state power. Internal and external aspects of sovereignty.
5. Sovereignty of the people and its implementation in a democratic state.
6. National sovereignty and the right of nations to self-determination.
7. The concept of state power and its relationship with political power.
8. Public purpose of the state.
9. The concept of state functions. Signs of state functions.
10. Forms and methods of carrying out the functions of the state.
11. Types of functions of the state.
12. The essence and types of internal and external functions of the state, as well as functions caused by global problems of today.
13. Implementation of state functions.
14. Typology of states by geographical location.
15. Typology of states according to the degree of dynamism.
16. Typology of states by method of production (the nature of socio-economic formation).
17. Typology of states according to the criterion of civilization.
18. The concept and elements of the form of the state. Form of government.
19. Form of government.
20. State regime.
21. The structure of the form of the state.
22. Forms of government and their features. Forms of state according to Aristotle.
23. The ratio of type, nature and form of the state.
24. Monarchy and the republic as forms of government, their varieties.
25. The essence of absolute, despotic, limited (constitutional, parliamentary, dualistic) monarchies.
26. The essence of presidential, parliamentary and mixed republics.
27. The procedure for forming a government as the main criterion for distinguishing republics into types.

28. Features of government formation in presidential, parliamentary and mixed republics.
29. Unity of state power, principles of its organization and functioning.
30. The division of state power into legislative, executive and judicial.
31. The essence of democracy, forms (direct and representative) and institutions (elections and referendums) of its implementation in the modern state.
32. The concept of the form of government as an element of the form of the state, indicating the territorial organization of state power.
33. National-state and administrative-territorial structure of the state.
34. Unitary state, its main features and characteristics.
35. Federal state, the principles of its formation and the legal basis of activity.
36. Features of sovereignty and territorial integrity of the federal state.
37. The relationship between the federal authorities and the authorities of the federation.
38. Confederation, commonwealth of states, regional, economic, political, military and other unions and associations, their difference from the unitary and federal state.
39. The essence of the state (political) regime as an element of the form of the state, indicating the methods of exercising state power.
40. Democratic and anti-democratic political regimes.
41. Totalitarian regime, its essence, main features and varieties (fascist regime, regime of financial, industrial, military oligarchy, party nomenclature, etc.).
42. Types of democratic regimes.
43. The essence of liberal-democratic, radical-democratic and conservative-democratic political regimes.
44. Conditions for the formation of a democratic regime in transition countries (in the post-Soviet period - the CIS countries, Eastern Europe, etc.).
45. The concept of civil society.
46. The structure of civil society.
47. The main features of civil society.
48. The main stages of formation of civil society and the levels of formation of social relations in it.
49. Interaction of society with the state.
50. Formation of the idea of the rule of law and civil society.
51. Formation of civil society in Ukraine.
52. History and diversity of approaches to the idea of the rule of law.
53. Basic characteristics and principles of the social and legal state.
54. The main stages of development of the rule of law in Ukraine.
55. Consolidation of the principles of the rule of law in the Constitution of Ukraine.
56. The concept and elements of the mechanism of the state. The structure of the mechanism of the state.
57. The state apparatus as an integral part of the mechanism of the state. The concept and structure of the state apparatus.
58. Principles of organization and functioning of the mechanism of the state.
59. Basic principles of organization and operation of the state apparatus.
60. Unity and separation of powers. The principle of separation of powers.
61. Signs of public authorities. Classification of state bodies.
62. Signs of enforcement. Forms of law enforcement.
63. Signs of law enforcement. Types of law enforcement.
64. Stages of the law enforcement process.
65. Signs of legal liability. Functions of legal responsibility. Principles of legal liability.
66. Grounds for legal liability. Classification of legal liability.
67. Aspects of legality. Principle, method and mode of legality. Signs and principles of legality.
68. Signs of law and order. Guarantees of law and order.

69. Principles of legal status of a person in a modern state governed by the rule of law. Classification of individual rights and freedoms. Ensuring and guaranteeing the rights and freedoms of the individual.