

«HISTORY AND METHODOLOGY OF LEGAL STUDIES»

COURSE FOR UNIVERSITY OF PORTY

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Author:

Marina V. Nemytina – Head of the Department of History of Law and State, D.J.S., professor, Law Institute, Peoples` Friendship University of Russia (RUDN University).

COURSE SCHEDULE

№ s/p	Name of the course section	Number of hours		
		Hours (total)	Including	
			Lectures	Seminars
1.	Law and legal science	2	2	
2.	Law as an object of research	2	2	
3.	Scientific approaches in jurisprudence	2	2	
4.	Legal research methods	2	2	
5.	Legal research algorithm	2		2
	TOTAL	10	8	2

The course «History and methodology of legal studies» is aimed at forming of students' concepts of legal studies and their familiarizing with legal research activities.

In the course framework **are being formed concepts of legal studies** in general context of social evolution and development of scientific knowledge. Students master legal research skills.

Working forms and methods. In lectures and seminars variety of forms and methods of work, communications and interactive methodic are used.

COURSE CONTENT

Topic 1. Law and legal science. System of the course «History and methodology of legal studies». Law as a regulative system of the society. Legal science as system of a knowledge. Legal studies as a social institute. Methodological basis of legal studies. Scientific knowledge of law and legal research skills, their correlation. Ways of mastering scientific knowledge and concepts of law. Lawyer-researcher skills as a type of lawyer professional skills. Methodological perspective of correlation between legal studies, education and practice.

Topic 2. Law as an object of research. Law and legal reality. Variety of existing forms of law. Nature of law. Features of law. Variety of approaches to studying the law. Typology of legal understanding. Legal positivism and etatism. Natural legal conceptions. Sociological positivism. Integrative jurisprudence. Social interests, its value in the law-making and law enforcement processes. Private, public and corporate-public interests. Law as a factor of harmonization of interests in the society. Interpretation of legal processes and phenomena from perspective of

different types of legal understanding. Functions of legal science: ontological, gnosiological, heuristic, prognostic and etc. Criteria of scientific knowledge.

Topic 3. Scientific approaches in jurisprudence. Correlation between scientific approaches and research methods. Law and legal science as phenomena of civilization and culture. Formational and civilizational approaches to the evolution of society and law. Modern conceptions of culture. Culture as an over-biological program of the society. civilizational-cultural approach in legal studies. Legal traditions and innovations. Translation of legal experience in the society.

Topic 4. legal research methods. Definition of a research method. Classification of research methods. Philosophical methods. Dialectics. Metaphysics. Methods of formal logic. Analysis and synthesis. Induction and deduction. General scientific methods. System method. Structural-functional method. Synergetics. Hermeneutics. Sociological methods. Statistic method. Special juridical research methods. Formal dogmatic methods. Methods of comparative legal research (synchronic, diachronic).

Topic 5. Algorithm of a legal research. Actualization of a legal problem. Choosing field and topic of the research, defining its actuality. Searching for the sources necessary for the legal research. Deciding the scientific problem on the different stages of development of the society and scientific knowledge. Constructing conceptual and categorical framework. Setting aims and tasks of the research. Defining object and subject of the research. Theoretical, regulative and empirical base of the research. Defining the methodology of the research. Choosing optimal research methods. Postulating scientific hypotheses, its proving and verifying. Resources of the research. Approbation of the research. Proving scientific novelty of the research.

*Criteria of students' results of mastering the course
«History and methodology of legal studies»*

After completing the course a student must:

- 1) distinguish law as a normative regulative system of the society and legal studies as a system of knowledge of law and a social institute;
- 2) have an idea of nature and essence of law and historically formed types of understanding of law;
- 3) know tendencies of legal studies development in general context of law, society and state development;
- 4) know modern scientific approaches and research methods used in jurisprudence;
- 5) master primary skills of organizing and doing legal researches.

***Professor
Marina V. Nemytina***

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