

Ministry of Education and Science of Ukraine

V. N. Karazin Kharkiv National University

Department of Civil and Legal Disciplines

«I APPROVE»



Dean of the Faculty of Law

Vitalii Serohin

2023

WORKING PROGRAM OF EDUCATIONAL DISCIPLINE

CURRENT PROBLEMS OF CIVIL LAW AND PROCEDURE

level of higher education - second (master's)

field of knowledge - 29 International relations

specialty - 293 International Law

educational program - International law

type of discipline - mandatory

faculty - law

2023 / 2024 academic year

The program is recommended for approval by the Academic Council of the Faculty of Law

August 31, 2023, protocol No. 1

PROGRAM DEVELOPERS:

Michurin Yevhen, Doctor of Law, Professor, Professor of the Department of Civil and Legal Disciplines of the Faculty of Law of Kharkiv National University named after V.N. Karazin.

The program was approved at a meeting of the Department of Civil and Legal Disciplines of the Faculty of Law

Protocol No. 14 of June 26, 2023

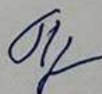
Head of Department
of civil law disciplines



Olena USTYMENKO

The program was agreed with the guarantor of the educational and professional program of the second (master's) level of higher education in the specialty 293 International Law

Guarantor of the educational and professional program
second (master's) level of higher education
«International Law»



Oleksandr HAVRYLENKO

The program was approved by the scientific and methodical commission of the Faculty of Law

Minutes of August 31, 2023, No. 1

Head of the scientific and methodical commission
of the Faculty of Law



Hanna ZUBENKO

INTRODUCTION

The program of the academic discipline «Current problems of civil law and process» is compiled in accordance with the educational and professional program for training masters of law, specialty 293 - International law.

1. Description of the academic discipline

1.1. The purpose of teaching the academic discipline is to train specialists who have a high level of legal awareness and legal culture, possess the knowledge and practical skills necessary for their professional activities to solve specific problems of substantive and procedural law, are able to navigate independently in modern legal relations, make balanced and well-founded decisions within their professional competence, taking into account current problems of civil law and process and possible ways of solving them.

1.2. The main tasks of studying the discipline are the formation of students' relevant competencies.

ZK-1 knowledge and understanding of the subject field, awareness of the social significance of one's future profession;

ZK-3 the ability to improve and develop one's intellectual and general cultural level in the conditions of the development of legal science and state policy, the ability to acquire new knowledge using modern information and educational technologies;

ZK-6 the ability to conduct independent, organize individual and collective scientific research within the acquired specialty, formulate tasks and draw up a research program, select and organize primary and secondary sources, formalize the results of scientific activity, in particular, create high-quality scientific texts that can be published in professional journals editions;

ZK-10 skills of using information and communication technologies.

SK-1 the ability to apply acquired knowledge, skills and abilities in the field of international law in practice, the ability to develop projects of international legal acts of a normative and individual nature;

SK-4 the ability to interpret international legal acts in a qualified manner and to give qualified legal opinions and consultations on international legal issues;

SK-6 the ability to analyze and implement managerial innovations in professional activity, to ensure compliance with international legal standards in professional activity;

SK-7 ability to carry out scientific research in the field of international law in a qualified manner;

SK-11 ability to effectively carry out legal education on international legal issues.

1.3. The number of credits is 3

1.4. The total number of hours is 90

1.5. Characteristics of the academic discipline	
Mandatory	
Full-time education	Correspondence (distance) form of education
A year of training	
2nd	2nd
Semester	
3rd	3rd
Lectures	
12 o'clock	6 hours

Practical, seminar classes	
12 o'clock	4 hours
Laboratory classes	
Independent work	
66 hours	80 hours
including individual tasks	
10 hours	10 hours

1.6. When studying at the master's level, students must achieve the following program learning outcomes:

PRN 1 Assess the nature and character and regulatory potential of international law; demonstrate an understanding of the limits and mechanisms of its legal regulation.

PRN 2 Understands the interaction of international law with the national legislation of states, the procedure for implementing international norms into the legislation of Ukraine;

PRN 3 Can operate with international legal concepts and categories, international legal standards and methods of their implementation in national legislation;

PRN 9 Understands the legal and political significance of international law for the national legal system; the system of international law, methods and content of legal regulation in various fields of international law;

PRN 18 Collect, integrate analysis and summarize materials from various sources, including scientific and professional literature, databases, digital, statistical, test and other, and check them for reliability using modern research methods

PRN 19. Make a presentation of your research on a legal topic, using primary sources and techniques of legal interpretation of complex complex problems arising from this research, argue the conclusions.

PRN 20 Integrate the necessary knowledge and solve complex law enforcement tasks in various spheres of professional activity.

2. Thematic plan of the educational discipline

Topic 1. Actual problems of civil liability.

Civil liability: concept, content, limits, principles. Correlation of the concepts "responsibility", «sanctions», «obligation». Liability for damage.

Topic 2. Actual problems of applying methods of scientific knowledge in civil studies.

Dialectical method and its connection with special methods in civil studies. System-structural method and its connection with special methods in civil studies. The formal-logical method and its connection with special methods in civil studies.

Topic 3. Formation of novelty in civil legal studies.

The concept of novelty in civil legal studies. Types of novelty in civil law research. Techniques for the formation of novelty in civil legal studies. Definition of the main concepts: honor, dignity, business reputation. The specifics of ways to protect honor, dignity and business reputation. Analysis of the main decisions of the Supreme Court. Problems of implementation of methods of protection in case of violation of honor, dignity and business reputation.

Topic 4. Actual problems of contract law: the doctrine of contractual conditions.

The development of ideas about the essential terms of the contract in Ancient Rome. Formation of the category "essential terms of the contract" in the doctrine of civil law. Modern views on the essential terms of the contract: unity and differentiation. Determining the sufficiency of essential conditions for certain types of contracts: the essence of the problem and approaches to

its solution.

Topic 5. Actual problems of limitations in civil law.

The concept of restrictions on the rights of individuals. Characteristics of restrictions on the rights of individuals. The essence (content) of restrictions on the rights of individuals. Justification of the existence of the category of restrictions in modern civil law. Its relationship and differences from "bans" and other civil law categories.

Topic 6. Actual problems of corporate law.

Concept of corporate law. Approaches to the formation of the content of corporate law. The difference between English and American approaches to the definition of corporate law. The subject of studying corporate law at the modern stage.

Topic 7. Actual problems of the civil process.

Evidence theory. Legal nature of the duty of proof in civil proceedings. Separate aspects of the subject of proof and classification of evidence. Expert opinion. Concepts and types of proceedings in civil proceedings. Characteristics of the procedure for consideration of cases in the order of simplified legal proceedings. Peculiarities of consideration of some cases. Certain aspects of the right to appeal. General characteristics of cassation appeal of court decisions in civil proceedings. Problematic aspects of the execution of court decisions.

3. The structure of the academic discipline

Names of sections and topics	Number of hours												
	Full-time education						External form of education						
	Everyt hing	INcluding					Everyt hing	INcluding					
		1	w	lab	ind	wed		1	w	lab	ind	wed	
Topic 1. Actual problems of civil liability	15	2	2			11	17	2	2			13	
Topic 2. Actual problems of applying methods of scientific knowledge in civil studies	15	2	2			11	15	2				13	
Topic 3. Formation of novelty in civil legal studies	15	2	2			11	13					13	
Topic 4. Actual problems of contract law: the doctrine of contractual conditions.	10	2	2			6	17	2	2			13	
Topic 5. Actual problems of restrictions in civil law	15	2	2			11	13					13	
Topic 6. Actual problems of corporate law.	8	1	1			6	10					10	
Topic 7. Actual problems of the civil process	12	1	1			10	5					5	
Together	90	12	12			10	66	90	6	4		10	80

4. Topics of seminar classes

No s/p	Topic name	Number hours
1.	Actual problems of civil liability	2 (2)
2.	Actual problems of applying methods of scientific knowledge in civil studies	2
3.	Formation of novelty in civil legal studies	2
4.	Actual problems of contract law: the doctrine of contractual conditions.	2 (2)
5.	Actual problems of restrictions in civil law	2
6.	Actual problems of corporate law.	1
7	Actual problems of the civil process	1
	Together	12 (4)

5. Tasks for independent work

No s/p	Types, content of independent work (studying additional literature on the topic)	Number hours
1.	Actual problems of civil liability	11 (13)
2.	Actual problems of applying methods of scientific knowledge in civil studies	11 (13)
3.	Formation of novelty in civil legal studies	11 (13)
4.	Actual problems of contract law: the doctrine of contractual conditions.	6 (13)
5.	Actual problems of restrictions in civil law	11 (13)
6.	Actual problems of corporate law.	6 (14)
7	Actual problems of the civil process	10 (1)
	Together	66 (80)

6. Individual tasks

Individual task while studying the course «Actual problems of civil law and process» represents the preparation of an abstract by a student of an academic group.

Abstract is a written work on the chosen topic of the academic discipline «Actual problems of civil law and process», which reveals the set of problems based on the application of scientific sources and normative legal acts and is performed by students outside the classroom.

Essay topics:

1. The theory of causation in civil law
2. Property rights of territorial communities and the state of Ukraine
3. Legal nature of testamentary refusal in civil law
4. Testimony of witnesses as a means of proof in civil proceedings
5. The legal nature of the settlement agreement institution
6. Limits of consideration of the case by the court of cassation instance

Requirements for writing an individual task on the discipline «Current problems of civil law and process»:

1. the writing language is Ukrainian, in a scientific style
2. the total volume of work is 12-18 sheets. A-4 format, the text is placed on one side of the page

3. text requirements: editor – Word; font – Times New Roman, black color, 14 keel, 1.5 spacing; margins: top – 2 cm, bottom – 2 cm; on the left - 3 cm, on the right - 1.5 cm, book format, page numbering in the upper right corner

4. mandatory references in the text of the task to the used sources: the number of the source in the list and the number of the page in it (if available) where the relevant information is presented are indicated in square brackets. Brackets are placed directly after the text to which the reference refers. For example: "the authors believe that ... /the content of the opinion is presented/ [1, p. 2-3]"; the numbers "1" in this example are the numbers under which the specified works are placed in the list of used sources, "p. 2-3" – page numbers

5. in references to scientific articles published in collections of scientific works, periodicals, etc., the name of the author and the title of the work, the name of the publication, the year, the number of the issue, and the pages on which the given work is placed must be indicated

6. borrowing other people's opinions without reference to the author is not allowed

7. the working conditions must be formulated on the basis of current regulatory and legal sources.

8. 5 points are additionally deducted for missing the submission deadline and the identity of the topics of the individual task!

Normative material, scientific, educational and other special literature on the topic of an individual task is selected by the student independently. The outdated scientific and regulatory framework can be used in the control work only as a comparative element.

7. Teaching methods

Three groups of teaching methods are used:

1. verbal - descriptive disclosure of the educational material, explanation of the essence of the relevant phenomenon, concept, process, instruction on the specifics of the application of individual norms, checking the level of independent processing of the educational material, etc.;

2. visual - demonstration of schemes, tables, drawings (if available);

3. practical – formation of abilities and skills of operating legal categories, application of legal norms and use of acquired knowledge during seminar classes.

In addition, according to the level of independent mental activity, the following methods are used:

- problematic presentation;
- partial search method;
- research method

8. Control methods

To determine the level of assimilation of educational material by students, assessment of their knowledge and skills using current (survey, control work) and final control (credit work).

Forms of current control of students' achievements by subjects of the academic discipline are oral answers (presentation at a practical lesson, answer at a colloquium, answers to questions based on the results of independent training according to the given topics, solving practical simulated tasks).

Current control also involves writing a written control paper and preparing an individual task in order to evaluate the knowledge and skills acquired during the study of the topics of the corresponding section. Written test work may involve detailed answers to opening questions, answers to tests, solving practical tasks.

The final control is carried out in the form of a credit on the distance learning platform. The assessment task may involve detailed answers to questions, answers to tests, solving simulated tasks, etc. A student is allowed to take the semester final examination on the condition that he scores at least 10 points. The maximum number of points that a student can score when completing

the final control of an academic discipline is 40. The maximum number of points that a student can score when studying an academic discipline is 100.

List of questions for assessment

1. Civil liability: concept and content
2. Limits of civil liability
3. Principles of civil liability
4. Correlation of the concepts «responsibility», «sanctions», «obligation».
5. Liability for damage.
6. Dialectical method and its connection with special methods in civil studies.
7. System-structural method and its connection with special methods in civil studies.
8. The formal-logical method and its connection with special methods in civil studies.
9. The concept of novelty in civil legal studies.
10. Types of novelty in civil law research.
11. Techniques for the formation of novelty in civil legal studies.
12. Definition of the main concepts: honor, dignity, business reputation.
13. Specifics of ways to protect honor, dignity and business reputation.
14. Analysis of the main decisions of the Supreme Court regarding the protection of honor, dignity and business reputation.
15. Problems of implementation of methods of protection in case of violation of honor, dignity and business reputation.
16. The development of ideas about the essential terms of the contract in Ancient Rome.
17. Formation of the category "essential terms of the contract" in the doctrine of civil law.
18. Modern views on the essential terms of the contract: unity and differentiation.
19. Determining the sufficiency of essential conditions for certain types of contracts: the essence of the problem and approaches to its solution.
20. The concept of restrictions on the rights of individuals.
21. Characteristics of restrictions on the rights of individuals.
22. The essence (content) of restrictions on the rights of individuals.
23. Justification of the existence of the category of restrictions in modern civil law. Its relationship and differences from «bans» and other civil law categories.
24. The concept of corporate law: the problem of definition.
25. Approaches to the formation of the content of corporate law.
26. The difference between English and American approaches to the definition of corporate law.
27. The subject of studying corporate law at the modern stage.
28. Evidence theory.
29. Legal nature of the duty of proof in civil proceedings.
30. Separate aspects of the subject of proof and classification of evidence. Expert opinion.
31. Concepts and types of proceedings in civil proceedings.
32. Characteristics of the procedure for consideration of cases in the order of simplified legal proceedings. Peculiarities of consideration of some cases.
33. Certain aspects of the right to appeal.
34. General characteristics of cassation appeal of court decisions in civil proceedings.
35. Problematic aspects of the execution of court decisions.

9. Points calculation scheme

Full-time education

The total number of points is 100.

The number of points for the assessment is 40.

The number of points during the semester is 60:

The maximum number of points for processing all topics of the discipline is 35 points.

The maximum number of points for the control work and individual task is 25.

Current control, independent work, individual tasks							Together	Test	Sum		
T1	T2	T3	T4	T5	T6	T7	Control work provided by the curriculum	Individual task	60	40	100
5	5	5	5	5	5	5					

External form of education

The total number of points is 100.

The number of points for the assessment is 40.

The number of points during the semester is 60:

The maximum number of points for processing all topics of the discipline is 30 points.

The maximum number of points for the control work and individual task is 30.

Current control, independent work, individual tasks			Together	Test	Sum
T1-T7	KR	Individual task	60	40	100
30	10	20			

Assessment for oral answers in seminar classes is carried out as follows:

5 points - the student gives a complete, correct, consistent, coherent, well-founded presentation of the issue, orients himself in the current legislation and judicial practice, answers additional questions and actively participates in discussions throughout the seminar session.

4 points - the student does not provide a complete, correct, consistent, coherent, well-founded statement of the issue, does not orient himself in the current legislation and judicial practice, does not answer all additional questions and does not take an active part in the discussions throughout the seminar class.

3 points – the student is confused about the answer options, does not demonstrate knowledge of current legislation, does not answer additional questions, does not participate in discussions.

2 points - the student does not give a clear answer to any of the questions, does not participate in discussions.

1 point - the student does not orient himself in the questions and answers to them, deliberately refuses to answer, the answer consists of separate words and sentences close to the content of the true answer.

0 points – the student refuses to answer the seminar class; expresses his unpreparedness for the seminar class.

Evaluation criteria of an individual task

The number of points received	Criteria for obtaining the appropriate number of points
0-4 (0-5) points	work is not counted; the student did not comply with the specified requirements, the topic of the work was not disclosed at all, international sources were not used; the student is not oriented in the topic of the work and cannot answer any of the questions
5-9 (6-10) points	the work does not fully meet the requirements; when performing the work, less than 10 sources were used, international scientific sources were not used; there are no references to the used sources in the work, the topic of the work is revealed one-sidedly, there is no logical presentation of the material; the work structure is not followed; significant grammatical and/or stylistic errors were made in the work; the student did not answer the vast majority of the questions
10-14 (11-19) points	the work is performed at the appropriate theoretical and practical level; the requirements for writing the work are met, the work is properly structured, but the scientific sources are insufficiently analyzed and there is no creative approach to the performance of the assigned tasks, minor violations of the logic and/or systematicity of the presentation of the material are allowed; minor inaccuracies were made in the design of the work; the student answered all the questions
15 (20) points*	the work was performed at a high scientific and practical level; the work demonstrates a high level of knowledge and creative understanding of the obtained research results; no mistakes were made in the design of the work; the student answered all the questions

** information in parentheses for correspondence students*

Evaluation criteria for test and credit work

Control and assessment works are performed in written form. The control work consists of 10 test tasks, the assessment work consists of 40 test tasks. Each test task has answer options, only one of which is correct; one point is awarded for each correct answer.

Evaluation criteria

counted	<p>Higher level of competence: the student has deeply and fully mastered the program material, competently, comprehensively and logically presents it orally or in writing: at the same time, he knows the recommended literature, shows a creative approach and correctly justifies the decisions made, has a good range of skills and abilities in performing practical tasks, excellent performs text and graphic materials</p>
	<p>High level of competence: the student knows the program material, competently and essentially teaches it orally or in writing. Assuming minor errors or inaccuracies in the interpretation of concepts and categories; at the same time, he has the necessary skills and abilities when performing practical tasks, he performs textual and schematic materials perfectly, there are some errors</p>
	<p>Sufficient level of competence: the student knows only the main program material, assumes gross inaccuracies, insufficiently clear wording, inconsistency in the presentation of answers in oral or written form; at the same time, he is unsure of the skills and abilities to perform practical tasks</p>

not counted	Insufficient level of competence: the student knows the basic program material, makes gross mistakes that indicate a lack of understanding of the material, incorrect results are obtained in calculations, gives incorrect answers to questions; suggests fundamental errors in evidence, interpretation of concepts and categories. Does not have the basic skills and abilities when performing practical tasks, additional educational work in the discipline is required
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Rating scale

The sum of points for all types of educational activities during the semester	Rating
90 - 100	counted
80-89	
70-79	
60-69	
50-59	
1-49	not counted

10. Recommended literature

Basic literature

1. Michurin E.O. Civil law. Album of schemes: teaching. manual : in 2 h. Part 2 / E. O. Michurin, O. R. Shishka. Kind. 6th, revision. Kharkiv: Pravo, 2022. 250 p.
2. Dzera O.V. Civil-legal science and practice: a collection of scientific-legal (consultative, expert) conclusions. Kyiv: Alerta, 2023. 572 p.
3. Unusual objects: coll. Art. / edited by I. V. Spasibo-Fateeva. Kharkiv: EKUS, 2022. 266 p.
4. Vasiliev S. V. Bylaws in the system of sources of civil procedural law. Bulletin of Kharkiv National University named after V. N. Karazin. 2009. No. 841. Ser.: Pravo. Vol. 1 (5). P. 80-85.
5. Vasiliev S. V. On the issue of the system of sources of civil procedural law of Ukraine. Problems of civil law and process: scientific and practical materials. info [dedicate in memory of Professor O. A. Pushkin] (Kharkov, May 22, 2010). X.: Kharkiv National University of Internal Affairs, 2010. P. 295-297.
6. Claim proceedings: monogr. / edited by V. V. Komarova. Kh.: Pravo, 2011. 325 p.
7. International standards in the field of justice. K.: Istyna, 2010. 488 p.
8. Bychkova S. A specialist as a new participant in the civil process. Entrepreneurship, economics and law. 2006. No. 10. P. 12-17.
9. Vasylieva-Shalamova Zh. V. Participation in the civil process of an expert and a specialist. Bul. Ministry of Justice of Ukraine. 2008. No. 5. S. 35-38.
10. O. I. Slipchenko. Expert conclusions in cases of compensation for moral damage. Problems of civil law and process: scientific and practical materials. conf. (Kharkov, May 31, 2008). Kh.: Kharkiv National University of Internal Affairs, 2008. P. 24-29.

Supporting literature

1. Michurin E.O. Individualization of a person on the Internet: civil and legal aspects. Actual problems of intellectual, information, IT and Internet law: materials of the Seventh All-Ukrainian Scientific and Practical Conference (Lviv, May 25, 2023). Lviv: Jurid. FC Lviv. national University named after I. Franka, 2023. P. 151-155.

2. Galiantych M.K. Housing law of Ukraine. K.: Yurinkom Inter, 2007. 528 c.
3. Hrynyak A.B. A civil law contract as a basis for the emergence of the right of joint ownership of natural persons. Ternopil: Textbooks and manuals, 2008. 176 c.
4. Davydova N.O. Personal non-property rights. K.: Ed. House «In Yure», 2008. 160 c.
5. Drobyazko V.S., Drobyazko R.V. Intellectual property law: Education. manual. K.: Yurinkom Inter, 2004. 512 p.
6. Zaika Yu.O. Inheritance law in Ukraine: Formation and development. K.: KNT, 2007. 288 c.
7. Kodinets A.O. The right to means of individualization of participants in civil transactions, goods and services in the civil law of Ukraine: Monograph. K.: VOC Kyiv University, 2007. 312 p.
8. Kossak V.M., Yakubivskiy I.E. Intellectual property rights. K.: Istyna, 2007. 208 p.
9. Netska L.S., Pitsan O.M., Galyantych M.K. etc. Personal non-property intellectual property rights of creators. Ternopil: Textbooks and manuals, 2007. 256 c.
10. Novikova V.V. Free contracts in the civil law of Ukraine. Kh.: Xylon, 2008. 137 p.
11. Fundamentals of intellectual property and its protection. Tutorial. Labezny V.S. etc. K.: Lira-K, 2011. 158 p.
12. Primak V.D. Guilt and good faith in civil law (theory, legislation, case law). K.: Yurinkom Inter, 2008. 432 c.
13. Romovska Z.V. Ukrainian civil law. Ownership: Textbook. K.: Alert; TsUL, 2011. 246 p.
14. International private law: General part: subchapter. / edited by A.S. Dovgert and V.I. Kisil. K. Alerta, 2012. 376 p.
15. International private law: Special part: subchapter. / edited by A.S. Dovgert and V.I. Kisil. K. Alerta, 2013. 400 p.
16. International trade law: teaching. manual / O.M. Malskyi, A.M. Christmas tree K.: Znannia, 2005. 595 p.
17. Sakara N.Yu. The problem of access to justice in civil cases: monograph. Kh.: Pravo, 2010. 236 p.
18. International standards in the field of justice. K.: Istyna, 2010. 488 p.
19. Luspenyk D.D. Consideration of civil cases by the court of first instance. Kharkiv: Kharkiv Legal, 2006. 480 p.

11. Links to information resources on the Internet, video lectures, other methodological support

1. The official web portal of the Verkhovna Rada of Ukraine. <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. <http://www.president.gov.ua/>
3. The official web portal of the judicial authorities of Ukraine. <http://court.gov.ua/>
4. Official website of the Constitutional Court of Ukraine. <http://www.ccu.gov.ua/>
5. Official website of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine. <http://www.ombudsman.kiev.ua/>