



Программа учебной дисциплины «Introduction to Law»

Утверждена

Академическим советом ООП
Протокол № от «__»____20__ г.

Автор	Щербович А.А., к.ю.н.
Число кредитов	4
Контактная работа (час.)	68
Самостоятельная работа (час.)	84
Курс	1
Формат изучения дисциплины	Без использования онлайн-курса

I. GOALS, RESULTS AND PREREQUISITES

1. Scope of the document

This program outlines the contents of the course and describes the learning outcomes obtained upon completion of the course. It also sets pre-requisites for taking the course, explains the grading policy, includes requirements for essay writing and the final exam. The program is designed for instructors teaching the course, teaching assistants and undergraduate students enrolled on the joint HSE and University of London Parallel Degree Programme in Management and Digital Innovation (educational track 38.03.05 “Business Informatics”, Bachelor's level).

2. Course description

The purpose of the course "Introduction to Law" is to give an idea of the origin of the common (English and American) law, its sources and foundations, the foundations of the constitutional system, federalism, legal education and legal practice, peculiarities of the legal culture of Americans and Englishmen, the state of English and American law.

This course will provide an introductory insight to the common law system, variations of which are used in countries that are home to 2.3 billion people worldwide.

The course will introduce key legal doctrines and principles in readily accessible formats and language. Case studies will illuminate common applications of the law in real life scenarios, enabling you to explore the relevance of specific subjects to your own professional and personal circumstances, and legal jurisdiction.

The course is taught in English.

3. Learning outcomes

Upon completion of the course, students should:



Be aware of:

- the basics of law, legal systems;
- key concepts and approaches to their study.

Be able to:

- locate and apply relevant regulatory requirements;
- identify, research, articulate and apply the legal principles relevant to your professional and personal life;
- communicate effectively about legal principles, rights and responsibilities;
- anticipate and mitigate legal risk and problems arising in your professional and personal life.

Learn how to:

- apply relevant regulatory requirements to the learner's personal or professional context;
- assess legal risk arising in the learner's personal or professional context;
- discuss steps to mitigate identified legal risks in different situations;
- explain key legal principles, rights and responsibilities;
- debate risks and responsibilities across a range of legal case studies.

Pre-requisites

To learn the course, students must have the following knowledge and skills:

- knowledge of social science at the level of the school curriculum;
- ability to navigate the Internet resources and to know the basics of bibliography;
- sufficient proficiency in English.

II. LEARNING THEMES AND CONTENTS

Topic 1. Legal Heritage and the Digital Age

This class discusses the importance of law, the functions of law, the development of the US legal system, the sources of law in the United States, and the US Supreme Court's decision in *Brown v. Board of Education*.

Topic 2. Constitutional law

This class discusses the importance of the concept of federalism and the doctrine of separation of powers, the Supremacy Clause of the U.S. Constitution, the federal government's authority to regulate interstate commerce and foreign commerce, how the freedoms of speech, assembly, religion, and the press are protected by the First Amendment, how commercial speech may be limited, and the doctrines of equal protection and due process.

Topic 3. Human Rights Law

The present topic provides a synopsis of the modern development of the international protection of the human person, which originated in a devastated world's yearning for *peaceful, secure and just* domestic and international legal orders.



Further, it has explained some of the basic legal notions relevant to international human rights law and offered a description, however general, of the role to be played by the legal professions within their respective fields of competence in order to be able effectively to use the legal tools available to protect the human person against abuses of power. We shall now turn to a succinct examination of the terms and functioning of the major existing universal and regional human rights conventions.

Topic 4. Introduction to Business Law

The market system means that economic activity takes place through the exchange of commodities. Individual possessors of commodities meet in the market place and freely enter into negotiations to determine the terms on which they are willing to exchange those commodities. Contract law may be seen as the mechanism for facilitating, regulating and enforcing such market activities. As the following chapters will evidence, there is much tension between the fit of the theoretical classical model and the practical demands of everyday business activity. Equally of note is the extent to which statutory inroads have been made into the common law, particularly in the area of consumer protection. The purpose of this short chapter is to introduce contract law as the mechanism through which market activity is conducted and regulated.

Topic 5. Contract Law

Contract law concerns the legal principles governing the exchange of goods or services between individuals or businesses.

This chapter will explore the sources of contract law applicable to the sale or exchange of goods or services. It will lay out the elements necessary to form a contract and each party's duty of performance under the contract. It will examine key contract principles, such as performance, breach, enforceability, voidability, etc. It will lay out the generally applicable rules that courts employ when interpreting contracts. This includes rules about what terms or communications are considered to be part of the contract. Lastly, it explores the remedies available to parties who suffer harm as a result of another party's breach.

Topic 6. Business Entities

Business entities are an integral part of business practice and economic productivity. An effective business practitioner must understand the characteristics of the major types of business entities, as these attributes can dramatically affect the nature of the business's relationships. This chapter will introduce the concept of the business entity, legal authority for business entities, and the justification for their legal recognition. It will then introduce the most common types of business entities and their notable characteristics. Examination of these characteristics will make obvious the effect of these attributes on stakeholders of the business entity. The characteristics of a business entity affect many other areas of business practices, such as accounting, management, and finance.

Topic 7. Intellectual Property Law

Intellectual property, as the name implies, is an intangible form of property right. It establishes rights that extend beyond the possession of a physical item and protects an individual's ideas, plans, procedures, information, creations (function and design), etc. This chapter introduces the concept of intellectual property, its economic importance, and the four major types - trade secrets, patents, trademarks, and copyrights. It then proceeds to explain the nature of each form of intellectual property right and the process for securing those rights. It also provides the extent of protection



afforded the holder of intellectual property rights and the method or manner of enforcing those rights against infringers.

Topic 8. Information Law and Internet Governance issues

The class will comprise topics on Internet governance and human rights in international law, evolution of the Russian human rights law in context of the information society and development of the Internet, the right of access to information as a fundamental constitutional right in information society, and international experience of Internet use in implementation of constitutional rights.

III. GRADING

The final grade S_{final} :

$$S_{\text{final}} = 60\% G_{\text{acc}} + 40\% G_{\text{exam}}$$

$$G_{\text{acc}} = 60\% G_{\text{seminars}} + 40\% G_{\text{essay}}$$

The final score S_{final} is based on the score G_{acc} accumulated over the entire course and the score G_{exam} earned on the final exam. The accumulated score G_{acc} is summarized from the score G_{seminars} for the seminar sessions (preparation and participation in the discussions at the seminar sessions) and evaluation of the essay following the course (G_{essay}). Throughout the course a 10-point grading system is used; the 10-point final mark S_{final} is converted to a 5-point system according to the HSE grading policy.

IV. GRADING METHODOLOGY AND EXAMPLES

4. Essay

In the final essay, students conduct their research on a problem related to the subject of the course. Students should demonstrate the ability to formulate a research problem, analyze primary and secondary sources, and give relevant examples. The essay should be at least 1500 words long and must be done in English. The essay should have a clear structure, arguments and the logic of the narrative, references to the literature used and bibliography.

Essay Topic (could be other by lecturer’s advice).

1. Freedom and Technological Change.
2. Privacy and Virtual Surveillance.
3. Privacy in Electronic Communications.
4. Privacy and National Security.
5. The Internet and the End of Forgetting.
6. Privacy and the Body.
7. The Right to Die.
8. Privacy and Sexual Intimacy in Marriage.
9. The Constitution and Private Property.
10. Court and Economic Rights.
11. The American Free Speech Tradition.
12. Google, Facebook, and the First Amendment.
13. The Incredible Scope of Cyberspace.
14. Of Viruses, Botnets, and Logic Bombs.



15. The Problem of Identity on the Internet.
16. Cyber Fraud, Theft, and Organized Crime.
17. Nations at Cyber War.
18. The Constitution and Cyberspace.
19. Big Data- "They" Know Everything about You.
20. The legal and sociological meaning of the constitution.
21. Do human rights have natural limits?
22. Separation of powers - unnecessary borrowing or objective necessity?
23. The nature of the institute of the head of state.
24. Advantages and disadvantages of the semi-presidential form of government.
25. Parliamentary discipline and parliamentary responsibility of deputies.
26. Imbalance in the Russian system of checks and balances.
27. The social state and the socialist state.
28. The secular nature of the state and secularism.
29. The optimal model of a federal structure in Russia.
30. Ways to ensure the independence of judges.
31. The meaning of the idea of local government.
32. Protecting Yourself in Cyberspace.
33. Age discrimination in the workplace, which targets the seniors.
34. Workplace discrimination on the basis of unhealthy habits, such as smoking.
35. Sexual Harassment Suits and how to avoid them for certain.
36. Whistleblower laws and their impact on specific cases.
37. Product Liability and the ocean of ethical and legal issues.
38. Who Defines Crimes, and How?
39. Crime and the Guilty Mind.
40. The Law of Self-Defense.
41. Cruel and Unusual Punishments.
42. A Modern Approach to Personal Jurisdiction.
43. Overview of the activities of international organizations in the field of Internet governance.
44. The Internet Governance Forum.
45. Do we need a single "law on the Internet"? Review of regulatory initiatives on the Internet.
46. User agreements (Terms of Service) of individual Internet resources in a legal context.
47. Self-governance of users on the Internet resources.
48. The problem of security on the Internet.
49. Threats for certain categories of users.
50. Features of regulation and enforcement in the placement of personal data on the Internet.
51. Domain disputes in the context of the implementation of constitutional rights and freedoms of citizens.
52. Features of the implementation of a particular right or freedom on the Internet (on student's choice).

5. Final exam

The final exam is taken orally at the end of the second module. At the exam, a student picks a question card randomly with one topic based on the course material. The student has up to fifteen minutes to get ready and then discuss the topic from the card with the examiner. The list of topics will be published one month prior to the exam. Students with "excellent" (8 or higher) accumulated



score can be exempted from the final exam.

Exam questions

1. Public law: the concept and content.
2. The phenomenon and purpose of the constitution.
3. The essence of the Constitution, its functions and content.
4. The concept and features of constitutionalism.
5. Constitutional and unconstitutional state.
6. Classification of constitutions.
7. The Constitution of Russia 1993: structure and properties.
8. The procedure for adopting a new Constitution of the Russian Federation and amending it.
9. Basics of the constitutional order: definition and meaning.
10. The meaning of the rule of law.
11. General characteristics of a democratic state
12. The welfare state.
13. Secular state.
14. The concept of human and civil rights. International legal norms on the rights and freedoms of man and citizen and the Constitution of Russia.
15. The system of constitutional rights, freedoms and duties.
16. Constitutional limits on the exercise of fundamental rights and freedoms. Problems of restriction of fundamental rights and freedoms.
17. The concept and principles of Russian citizenship.
18. Grounds and procedure for the acquisition and termination of citizenship of the Russian Federation.
19. The Commissioner for Human Rights of the Russian Federation.
20. The status of foreign citizens and stateless persons.
21. Freedom of mass information: concept, legal description.
22. Institute of Intellectual Property in Information Law.
23. Features of legal regulation of relations on the Internet.
24. Okinawa Charter of the Global Information Society 2000.
25. Types of information on the degree of its availability.
26. Crimes in the field of computer information.
27. Personal data as a special institution for the protection of privacy rights.
28. Generally accessible personal data and special categories of personal data.
29. Information rights and freedoms of a person and a citizen, their fixation in the Constitution of the Russian Federation.
30. The concept and features of business.
31. The concept and types of sources of business law.
32. The concept, characteristics and content of economic relations.
33. The system of requirements for business activities, their classification.
34. State control over the implementation of business activities.
35. The legal status of economic partnerships.
36. Intangible assets of the organization.
37. Business reputation: concept, ways of protection.
38. Real estate as an object of economic activity. The concept of the enterprise.
39. The concept and types of confidential information.
40. General and special requirements for advertising.
41. The Internet and the problem of the universalization of human rights.
42. The relationship of legal and information culture of users in the implementation of



- constitutional rights and freedoms on the Internet.
43. The issue of jurisdiction on the Internet.
 44. Different approaches to the use of the Internet in the implementation and protection of human rights and freedoms.
 45. Legal instruments of the formation of the information society in Russia.
 46. The legislation of the Russian Federation on information and its influence on the implementation of the constitutional rights and freedoms of citizens.
 47. Legislative initiatives aimed at streamlining relations on the Internet.
 48. Human and citizen rights and freedoms on the Internet: reflected in judicial practice.
 49. The fundamental importance of the principle of accessibility of information for the realization of the rights and freedoms of citizens in the information society.
 50. The right to access information on the Internet: the technical and ideological role.

V. RESOURCES

OBLIGATORY READINGS

Kuznetsova, Tamara O., et al. *Russian Constitutional Law*, Cambridge Scholars Publishing, 2014.
An Introduction to International Human Rights Law, edited by Azizur Rahman Chowdhury, and Jahid Hossain Bhuiyan, BRILL, 2010.
The Oxford Handbook of Comparative Constitutional Law. *Edited by Michel Rosenfeld and András Sajó*

COMPLEMENTARY READINGS

Study Manual on the Bases of Russian Law By: Shashkova, Anna V. *Cambridge Scholars Publishing*. ISBN: 978-1-4438-7121-1, 978-1-4438-7402-1.
Russian Approaches to International Law By: Mälksoo, Lauri. *Oxford University Press*. ISBN: 978-0-19-103469-5, 978-0-19-872304-2, 978-0-19-880804-6, 978-0-19-103468-8, 978-0-19-178962-5.
Development of a Russian Legal Consciousness By: Wortman, Richard. *University of Chicago Press*. ISBN: 978-0-226-90775-8, 978-0-226-90776-5, 978-0-226-90777-2, 978-1-283-25040-5.
Judging Russia: The Role of the Constitutional Court in Russian Politics 1990–2006 By: Trochev, Alexei. *Cambridge University Press*. ISBN: 978-0-521-17335-3, 978-0-521-88743-4, 978-0-511-39684-7, 978-0-511-39761-5, 978-0-511-39836-0, 978-0-511-39920-6, 978-0-511-51122-6, 978-0-521-17335-3, 978-1-281-38341-9.
Constitutional Politics in Central and Eastern Europe: From Post-Socialist Transition to the Reform of Political Systems By: Fruhstorfer, Anne; Hein, Michael; Treibel. *Springer Fachmedien Wiesbaden*. ISBN: 978-3-658-13761-8, 978-3-658-13762-5.

6. Technical Support

Learners will use video materials from various sources.

7. Lecturer

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