**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE**

**NATIONAL AVIATION UNIVERSITY**

**EDUCATIONAL AND RESEARCH INSTITUTE OF LAW**

**DEPARTMENT OF HISTORY AND THEORY OF STATE AND LAW**

**LECTURES**

**on a subject “History of State and Law of Foreign Countries”**

**for Field of Study 08 “Law,” Speciality 081 “Law,” Educational Professional Program “Jurisprudence”**

Developer:

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Lectures are vieved and approved at

the meeting of Department of  History and Theory of State and Law

Minutes № 13 “29” 08. 2018

Head of the department

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**Theme 1. Introduction to the course “History of the State and the Law of Foreign Countries.”**

Plan

1. The subject of History of State and Law of Foreign Countries (Historical Jurisprudence).

2. Correlation between the concepts of science and the discipline. Interconnection of History of State and Law of Foreign Countries (Historical Jurisprudence) with general history, with State and Law Theory, with Constitutional Law, sectoral legal educational disciplines (criminal law, criminal procedure, administrative law, others).

3. The significance of History of State and Law of Foreign Countries (Historical Jurisprudence) cognition.

4. Basic methods to study HSLFC (HJ).

5. Periodization of HSLFC (typical and internally-typical).

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**Content of the lecture**

A subject of **History of State and Law of Foreign Countries (Historical Jurisprudence)** is both general and specific regularities of the origin, development and functioning of a state and law of a particular country at a specific period of its development in chronological order.

Science is a broader concept in relation to academic discipline because it involves the study of each individual country from its origin, development, functioning until the distraction.

Educational discipline is a narrower concept because it studies a state and law of not every single country of a certain region, but studies a state and law by the example of the most developed countries in the region according to their state-legal development.

**The Value of History of State and Law of Foreign Countries (Historical Jurisprudence) cognition:**

1. HSLFC (HJ) is fundamental, juridical, basic discipline, which is the basis of all modern disciplines;

2. The information of HSLFC (HJ) have a great worldview, juridical, educational, scientific significance;

3. Terminology is concentrated in HSLFC (HJ);

4. The cognition of the provisions of HSLFC (HJ) teaches us to think juridical (makes your ability to legal thinking);

5. The cognition of HSLFC (HJ) extends the scope of our knowledge of state-legal nature;

6. HSLFC (HJ) experience (of state-legal past) makes it possible to use the legal experience of the past.

**A methodology is a way, means with help of which any educational discipline is studied.**

**HSLFC (HJ) methodology consists of philosophical dialectics, historical, statistical, logical, comparative.**

**HSLFC (HJ) has the following periodization.**

**1. History of the ancient world (5-4th centuries B.C. - 5th century A.D.)**

**Slave owning type of a state and law.**

**2. The history of the Middle Ages (5-17-18th centuries A.D.)**

**The feudal type of a state and law.**

**3. The history of new times (18th - the first decades of the 20th century).**

**Capitalistic type of a state and law.**

**4. The history of modern times (the first decade of the 20th century - to the present days).**

**In addition to the typical periodization there is an internal-standard periodization:**

**- a slave owning type** (patriarchal, antique states (classical period);

**- a feudal type** (early feudal, caste-representative, absolute monarchy);

**- a capitalistic type** (pure capitalism (the origin of market relations of free competition); modern capitalism (modern market economy, the most economically developed countries of the world);

**- the socialistic type** (it should be understood: the socialist idea may be the best, but the global economic experiment conducted in the territory of the Soviet totalitarian state has proved to be impossible for more than 83 years).

**Theme 2. State and Law of the Ancient East.**

Plan

1. A concept of Hammurabi’s law.

2. Mane character of Hammurabi’s law.

3. Manu’s law and their particularities.

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1. Глиняний В.П. Історія держави і права зарубіжних країн: Навчальний посібник. – Одеса: Одеська національна юридична академія. – К.: Істина, 2010. – 768 с.

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**Content of the lecture**

**The main sources of law:** customs, regulations of kings, prescriptions, judicial decisions, religious and moral regulations, basic memorials of law.

**The laws of King Hammurabi** were prepared in the period 1792-1750. BC, carved on a basalt stel. In 1901, it was discovered by archaeologists near the city of Susa. This monument was not prepared by lawyers, there were court decisions, orders. All these norms and laws V. Shail has broken down on 282 articles (since 1901) for ease of use:

1. 1-5 art. - procedural law;

2. 6-126 art. - property relations;

3. 127-195 Art. - marriage and family relations;

4. 196-214 Art. - protection of personality;

5. 215-282 Art. – hired of labor.

**The laws of Manu bear the name of the god Manu who was worshiped.**

Consisted of 2685 Art. in the form of two-axis, divided into 12 chapters (4.7.8,10 articles X) Built on the basis of domestic, religious, prayer and moral standards. Composed in the form of prescriptions to man.

Among the main types of property, the laws of Hammurabi and Manu are called land. The land fund consists of lands that belonged to: the king, temples, communs, private traders.

The king should not be regarded as the owner of the land, but as a sovereign.

The land was seen as free and dependent possessions. Tsarist and temple lands were cultivated by people.

Communal land in communal ownership. Peasant - a communist who had his rights on the land (leased) in Art. 39-47, 60-65 Hammurabi Laws.

No need for a king's consent.

Full right was connected with the land plot. The peasant lost ground if he breaks with the community (according to the Laws of Hammurabi, 136).

The legal status was allocated to land plots.

The property had a special status, given to soldiers for service.

The property was not inherited.

Representatives of the clergy could sell and inherit the property. The laws of Manu are known to turn ownership into ownership. The fixed articles were not distributed unless they had a limitation period (8 chapters 147, 148).

Legal ways of acquiring property: by inheritance, gift, usurpation, conquest, performance of work, alms.

The limitation period of the conversion of ownership of a land plot into a property of 10 years) (10 chapter 115 articles., 8 chapter 147 items.).

You can only buy from the owner of the thing (who himself decided how to deal with them).

**Obligatinal relationship in Babylon, India.**

The obligation arises out of the contracts, from the harm caused (tort relations). **Types of contracts:** sale, lease, loan, hire, storage, commission. The treaties were considered invalid if they were secret, without witnesses, deception, violence, a drunk or crazy person, a child, a slave.

**Terms and conditions to be met by a contract:**

- in writing;

- with witnesses;

- a legal and able person;

- indication of time, place;

- place of residence of persons;

- genus.

**Criminality (causing harm), state, property is a duty to compensate** (Article 53, Article 237, Laws of Hammurabi).

In India, it was necessary to compensate the owner and pay the king.

**Marriage and family relations**

The family was monogamous. Affection with the slave was not taken into account.

The head was a man. The authorities acted as the manager of the family. Marriage is valid if there is an agreement between the bride and groom's families. The content could have been influenced by a woman (128.151 Law of Hammurabi).

Terms of marriage, encouraging minors. For women - 12 years, for men - 16 years.

Forms of marriage (Law of Manu) are a ransom paycheck (before marriage gift). If her father refused, he returned the redemption fee. The father gave a dowry to a daughter who, after her death, belonged to children (Laws of Hammurabi). The main purpose of the woman - the birth, the upbringing of children.

In India, the second marriage was allowed to a woman only marrying her husband's brother.

In Babylonia, the right to adopt was fixed.

The vocation of a woman in India is the birth and upbringing of children. A man could leave her, sell it.

Hereditary Relations (Hammurabi Laws)

**2 types of inheritance:**

- by law;

- by the will.

The property of the parents passed to the children.

**Criminal-legal relations**

Subjects-legal and able-bodied persons.

The Indian families of slaves were entitled to inheritance.

The difference between the perpetrators of the crime and the accomplices the laws of Hammurabi did not know.

Stages of criminal acts: intention, preparation, committing a crime.

Aggravating circumstances.

Objective decision - the punishment of innocents.

Types of crimes:

- state

- against religion;

- against property (property);

- damage to someone else's property;

- against the person (murder);

- against family grounds;

- rape;

- Offences (Law of Manu).

Types of punishment:

- death penalty;

- mutilation;

- bodily;

- fines;

- expulsion from the community;

- turning into slavery;

- reprimand

Purpose of punishment:

- retaliation for the committed (Laws Hammurabi);

- warning (Law Manu).

**Litigation**

The prosecution process.

The court is executed by the king.

Basic evidence: testimony, written statements, oaths, horde (trial).

**Theme 3. State and Law of countries of the ancient world.**

Plan

1. A state system of the countries of the ancient world.

2. Characteristics of a social system of countries of the ancient world.

3. Origin and development of the Roman slave state and law.

4. Right of slave-owning Rome. The laws of 12 tables. Justinian’s codification.

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**Content of the lecture**

The first states are slave-owning.

The primitive communal system was before the emergence of the state (it was destroyed by the distribution of prani, private property).

**Forms of state:**

1. Athens form arose from class antagonisms.

2. Roman form is a confrontation between plebeians and patricians.

3. German form arises as a result of the conquest of land.

In the eastern states, the cause of the emergence was the emergence of agriculture (May). In eastern Slavic tribes, the state arose as a result of the gradual regeneration of military organs by the authorities.

“Nomi” is a Greek settlement.

5-4 centuries. B.C. is the formation of Pt.-Upper and Mt.-Lower Egypt.

In 525 Egypt conquered by Persia.

4 centuries. - Egypt was conquered by O.Manedonsky. The form of state power is despotism.

1 item until e. - Egypt was conquered by Rome.

**Features of despotism:**

1) the form of government with unlimited power and hereditary power

2) the person of the monarch is adored

3) The exercise of power is a multidisciplinary, bureaucratic apparatus. Republican - existed in Phoenician and Mesopotamia.

4) the person was not free.

**State function:**

1) irrigation systems

From the main management departments:

- military departments;

- public works body;

- financial department.

2) the maintenance of religious and cultural values.

Structure of state bodies

The power belongs to the king.

Central bureaucratic apparatus of government, its center - the palace of the king. The apparatus was made up of dignitaries (subordinate controllers, officials).

There was a local control device (identical).

In Egypt the region (nom) headed by the governor of the king (nomarh).

In India dependent forest tribes (reign on behalf of the king-leader). They maintained the procedure, collected a fee, carried out police functions, and assembled a military militia.

In cities, the main manager was city councils (6 in the city) crafts, help foreigners in trade, control, population exchange, trade, textile products. To control them, the kings sent controllers. Bodies of community self-government (community councils).

Heads of councils were elected dignitaries, were appointed.

Council performed:

1) management of land, water;

2) taxes;

3) forensic police functions.

Judiciary was not separated from the administrative.

The highest judicial authority is the king, the highest appellate court, the courts of the first instance. Judicial functions belonged to dignitaries, governors of cities, community leaders.

In cities, court functions belonged to a royal judge who acted in accordance with the instructions.

In Church Courts there were writing procedures.

**Society was engaged in:**

1) the construction of irrigation canals;

2) an irrigation system.

Features of development:

- the first states after the primitive communal system;

- remnants of the tribal system;

- the principle of the coupon;

- patriarchal form;

- development of private property (land, water);

- slave ownership differs from classical slavery (could have a family, property);

- the community (rural, generic took place, were independent, the main production cell).

In India, the population was divided into 4 varieties:

1) clergy was brahmins;

2) military was Vaisies;

3) farmers;

4) impoverished peasants was sudra.

Shudras could buy and sell half-brace. half-time, was higher than a slave.

Switching to another varnish was prohibited.

In Babylon The first point of view:

1) Mushkenum inhabitants of conquered cities, regions.

2) avilum are privileged layers of the north.

Second point of view:

1) Avilum are community members who owned the land on the rights of private owners.

2) mushkenum - out of the community, owned land under the condition and for service.

Fighting between slaves and plebeians. Reform of Servia Tuli 578-533 BC about the formation of statehood.

The essence: 1) the division into territorial units of 4 urban, 17 rural-were formed for the exchange of land holdings. Each one had to elect a head, whose duties - collection of taxes, provision of wealth.

2) the population is divided into 6 categories by the amount of property, the population was determined once every 5 years, grades - hundreds (centuries). Every centurion had a voice in the people's assembly.

1 digit - 80 centuries.

2-4 grades consisted of 20 centuries

5th grade - 30 centuries by 30 votes.

Outside the grades - 18 centuries - 6 of the 18 patricians. 2 centuries - artisans,

1 centuria-musicians, 1 centuria - proletariat.

In the national collections of 193 centuries, there are enough 97 votes to resolve ... questions.

Unlike the Greek policies, the Roman state has evolved from a city community into a mighty state that has existed for more than a thousand years. Periodization of the Roman Hold:

1) the consideration of the clan, the emergence of a slave state from the founding of Rome in 753 BC. before the overthrow of the last king, 509 BC (tsarskenny period);

2) the period of the republic (509-27 years BC) - the highest development of Rome, 73-71 BC. - uprising of Savmak;

3) the period of the monarchy (empire) 27 BC - 476 AD

This period is divided into 2 stages:

1) Principat (27th BC - 192nd BC -274th AD);

2) dominant (absolute monarchy).

**Periodization of Roman law:**

1) the most ancient period (4 thousand BC - part of the middle 3 thousand).

The law is characterized by polisoconclusion, archaic (there was no clear division of law), the main institutes of law (criminal, civilian) are not developing. Great influence was on religious norms, moral norms.

2) classic (ser. From the millennium BC - the end of the century BC) - the right is freed from the remnants of the patriarchy, morality, religiosity, transformed into a pure legal system.

3) post-classical (4-6th centuries AD) - in connection with the schedule of slave society and statehood in Rome, the right virtually ceases to develop and is a reflection of the general economic and political crisis; in this period, the systematization of law takes place.

Sources of Law:

1. tsarist period:

- customs

- legal customs

- resolutions of the people's assemblies

- royal normative acts (decrees, orders, orders, court decisions). Laws of 12 tables (with their appearance the law becomes the main source).

2. republic:

- customary law

- customs

- resolutions of the people's assemblies

- preliminary decisions (judicial)

- edicts of magistrates - public announcements of the rules of the consuls, pretores at the entrance of the persons to the post.

3. period of the monarchy:

- normative legal acts of emperors: imperial constitutions; edicts (acts with the rules that were announced before the emperor's entry into office); mandates (instructions for officials and magistrates); decrees (judgments handed down by the emperor); rescript (answers of the emperor to the requests of private individuals)). Edicts and mandates lost power with the death of the emperor, decrees and rescripts had power.

**Laws of 12 tables - 450 g. BC**

Types of property: state, private, communal, church.

Owning meant actual domination (posession). The legitimate owner could only be the owner. Known notion of illegal possession.

Things: public and private, sacred, disembodied (money, right to inheritance, obligations), withdrawn from trading (air, water, sea), movable and immovable, free and indivisible, simple and complex, consumer.

Ownership is the supremacy of power over the thing.

**Types of property:**

1) Quirists (citizens);

2) peregryn’s;

3) pretor’s;

4) Provincial (land conquered by people in), tax was levied.

**Criminal Law**

An offence is an unlawful act that violates the laws of 12 tables. Roman law distinguished between deliberately committed (severe punishment) and carelessness (reparation).

**Types of crimes:**

- state (treason.protection to the enemy denunciations);

- property (arson of the building);

- against the person (murder);

- military;

- against religion (the image of the gods);

- against morality;

- against the court and administration.

**Types of Penalties:**

- death penalty (dumping from the rock, burning). One can avoid - leaving the state.

- bodily

- fine

- Intimidation (slaves first of all).

**Theme 4. Early feudal state and law in the countries of Europe and Asia.**

Plan

1. Origin of the Frankish state.

2. A social order of the Frankish state.

3. Characteristics of the state system.

4. Law of the Frankish state. The True Salic.

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**Contents of the lecture**

The history of the Frankish state begins with King Claudwig. who managed to capture the valley of rivers and unite the Frankish tribes. When the lands crossed to his sons, the state collapsed.

Stopped the decline of Karl Martel, with which there are reforms that were aimed at strengthening the armed forces of the royal power.

The coup in land relations played an important role: tying magnates to the center of royal power and this contributed to the formation of a united state.

Pipin the Short was the son of Charlemagne, who was declared king and created a great power, was crowned in Rome by the emperor in 800r.

The empire could not be strong in the absence of economic and political conditions, and this led to its collapse. Under the Treaty of Verdun of 843, the division of the Frankish state into the following states was held: Gaul (France), Bavaria and other lands, which subsequently became part of Germany, Italy.

Feudalism in relation to the slave was more progressive. The total ownership of the feudal lords on means and tools, incomplete - the direct producer of material goods. The captured land of the kings was distributed to the warriors, the court, the closest, and these lands, royal sentences, become the hereditary property of the rulers, released from the duties in favor of the king, the land was owned by individuals and called the alders.

Precariae are the peasants of the peasant community, which, not being economical loads due to permanent crop failure, fell into dependence on landowners and received land under the condition, gave a certain amount of fruits to the king and the landowner.

Large landowners, clergy, courtiers. close to the king of the person were the top of the population. They were opposed to free francs.

The tribal community was preserved but gradually turned into a neighbor (living strangers). Along with free Franks, society knew slaves. The slaves were mainly serving the economy of the nobility, paid the contract. Compared with classical slavery, the position of the slave was different. It was allowed to let the slaves go free.

Half-dwellers of the summer were depending on the master, but were dependent on magnates.

In the form of government it was an early feudal monarchy.

At the head of the hierarchical ladder of the state system was the king. Initially, his power was wide: he exercised judicial power, appointed to office, but the distribution of royal lands, the increase of land tenure king power was limited. Apart from the king, the royal court became an important political center. The kings were guarded by anthrustions and close to the king of the person who carried out particularly important orders. All decisions were made with the consent of the royal council, which included representatives of the nobility and the high clergy. Annually in March, March was convened March, which had a political influence, where announcements about the adoption of laws and other legal acts were made. With the Queen was the royal administration. Personal servants were simultaneously officials of the state - ministers. Among them there were royal slaves, on which also certain tasks and functions were assigned. Servants received gifts, were released from duties. The management bodies resembled the court-patrimonial control system, something like the Kyrgyz Republic.

Seneschal was in charge of the king's personal affairs, and ruled by court servants.

Marshal at first he was in charge of the royal stables, later headed the royal cavalry.

Cameraria and thesaurias were guardians of the movable property of the king and his execution.

Important place was occupied by the Court Count, performing court functions, attending sentences, supervising their execution. Referendum - reviewed, edited regulatory documents, certified them with a seal. He was subordinated to the clerks, clerks

Sources of Law:

1) reception (borrowing the law of the Rome), the introduction of this right inaction;

2) barbaric truths were a record of the customary law of barbaric tribes (end 5th-6th centuries). Regulated the relations of different barbaric tribes in the territory of the Frankish state (Salic Truth, Alemansky, Bavarian, Saxon Dweller);

3) True Salic prepared during the reign of Clovis (485-511). Records of customs and court decisions. Wears traces of the tribal system;

4) regulations (decrees, decrees, orders), later capitulation (as a result of their division into chapters).

**Criminal Law**

Under the crime of Saliscus, the truth was to understand the imposition of material or moral damage, injustice, but not to one person, but to society. The crime of Salic truth was regarded as a violation of royal peace. The paramedic truth tried to put punishment in dependence on such circumstances as carelessness, direct and indirect intention, aggravating and mitigating the guilty circumstances. For complicity in the crime Salic truth increased the punishment. The objective side: burglary, the image of a woman - a bigger fine. Subjects were all except the mentally ill, the young. Slaves were subjects.

**Types of crimes in Salic truth:**

1. crime against the state - the most dangerous increased responsibility (assassination of life, the health of the king, close to the king, the church nobility);

2. against the administration of justice (false testimony);

3. property crimes against property. Three Kinds of theft:

4. for a sum of 2 days or more;

5. from 40 dinars and more;

6. skilled theft;

7. against a person: murder, rape, offence (fines in the 3rd amount). Law was valued by women; the matriarchy had a great influence. The fine was paid in salys (golden coins), denarius (silver - equal to 1 / 40solid). For punishment, fines were fixed at 15.35.45 for free, for slaves in the first case, the compensation for losses and 120 beats by whip, in the 2nd - a castration or a fine, except for damages;

8. war crimes;

9. against morality.

**Types of Penalties:**

1) death penalty was the most severe;

2) bodily, fists;

3) the announcement of the guilty standing outside the law;

4) expulsion from the community, family, family.

Punishment was imposed depending on the severity of the crime, property and legal status. Purpose of punishment: compensation for the material or moral damage inflicted.

The trial process was prosecution-friendly. The victim collected all the evidence, the court followed the course of events. The victim was summoned to court. In case of non-appearance in court From time to time, he was summoned to the court of the king, where the king revealed him standing outside his protection as a violator of peace.

Evidence: witnesses' testimonies, statements by guarantors, witnesses of good repute, 6-12, horde as evidence (test with boiled water, hot iron). It was possible to pay off the hordes.

**Theme 5. Caste-representative monarchy in the countries of Western Europe and Moscovy.**

Plan

1. Prerequisites for the transition to a caste-representative monarchy.

2. Orogin of caste-representative institutions in France. England and Germany. The order of their formation, structure and activity.

3. Characteristics of the main memories of law.

4. Features of the development of feudal Russia in the 15th-17th centuries.

5. The main features of criminal-legal and procedural relations under the Code of Law of 1649.

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**Content of the lecture**

During the 13-14th centuries the economic face of the West European states has changed substantially:

1. In the place of the former villages there are cities that have caused changes in the domestic market, increased trade relations with the regions of the whole country. Most of the city was located on the land of feudal lords, which meant that the management of cities and the court was under the command of the feudal lords, seniors who headed the region. Treasurer seniors received taxes, which gave the city.

2. There were Crusades. In the end 11 centuries under the guise of religious activities 1054 g. and cf. The church is divided.

During the 3rd Crusade they captured Byzantium, Constantinople.

3. In Europe, new goods were imported silk, cotton, satin, velvet, sweets, spices, shoes. But in order to buy it was necessary money. All this gave an impetus to the development of sales, the development of craft, trade.

4. Important changes in agriculture took place. In order to meet their new demands, the landlords needed money, so they transfer natural duties to money, free land is occupied by anyone to pay for them.

5. The feudal lords move to exploitation of hired labor.

6. Due to the unarmed peasants, the ranks of the urban and rural proletariat are renewed.

There is a disintegration of the peasant community (it existed in Russia until 1910)

7. Afflicted with their dependence on the feudal lord, the cities seek to buy self-government for money, acquire their own military power (for protection), seek support at the royal court.

The interests of the king and the cities coincided. The king wanted unity, sought restrictions on the power of the vassals, cities also sought to centralize the state. Between cities and the king was written a consensus on which cities gave money to the king, and he provides them with the oppression of the feudal lords.

8. The growth of the tax burden, crop failure, and illness led to sharp class battles (the uprising of the Paris burghers of 1356-58, the uprising of the peasants of England, and a series of uprisings in Germany).

9. During the 12th and 13th centuries. in Western European states finally formed states: nobility, clergy, towns.

10. Prior to this, there were early feudal congresses in which the nobles and clergy took part, which were tools for the struggle against the strengthening of royal power.

Provincial-representative institutions contributed to the formation of a national state. New forms of economic activity of the state, the development of commodity-money relations, the role of the city, the strengthening of royal power led to a clear separation of interests and privileges in a society.

Feudal monarchy was a new stage in the development of states.

The order of their formation, the structure and activity of the emergence of a caste-representative institution in France.

The reason for the convening of the United States in France was a dispute between the pope and the King of France Philip 4. During this period, a century-long war between England and France continued.

The reason for the war between the Pope and the King was that the Pope forbade taxes from the clergy. But the king, on the contrary, set high charges from the clergy. In connection with this were convened by the United States (1302). The general states supported the king, not the pope, and the lawyers of the French king condemned the pope. The king defeated the Pope and ordered the removal of his functions as bishop.

The United States was formed from representatives of three classes: the nobility, clergy and burghers, who were invited to the meetings of the United States. Representatives from the peasants were not. Each of the classes met separately from other classes and had 1 vote out of 3.

The structure of the General States is a unicameral representative body of 3 classes.

Procedure: The role of the United States was initially modest, the main function was to resolve issues of taxation, but with the victorious end of the Hundred Years War (defeat of France), a favorable situation was created to strengthen the influence of the United States on domestic and foreign policy.

The estate os the representative institution passed the right to control the management of the country. They were convened twice a year, working in session.

Reform of Charles 7 1439. introduced a direct, constant tax tax. He was charged with the population without the consent of the General States, which were not eliminated, but were convened by the king only when he needed their support and consent to the allocation of money.

**The main sources of law during the estate-representative monarchy:**

1. Reception of the rules of Roman law (borrowing);

2. Ordinance;

3. Statutes, resolutions of representative bodies;

4. Edicts of kings are the platform of the king is born, what will be his activities in the middle of the country and beyond;

5. Great Charter of Freedom 1215 (England);

6. Golden Bulla in 1356 (Germany).

**Great Freedom Charter:**

1. It stipulated that taxes and fees can be levied no other than as a decision of the general council of the kingdom (the restoration of the Baroness Curia).

2. No free man could be condemned, expelled from the country, deprived of property, set up outside the law without a legal sentence issued by judges and under the laws of the country;

3. The implementation of the provisions of the Charter was to be guaranteed by a council consisting of 25 barons who had the right to seize and press the king in all ways;

4. In the Great Charter, the Government wrote that no official should bring someone to justice on his own charges without the involvement of witnesses;

5. The privileges and freedoms of churches continued to be confirmed;

6. The former freedoms of cities, the rights of merchants were confirmed;

7. In trade, the same measure and weight was established;

8. Free peasants promised that they would not be punished with fines and overclaims;

9. The knights were promised that they would not be compelled to perform non-statutory duties and barons would not be taken from their vassals (knights) of the assembly.

**Golden Bulla of 1356:**

1. Fastened the feudal fragmentation of Germany;

2. The decision of all important issues was a matter for the board of 7 most influential and rich princes, elector, who gathered annually at congresses;

3. The Courthouse had higher court privileges;

4. The princes bind the German emperor twice: for the first time, after the election, the second time after the coronation, to confirm their rights, freedoms, pleasures, customs, honorary sledges and all that the princes received from the emperor until the election of the emperor;

5. Golden Bull allowed the princes to conduct war between themselves, the empire as a single state did not exist;

6. Fastened the oligarchy, the power of the great princes.

In Russia, the unification of lands and the formation of a single central state took place not in terms of the schedule, but even more strengthening the feudal socio-economic formation:

There was enslavement of the peasants, in addition to the natural rent in the 15th century. was introduced welfare rent (boschina), money rent, oppression - all this led to peasant unrest (1606 - 1607 years). This period was characterized by a significant increase in productive forces, the division of labor, the growth of commodity-money relations, economic ties between the city and the countryside, the revival of agricultural production, more productive agriculture, trade in bread and other commodities and products.

Political fragmentation hampered the development and productive forces. The economic development of the Russian lands was hampered by climatic conditions (hay climate), they did not promote economic ties either between villages or between regions.

The main precondition for the formation of the state was economic development, but this process was slowly developing.

Peasant community slowly, but ruined. Left without land the peasants left the house and fled into the city, but in Russia, the community existed until 1910, restrained its economic development, which strengthened feudalism. The main preconditions for the unification of the n lands were: the revival and development of agriculture, crafts, the growth of cities (led to the strengthening of economic ties with other lands, increased class contradictions in the cities).

**Types of punishment:** death penalty, trade penalty (for the first time for theft), jail, fines.

Purpose of punishment - intimidation of the masses.

**Judicial trial for Sudebnik.**

The prosecution process, which considered civil, less serious criminal cases. Cases were dealt with on the victim's suit.

**Basic evidence:** personal recognition, testimony, documents (letters of land disputes), oath (kissing of the cross).

The court allowed reconciliation of the parties during the match.

Then a verdict was issued (legal certificate), which was signed by the parties. The execution of the sentence was inherent in the court. The sentence could be appealed. They began to be applied to the most difficult cases of the inquisitorial and investigative process (no plaintiff, defendant) of torture. The case was handled by punitive bodies or officials who, despite the investigation of the case, sentenced the perpetrators, sentenced.

**Basic evidence:**

- seizure at the crime scene.

- search.

- torture

For conviction of death penalty it was sufficient that 5-6 good people (1497), 10-15 boyar children (1550 p.) Expressed their opinion on a suspect or a criminal. Caught with a police officer were subjected to torture, individuals were guilty if some people called her guilty, and the other one, when they survived torture and did not admit their guilt (before such a death penalty was not imposed, they were imprisoned).

The state forced the community to take direct part in the massacre.

1547. - Zemsky Cathedral reconciliation of feudal lords with the people.

1553 - Zemsky Cathedral - the entry of Ukrainian lands into the composition of the Russian Empire on the rights of autonomy.

**Crime** is a violation of the will of the kingdom, the rule of law and the attack on the foundations of the social system, the state system, and the protection of the rights of individuals.

**Subjects of law** are persons of all classes, except demons and children under 7 years of age. Thought, carelessness, randomness, defense is more fully taken into consideration. The concept and division of actions are given: instigator, initiator, performer.

For the first time mentioned institutes of aiding, hiding, relapse. Stages of criminal acts: Intent, preparation, committing a crime.

For the first time, a criminal case was distinguished from a civilian.

Cathedral code completely secreted the peasants, banned the transition to other feudal lords.

**Types of crimes:**

- crime against religion: blasphemy, obstruction of worship;

- political: conspiracy, betrayal of the state;

- war crimes: escape from the battlefield, evasion from military service;

- against the order of management: bribery, obstruction of the performance of duties;

- against the judiciary;

- against the person;

- property crimes;

- against morality.

**Types of punishment:** for the most serious crimes - the death penalty, 35 articles, buried in the ground alive, corporal, painful, punishment, punishment, imprisonment (a prison, exile to Siberia), property penalties (fines), trade penalty, the purpose - intimidation of the people.

**Trial**

Inquisition-search process was dominant. It began with a search, questioning people, subject to torture.

If the person who committed the crime, praised and there were more than those who called it a disaster punished. If the accused was summoned, they arranged an out-of-pocket bid. When the accused at the on-call rate confirmed the trick, they conducted a general search.

It was not distributed to nobles, traders. If the nobles accused the slaves of theft, they were subjected to torture without conducting a preliminary search.

This process was used in disputes over land disputes, and especially in relation to committed state crimes.

Along with the Inquisitorial-Investigative process, he acted and accused-competitive: civil cases were dealt with, except for property cases.

**Prosecution process, evidence:** oath with the kiss of the cross, witnesses. A search of people, a general search was ordered at the request of one person (plaintiff.) or a court. There was a priest who was signed. If the issue was not resolved, torture was intended. An important role in considering disputes about runaway peasants, used lots. The court itself conducted search operations without any other evidence (especially land relations). He filed complaints against a judge who had to pay a triple price claim, but if the complaint was not confirmed, the claimant was tried.

**Theme 6. Absolute monarchy in countries of Western Europe and the Russian Empire.**

Plan

1. French classical absolutism.

2. Features of English, German and Russian absolutism.

3. The memorials of law: Caroline 1532 (Germany). Bloody legislation in England 1495-1597.

4. Causes and prerequisites for the formation of absolutism.

5. The social system of in the period of absolutism.

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**Content of the lecture**

During the absolute monarchy, the kings of France sought for themselves and their subjects:

1. Unlimited competence in the issuance of laws and decrees, including the laws on the army;

2. He achieved complete control over the life of all regions of France;

3. Limitation of the power of the seniors, reduction of the sphere of justice of the seniors;

4. In France, the end of the autonomy of cities, the loss of self-government;

5. The representative bodies of the United States cease to be convened;

6. Complete dependence of the cure from the king;

7. Finances fully at the disposal of the king;

8. Management of the country - the royal court (royal council, members of the council appointed by the king, accountable only to the king, the council's decisions were approved by the king in signature and seal);

9. The main support of the absolute monarchy is a strong, regular land army. The king's power was by no means limited.

**Features of the English monarchy**

Based on French absolutism, English absolutism had 3 peculiarities:

1. Parliament acts;

2. local self-government bodies are kept;

3. The armed forces are few, there was no strong ground army, dominated by the navy.

**Features of German absolutism**

The political fragmentation consolidated by the Golden Bulla lasted until 1871 when the constitution was adopted.

If in England and France the monarchy contributed to the strengthening of the royal power and the formation of nations, centralized states, then German absolutism in this regard did nothing, did not contribute to the strengthening of royal power, the unification of lands, the formation of a centralized state.

From the very beginning, German absolutism played a reactionary role by delaying the development of Germany's bourgeois development.

**Absolutism in Russia**

By the end of the 17th century. absolutism was incomplete, the kingdom's power was limited by the boyars' council. Absolutism developed under Peter 1 (dispersed the boyar council).

At the beginning of the 18th c. absolutism formed in a purely classical form, but had its own characteristics, which were caused:

1. economic backwardness of Russia;

2. the dominance of serf relations;

3. There was no balance between the nobles and the burghers.

The main sources of law were:

1. customs, customary law;

2. canon law;

3. ordinances;

4. the edict of the king (upon taking up office);

5. assy;

6. proclamations;

7. Records and Sights of Law (Carolina).

Most notably - Carolina (Carl 5 emperor of Germany) - the Code of Criminal Procedure of Germany. 219 articles (77 articles - regulate criminal-legal relations, all others - the process). Criminal relations.

**An offence** is an act that violates the provisions of the articles.

**Subjects of law is** every German citizen except for children under 7 years old and insane, but they could also be punished. Children under the age of 14 were not subject to death penalty, only corporal punishment. The principle of the coupon. Repayment (Article 107), public revenge (the Divine Court) is mainly for adultery (Article 120). Relapse - qualified night theft, intentional crime, negligence, intent or intent, aiding and abetting.

**Of the types of complicity:**

1. Assistance to the crime (weapon);

2. at the time of the commission of the crime;

3. assistance after committing a crime (covert complicity, gaining benefits). Mitigating circumstances:

1. necessary defense (139th.) For the salvation of his body;

2. causal connection (for the first time) (134 items) - the doctor's ignorance and death due to the wrong actions;

3. forensic examination (the conclusion was the main evidence in the case of death when there was no evidence in the case);

4. More complicated crime: theft, falsification (111st.), Robbery, robbery.

**Types of crimes:**

1. against religion (blasphemy of 106 centuries, witchcraft);

2. against the state (betrayal of 124th, revolt of 127th c.);

3. property crimes (arson of 126, theft, robbery of 157-164 centuries);

4. against a person (131-137 centuries, insult, defamation);

5. against morality (the two-seater of 121 verses, adultery, forgiveness 116-117 centuries);

6. against the administration of justice;

7. against trading order.

**Types of punishment (basic):**

1. death penalty, bodily harm;

2. those who disgraced human dignity;

3. expulsion from the country;

4. fine.

**Additional:**

1. imprisonment;

2. torsion of the body, attachment of legs to the trees;

3. Dragging to the place of execution.

The purpose is to intimidate.

**Trial**

The well-known and dominant inquisitorial and investigative process, at the initiative of the court, punitive bodies, and not parties, were accused of private and state crimes.

The process: the preliminary investigation considered cases in court.

Investigation pre-general (fact of committing), special (interrogation).

A verdict was issued (3 types): indictment, acquittal, with suspicion (if there is little evidence). It was allowed to protect lawyers, legal proceedings - formalism (showing at least 2 witnesses, punishment of a person of bad fame).

The verdict was formed in form: introduction, content and the final part.

**There was no right to appeal the sentences.**

**Bloody laws in England.** England during the absolute monarchy. The villagers, who were pulled from the usual environment, replenished the ranks of the urban population, turning into criminals, robbers against such people was issued the law of 1495 “Against the vagrants and the poor,” which contained instructions to local officials, to search for persons who were inactive, lonely, and vagabonds. For the first time in 3 days. It is not forbidden to ask for grace by the law that is not capable of work. Under Henrykh 8, laws were also passed against non-working people.

1530 - the law was passed by the Parliament of England in which it was said that the elders were not allowed to ask for alms, but not for all the others. According to this act, the suspect was tied to a point and beaten with a whip to the blood; in the case of prolonged vagrancy, half the ear was cut off, and the death penalty was 3.

In 1597 the law on the punishment of persistent vagrants and the poor. Article 4 of this law provided for punishment in the form of detention, use as a workforce, exile to overseas countries. Who returns from exile, will get death penalty.

The purpose of the Blame Legislation is the rural population in England, deprived by force of the land, expelled and converted into vagrants, seeking to accustom, based on these laws, into the discipline of hired labor by plundering, tyranny, torture.

**Absolute monarchy** this is a form of government, when all the power belongs to the monarch, the character of the class struggle.

The reason is the inadequacy of the productive forces of the old socio-economic formation of a more progressive, productive socioeconomic formation, capitalist (bourgeois).

**Economic premise** is the growth of productive forces of 's society, the birth of manufactories (3 types - state, nobles, merchants). State and aristocratic manufactories used the work of serfs, merchants - hired workers. The formation in Russia of the entire Russian market, which led to economic ties, unification of land.

Social preconditions - the emergence of capitalists-merchants, the growth of the role of the nobility (the social base of the monarchy), the strengthening of the political influence of the nobility.

Political prerequisites - a sharp sharpening of the class struggle, rural uprising, war.

Organizational prerequisites - the formation of a permanent army, subordination of the church to the state, replenishment of the budget (financial independence), ceased to convene Zemsky Sobor. The threat of independence from Turkey, Sweden, England, Holland, who dreamed of colonizing Russia.

The first quarter of the 18th century. - pure absolutism (classical), ended with the boyars' council.

Absolutism has passed the following stages:

1. 17th c. - with the elements of the boyars' council;

2. 18 centuries. - bureaucratic absolutism with the elements of enlightenment;

3. the first half of the 19th century. (before the adoption of bourgeois reforms in Russia in the 60's and 70's)

4. The period after the adoption of reforms (1860-1904) - the first important step towards bourgeois monarchies;

5. After the revolution of 1905-1907

Distribution of population in relation to means of production, development of class society (peasants, nobles, clergy, urban population). Peasants - 10 million (96%) of the total population. At the beginning 19 centuries the situation worsened, tax increases - the reason for the war, their mobilization into the army.

1718 - a poll tax, a clearer organization of the peasants, eliminated intermediate groups of peasants (slaves - bonded, residential), church services, part - in the army, the other - enshrined.

As a result of this tax, all rural population was divided into state peasants (personally free, paid taxes), serfs (landlords, monastic, labor (attributed to factories and factories)). After the confiscation of church lands, property by order of February 26, 1764, the number of state peasants increased + economic peasants (1 million), who received confiscated church lands for cultivation, paid a lease.

1797 - for the management of economic peasants, a department of shares was created. Closed class struggle, uprising. Astrakhan uprising on the Don 1707-1708 biennium

At the beginning 18 centuries many small peasant uprisings - issued by the institution.

1773-75 - peasant war (defeat of the nobility) struck the feudal system.

Noble-ruling class, 300 thousand peasant households owned 15 thousand secular feudal lords, 120 thousand - chervs and monasteries, 100 thousand - royal court.

The nobility's status increased due to admission to the Russian citizenship of foreigners, those who entered service (Moldovan, Serbian nobles), at the expense of gratuitous nobility.

1722 - Table of rank - 14 grades (classes).

1 st - the highest, provides distribution of ranks in 3 types - military, civilian, court.

Staffing - officials, chancellor, real secret advisor, state councilor.

The abolished table on the ranks of 1917, Peter 1, laid the foundation for the service principle, not the ancestral pedigree. The natural consequences of turning secular feudal lords into nobility, was the merger of estates and estates.

Decree of Peter 1 March 23 "On the pedigree of the well-deserved, bought estates of estates" - were considered under the name of fixed things.

Reforms caused dissatisfaction. He relied on the nobles.

1730 - the decree, which was to force the nobles to go to the public service for the sake of earnings, was abolished.

Nobles struggled to eliminate lifelong service. In 1736 Instead of life it was established the term - 25r., was allowed to release part of the officers, soldiers from the nobility to their villages for farming.

Noble Corps, after graduating from the rank of officer and dismissed from the service in the lower ranks.

February 18, 1762 - Manifesto on the giving of freedom to all Russian nobility. According to which the nobles were released from military service in peacetime.

It was a process of expanding the power of the landowner over the serf peasants. They received the right (1766) to send the peasants to hard labor for damages. The privileges of the nobles are enshrined in the Charter of the Rights of Freedom on April 21, 1875. The release of the nobles from compulsory military service, payment of taxes, permanent duty, were exempted from corporal punishment, approved the monopoly of the right to land, have a factory, factories, engaged in trade, section on 6 digits, depending on the method of obtaining noble rank. Titled nobility and ancient nobility councils - special 5 and 6 grades. For the worst nobility there was a restriction if in the year there were less than 100 rubles from the village, then it was deprived of the choice of the authorities.

Nobles received the right to form the caste organs. "Noble Fees" - strengthened their influence, were under the control of the governor.

Clergy was black and white.

Black-monks, white-bishops and priests who served the religious needs of the laity. Operated peasants, were strong political force, supported the feudal system. Peter 1 limited the rights of the clergy. (Spiritual Board).

1762 - Decree on the secularization of church lands, forbade to own lands.

Urban population - originated.

1775 - urban population - merchants, towns (inhabitants who produce goods on the market). The urban population was charged with state obligations.

1721 - the reform of Peter 1.

According to the document "Regulations of the Main Magistrate" 1 "the distinction of the urban population on regular and irregular.

Regular - 1. Bankers, notable merchants, city doctors, pharmacists, jewelers, painters, icons - were granted privileges and benefits; 2.Torgovy, artisans, united in the shops, other sneak people who were in hire and perform roughing - paid a poll tax, state obligations.

“Charter for city rights.”

**The population of cities was divided into 6 categories:**

1 who had real estate, regardless of the state of the population;

2 merchants, depending on the size of the capital;

3 guild artisans;

4 foreigners and all citizens who have settled in cities for the sake of work, fishing;

5 enlisted eminent merchants, more than 50 thousand rubles, - bankers;

6 townsmen, towns were permanent residents of cities.

According to the letter of the city could have bodies of self-government - a meeting of the city community, City Duma (supreme body).

A six-member Duma (governing body) of not less than 50 thousand rubles - could be elected to office.

Enlightenment absolutism is an ideology of the period of absolute monarchy, preaching the unlimited power of the monarch, and the monarchy as the most perfect form of state necessary for a prosperous and prosperous state.

Catherine 2 announced the goal of reaching the common good of her subjects. Enlightenment absolutism (Zh. J. Russo, Voltaire) contributed to the development of culture, science, and economic development.

**Theme 7.** **State and Law of bourgeois England (XVII-XIX centuries).**

Plan

1. Prerequisites and peculiarities of the bourgeois revolution in England.

2. The main stages. Characteristic.

3. Establishment in England of a constitutional monarchy.

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**Content of the lecture**

The reason for the discrepancy between the productive forces of the old socioeconomic formation and the more progressive capitalist relations.

Prerequisites were the growth of capitalist relations, the spraying among the peasants, the increase of urban and rural bourgeoisie. Advances in maritime trade, industry.

A revolutionary situation has sprung up.

**Features:**

- a compromise was reached between the bourgeoisie and the nobles. As a result, the English Revolution ended with the formation of a constitutional monarchy. Constitutional monarchy is a state system, where, along with the institutions that were typical for the bourgeois state, feudal remnants were preserved;

- the working masses, who won for the bourgeoisie and the nobility victory, did not receive anything from the revolution.

**Stages:**

Stage 1 (1640 - 42) - establishment of a constitutional monarchy;

Stage 2 (1642-49) - the period of the civil war in the middle of the royal opposition - Puritan. Characterized by the struggle for power (1642- 47, pp. 1647-49);

Stage 3 (1649-58) - Independent Republic;

Stage 4 (1653-1658) - protectorate of Oliver Cromwell;

Stage 5 (1688-1701) - Glorious Revolution (1688), legal registration, establishment of a constitutional monarchy: “Bill of Rights” (I689), “Act on Spermatolateral Abuse” (1701).

**Characteristic**

Stage 1 - Constitutional Monarchy

1628 - Appearance against the king in parliament began. “Petition for the rights” (1628), which focuses on the idea of ​​a constitutional monarchy:

- no taxes without parliamentary participation;

- no arrests without a court decision;

- Elimination of Existing Extraordinary Courts.

There was a restructuring of the administrative apparatus, the restriction of arbitrariness of judges, royal absolutism.

April 1640 was a new session of parliament was convened. Short parliament November 1640 - a new session of the parliament. Long Parliament.

The beginning of the bourgeois revolution in England The series of normative legal acts is adopted:

- Establishment of the rule of parliament.

- restructuring of the administrative apparatus.

- Limitation of arbitrariness of officials and judges.

February 15, 1641 - adopted a 3-year act:

- non-parliamentary government could not last more than 3 years;

- no power can dissolve the parliament after 50 days of its work.

June 25, 1641 - the abolition of the tribunals of absolutism (“Star Chamber” and “High Commission”).

Lawful courts: general courts, chancellor's court.

Independence of judges from the crown. No tax can be levied without the consent of the parliament.

King escapes from London and begins to fight the opposition, the Puritans.

Stage 1 - King's Opposition

- Presbyterians - the large bourgeoisie, the aristocracy, which established a constitutional monarchy, eliminated the king's prerogatives (superiority, exclusive right), favored the collective management of the church by the state synod, opportunistic tactics;

- Indepeinists - middle and small nobility, political leader - O. Cromwell Platform: full freedom of religion, liquidation of church wealth, establishment of a qualitative republic, the abolition of the right of feudal lords, large landowners, confiscation of church land wealth.

- levellers (levelers)

Two currents united:

1. John Lilborne, expressed the interests of petty-bourgeois elements of the city and the countryside. Establishment of a bourgeois-democratic republic. The highest authority is the parliament. The distribution of elective rights for men is at least 21 years old.

2. True levellers (diggers) were closer to the poorer population. April 1649 - the first performance of true levellers. Denied private ownership of land. Citizens worked up to 40 years old, foodstuffs have to be delivered to stores, and distributed there. Representatives of peasant socialism.

From the stage - the dissolution of the royal army and the creation of a parliamentary: the militia was poorly armed, and the mercenariesrequited for money.

**Military reform:**

- creation of new military units under a single command;

- establishment of rigorous discipline;

- the troops were held by the parliament;

- acceptance of the act of self-denial;

- the nobles were forbidden to hold command posts in the army.

1647 - People's agreement (requirements levellerov).

Inconsistency of the masses of the soldiers.

In 1648 Colonel Pride's army carried out a forcible cleansing in Parliament in London.

March 1649 - the elimination of the upper chamber of lords.

February 15, 1649 - the State Council was established.

January 30, 1649 - Carl I. was executed.

May 19, 1649 - establishment of an Independent republic.

2nd stage 1653r. - power is completely transferred to O. Kromvel. The parliament is disbanded.

Stage 3 influential council of officers declares O. Kromvel to be the protector of England.

1653 - The Cromwell Constitution "Tools of Work":

- Legislative power - unicameral parliament, as well as Lord protector;

- annual session not less than 6 months;

- the position of Lord Protector is elective;

- The lord of the tread is elected by the State Council:

- O. Kromvel holds a position in life (Articles 1, 7, 24. 33);

- Lord protector approved and issued laws;

- the right to choose deputies has persons who own property not less than 200f.st. (Article 18).

The Constitution was not approved by the parliament as a representative body.

The Lord Protector could not declare peace or war without the consent of the State Council.

The Lord Protector introduced and levied taxes (St.4).

January 1650 - Parliament is dissolved.

1655 - a personally created dictatorship of O. Kromvel.

1658 - death of O. Kromvel.

There is a restoration of the monarchy.

Stage 4 - Carl I's successors restored all the old feudal institutions.

Party:

Tories (Conservatives)

Whigs (Liberals)

1679 - the Whigs achieved the adoption of a law that would ensure the security of the opposition “Habeas Corpus Act” - an act on the rights and guarantees of a person.

1. The arrested person shall be provided with a written instrument of arrest, otherwise he shall be released or urgently transferred the case to the nearest court. It is the court of masses to decide the question of precautionary measures - imprisonment or release on a pecuniary value. The court should also release the detainee if he does not find sufficient reasons to be arrested.

2. An arrest may require that he be transferred to the nearest court to decide on the lawfulness of the detention. Denial of this request was punishable by a fine of 100 pounds in favor of the prisoner.

Acts of the Act did not apply to cases involving allegations of treason or grave crime.

1688 - The Torah and the Whigs briefly united against King James II through the oppression of the Parliament.

1688 – “Glorious Revolution” (the transfer of power to Wilhelm on February 15, 1689, through voluntaryrecognition of the throne of James II).

Wilhelm published in 1689 the "Declaration of Rights", which formed the basis of “About Rights,” which consolidated the foundations of the constitutional monarchy in the country:

1. nobody, except for the parliament, can dismiss from the laws, cancel the law or suspend its operation (consolidating the rule of law in the parliament in the field of legislation and financial policy);

2. any law is adopted only with the consent of the parliament, just as any tax is imposed solely by a decision of the parliament;

3. limiting the powers of the king to the leadership of the army and the navy, it is the parliament that determines the composition and strength of the army for each year and allocates the necessary funds for it; the recruitment and retention of a permanent army within the limits of the kingdom in peacetime could only be carried out with the consent of the parliament;

4. legitimizes the freedom of discussion in the parliament: “freedom of speech” (the right to appeal to the king with petitions (appeal) and the proclamation of the illegal pursuit for this), freedom of expression of will, political pluralism. Subjects are given the freedom to petition, they have the right to wear weapons. "Bill of Rights" formulated the principles of the legislative power in the system of state and political bodies: free elections to parliament, the regularity of its convocation, independence from the executive.

A person who was born outside of England could not be a deputy to the parliament and hold positions of office. The purpose of the document was to provide, restore and confirm the old rights and freedoms.

The “Act of Succession” of 1701 proclaimed the immutability of judges and the invalidity of the royal pardon of political criminals, whose cause was violated by the House of Citizens. Thus:

a) the king must necessarily profess the Protestant faith, which deprived him of the support of the Pope of Rome and of the Catholic countries;

b) in the event of an attempt to seize power by the king or even a mere conflict with the parliament, the monarch's capabilities were limited; his ministers risked being subjected to a court of law without hope for royal support or pardon, and without the minister's signature, no order of the king was considered invalid;

c) it is established that a person who occupies any paid position in the service of the crown or receives a pension from her, can not be elected to parliament (a member);

d) the king had no right without the consent of that parliament to leave beyond England;

e) after the death of childless Wilhelm 3 Anna Danish became his successor. If, however, she will have no heirs, then the crown should go to the Hanoverian princes, the reindeer.

**Theme 8.** **State and Law of the USA (XVIII-XIX centuries).**

Plan

1. Origin of the United States. Declaration of Independence 1776. Articles of the Confederation of 1781.

2. The US government under the Constitution of 1787. “Bill of Rights” 1789-1791.

3. The civil war between the North and the South, its influence on the further development of US law.

4. “Black codes” 1865-1866.

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**Content of the lecture**

The first Continental Congress-September 5, 1774, marked the beginning of a general representative body.

Why the struggle of the American people against the king and the government of England was called the bourgeois revolution?

**Goal:**

- eliminate all that was associated with feudalism;

- independence.

**Driving forces:** farmers, craftsmen, workers.

The leadership of the struggle was carried out by a group of merchants and North factory workers with South plantations.

Declaration of Independence was adopted July 4, 1776 at the Second Continental Congress.

**Substantive provisions:**

1. Positive features:

- expression of the Americans' fundamental hopes for freedom and democracy;

- The facts of neglect of the rights of Americans on the part of the King and the Government of England are counted;

- it is a complete rupture of state-political relations with England;

- in order to ensure and achieve these rights and freedoms, people form governments that the people have a fair power (people have the right to replace the government);

- the idea of ​​unlimited democracy;

- it is about the formation of a state where there will be no place of tyranny;

- informed about the emergence of an independent state.

2. Negative features:

- not mentioning private property;

- does not reveal the class character of the state, the new bourgeois republic;

- does not condemn racism;

- quotes women's rights.

**Articles of the Confederation - March 1, 1781**

The analysis shows that there was the first US Constitution, which consolidated the intergovernmental union.

**Treaty of three independent colonies. Great Ordinances.**

To transform a colony into a state you must:

- have a certain number of residents of the colony;

- have their own Constitution;

- submit a statement to the Federal Congress;

- Each state was supposed to maintain its sovereignty, independence, freedom, power, jurisdiction and law, its representative body, government, the Constitution.

Annually, a higher body was convened in an unicameral congress to address key issues. Each state had one vote (2-7 representatives), depending on the population.

**Competence of the Congress:**

1. solving issues related to foreign affairs;

2. organization of the army;

3. organization of mail and coinage;

4. did not have the right to enter taxes into states.

Between sessions, some of the authority was decided by the State Board Committee (a representative from each state).

The Confederation is a union of states for the achievement of a certain purpose.

Mandatory attribute of a confederation is the presence of a single territory.

For example: the Swiss Confederation in the past, Germany (from 1867), 1921-1922. - the unifying movement of the Soviet republics before the formation of the USSR (Caucasus, Belarus, Russia, Ukraine), Blue Guinea, Montenegro and the Republic of Serbia until 2014, the USA from 1781 to 1787.

**The US Constitution of 1787.**

In 17.09.1787 the constituent convention (legislature) approved the adoption of the Constitution.

March 4, 1789 - The US Constitution has come into force.

The basis for the distribution of power was laid down.

**Structure of the Constitution:**

- the introductory part and 7 articles (in the short introductory part of the Constitution, the development and adoption are justified by the need for the formation of a more perfect than the confederative union of the state);

- establishment of justice;

- protection of internal peace;

- organization of joint defense;

- the need to promote wealth to people, and to give them and their descendants rights and freedoms.

The Constitution did not eliminate the political autonomy of the states, but opposed them with strong executive power.

Confederation has become a federation.

Congress (legislature) consisted of two chambers:

- lower chamber - House of Representatives;

- the upper chamber - the senate.

Lower chamber

The term is 2 years. Direct voting of citizens (from 25 years old).

The elected member must have US citizenship (7 years).

Selected by the state legislatures (until 1913)

In 1913 - 17 amendments to the Constitution were adopted.

"The senators were elected by the population, that is, by direct voting."

Senator's age from the middle ages. Citizenship of the USA - from 9 years. The term is 6 years.

Every two years, 1/3 senators are reelected. Senate chairman is US vice president. The Constitution gave the Senate the right to control the activities of senior officials (including the President). The Senate acts in impeachment. Close President: Clinton, Nixon. Second half of the 19th century - impeachment was subjected to prnehident E. Johnson.

Both chambers are endowed with the same powers of legislative initiative and adoption of laws.

The United States was forbidden to enter into alliances with other states, states. The constitution prohibited them from having their own armed forces. The state has the right to have its own Constitution and the police.

Executive Body - US President.

Elected by two-stage elections. The term is 4 years. Age - 35 years. Citizenship - 14 years. The number of voters was the same as the number of deputies in the congressional chambers. The voters of the president elect the population of each state on the first Tuesday after the first Monday of the leap year.

The president is the head of state and federal administration, the commander of the armed forces:

- can not be eliminated by the resolution of distrust of the congress;

- carries out a representative function (on the advice and with the consent of the senators, elect the judges of the federal system);

- defines the responsibilities of all its ministers, officials;

- The US Constitution has deprived the President of the legislative initiative (he has no right to submit a bill already ready).

The President's veto is a guarantee of the tyranny of the legislator.

The consent of the congress to the President is necessary:

- to maintain armed forces;

- ratification of international agreements.

**Judiciary**

The highest judicial authority is under the jurisdiction of the Supreme Federal Court. The constitution prohibited members of the federal court to reduce wages.

1803 - For the first time, a member of the supreme federal court abolished the law, which contradicted the Constitution.

1789 - the first 10 amendments were prepared, in 1791 - approved.

1. the amendment - forbade the adoption of laws that were aimed at restricting freedom of speech, religion;

2. correction - to wear (have) weapons;

3. amendment - the inviolability of housing, it was forbidden to conduct unreasonable searches, arrests;

4. the amendment proclaimed the secret of correspondence;

5. correction - presumption of innocence;

6. the amendment - gave the right to the accused to be informed about the nature of the charge, ensure the holding of the full rate, allowed the services of a lawyer;

7. amendment - forbade to review cases, which were considered in courts up to $ 20 (claim);

8. amendment - forbade to demand collateral, fines, the use of cruel punishments not stipulated by the legislation;

9. Amendment - concerns US citizens;

10. Amendment - concerned the US states (the right to have a four-link judicial system for example);

11. Amendment - Provision of State immunity: lawsuits filed against any state should not be considered by a federal court, but by a court of this state;

12. Amendment - modifies the electoral procedure in the presidential election;

13. Amendment 1865r. - banned slavery throughout the territory;

14. Amendment - equated Negroes in rights with white, besides voting rights.

Black codes are legislative acts introduced in a number of HID. US States after the end of the Civil War in the United States 1861-1865:

1) forced Negroes to work for a meager fee on former owners;

2) deprived of their freedom of movement, the right to own or lease land;

3) allowed the use of forced labor of black children;

4) banned negroes from holding rallies and meetings, wearing weapons, marrying with whites;

5) provided for the creation of special courts for the consideration of cases of crimes committed by Negroes.

In the 70's of the XIX century in some states, the “Black Codes” were formally abolished, but provisions similar to those. which contained in them, were included in the Constitution and criminal laws.

**Theme 9.** **State and Law of France (XVIII-XIX centuries).**

Plan

1. The bourgeois revolution in France. Stages of the Revolution. The formation of a bourgeois state and law. Declaration of human rights and citizen. The Constitution of 1791.

2. Jacobin dictatorship and its socio-economic measures.

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**Content of the lecture**

Till sir XIX century feudal relations continue, but on the hearths of feudalism there has developed a capitalist system that manifested itself in agriculture, industry.

To North France and other parts of the process, the process of differentiation of peasants was carried out in a certain way, and the proportion of people who worked (hired) increased.

Further development of capitalism was impossible under conditions of the rule of the feudal-absolutist system. The feudal monarchy constrains the accumulation of capital, which was necessary for the development of production. A serious blow to the weak industry imposed a trade agreement with England in 1786. This treaty significantly reduced the fees for the importation into France of industrial goods in exchange for the expansion of French agricultural exports to England.

The peasants in England were ruined. They were not able to machine production. 315 French lands owned 270 thousand privileged, 23 million peasants owned the rest of 2/5 land.

The feudal exploitation of peasants and industrial workers was unbearable. In conditions of total economic destruction and political unjust, the masses suffered from abuses by indigenous officials, which contributed to a natural uprising suppressed with particular cruelty. 1000 peasants and poor towns were hanged, killed, tortured. The sharp aggravation in France during the class struggle was a reflection of a deep crisis.

Revolutionary situation in 1788-1789.

France was struck by the deep economic crisis, tens of thousands of workers were thrown out into the street. As a result of poor harvest peasants and urban lowlands were on the brink of starvation.

In summer 1788 in several provinces of France, a powerful peasant uprising broke out. The movement of the urban poor has intensified. The movement of the inhabitants of cities began to grow into an armed protrusion.

1789 - the first year of the great bourgeois revolution in France, which shocked the whole of Europe.

In the death battle, which began in 1789 the feudal system already experienced by itself, but still a stumbling block on the way of development of mankind was inflicted a decisive defeat.

The French Revolution was the first and only rebellion of the bourgeoisie, where the struggle was brought to an end, until the complete victory of the bourgeoisie over the prevailing class of the old feudal world.

All other rebellions of the bourgeoisie ended with either a defeat or a compromise.

The French Revolution eliminated everything that was connected with feudalism, and under the slogans of "freedom" and "equality", "brotherhood", the true kingdom of the bourgeoisie was established, which is why it is called the "Great Revolution".

At the beginning of 1789 Louis XIV saw the opportunity to stabilize the situation in the country by signing a convocation document Gene. After the elections, May 5, 1789, in the context of growing domestic political difficulties, the Gene is opening. States in previous times consisted of three classes:

1. nobility - 300 representatives;

2. clergy - 300 representatives;

3. urban population (bourgeoisie) - 600 representatives.

The king did not see danger. He allowed himself to open Gen. on the eve. States, neglected by deputies of the third estate. The third state was burning with the desire to realize its strength, entering into the struggle with the yard.

June 17, 1789 - the third state declares itself to the National Assembly of France, which represented the interests of the majority of the nation of France.

June 23rd on the side of the National The assembly passed part of the clergy and the army.

July 9, 1789 - deputies of the National Assemblies declare themselves to the Constituent Assembly of the nation.

According to the political theory, the special constituent assembly was entrusted with the adoption and modification of laws.

The counter-revolutionary party of the king was preparing to defeat the Assembly.

In the early days of July began to pull troops into Paris. Residents of Paris began to be armed. On the side of the people began to move the national guard.

July 13 - Parisians elected a standing committee that manages the masses, created a police force.

Taking Bastille - the bourgeois revolution begins (July 14, 1789).

Stage 1 (July 14, 1789 - August 1792) - The authorities were captured by the large bourgeoisie, which was compromising with the monarch, and was afraid of making radical changes in the state.

The ideal of the big bourgeoisie was the establishment of a constitutional monarchy.

Stage 2 (August 1792 - June 1793) - the Government of the Constitutional Monarchists was overthrown. Girondins came to power - the middle traders of the industrial bourgeoisie. Establishing a qualifying republic.

Stage 3 (June 1793 - July 1794) - the Jacobin dictatorship. They expressed the interests of the petty bourgeoisie in an alliance with the peasantry. Solved all the tasks of the anti-feudal revolution. Higher and final stage.

July 27, 1794 - As a result of the counter-revolutionary coup, the authorities once again became members of the large bourgeoisie.

**Theme 10.** **State and Law of Germany (XIX century).**

Plan

1. Unification of Germany under the ruling of Prussia.

2. Basic provisions of the German Constitution of 1871.

3. German Criminal Code of 1871.

4. German Civil Code of 1900.

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**Content of the lecture**

General military service was in Prussia introduced at the beginning. XIX century For the maintenance of armed forces. Conflict between Austria and Prussia for the Duchy of Holstein. In 1866 Prussia defeated Austria.

The Government of Prussia was headed by Otto von Bismarck. The unification of Germany was the main stage for its bourgeois development. Legislature of Prussia - Landtag. Prussia created the Mon-Germanic Union. 1867 The Mongol-Germanic alliance received a constitutional arrangement. The management was carried out by the president of the Pontifical Union of Germany (Prussian King), the Chancellor, two chambers of the representative body, of which the Reichstag was elected by universal suffrage.

In 1870 Prussia found the opportunity to provoke a war with France. Prussia defeated France.

In 1871 the German Empire received the Constitution. Confirmed the formation of a confederal state.

In April 16, 1919 the Constitution came into effect.

The empire consisted of 22 monarchies. The Constitution gave the German state some autonomy (an alliance where there was not even formal equality).

The head of the empire is the Prussian King (Emperor of Germany, Kaiser).

Prussia belonged to almost half of Germany and 60% of the population.

The Kaiser appointed ministers, officers, officials, chancellors (head of government). The emperor was the commander in chief of the armed forces, foreign policy.

The upper house is the Bundesrat.

The emperor had the right to declare a state of war against the states that found disobedience. The Constitution allowed the use of armed forces for this. Contraignature - the orders of the emperor, which meant that the signature of an official means that he assumes legal and political responsibility for this decree.

Direct management by magistrates is carried out. Could dissolve and convoke the upper and lower chambers. The emperor controlled the implementation of the requirements of laws and other regulations.

Second place after the emperor belonged to the upper house of parliament of the Bundersrat.

Standards of representation of land in the Bundesrat were established by the Constitution.

The Constitution gave the upper chamber, along with the lower chamber (Reichstag), legislative power and largely executive.

The Bundesrat had a permanent machinery (parliamentary committees). Chairman of the Bundesrat was the Chancellor of the Empire (Prussian Minister - President).

Voting: The upper chamber - 14/58 votes. The upper chamber considered the bills that were introduced to the Reichstag.

The Constitution consolidated the important role of the Bundesrat.

The lower chamber was elected for 3 years. When the lower house rejected the bill, the government could get around this obstacle. Control over the activities of the ministries of the Reichstag could not carry out.

Article 24 - The deputies of the Reichstag were elected by secret ballot for 3 years.

Union Council = Bundesrat.

The government was represented by Chancellor Otto von Bismarck.

The Cabinet as such did not exist. The ministers were subordinate to the Chancellor (substitutes).

The functions were broad, apart from foreign policy and internal politics, the government was in charge of banking, patent affairs, legislation, and veterinary services. Local governments enforced imperial laws.

Article 17 - The President was bound by the counterpart of the Chancellor;

- the power of the emperor was limited.

Article 4 of the Constitution of the German Empire established that the publication of the bases of civil, criminal, procedural laws were the competence of the empire.

In May 1871 in pursuance of these provisions, the German Code of Criminal Code began to operate. Like the French Criminal Code, the German criminal code was based on ideological foundations (Hegel, Kant).

Under the crime understood only the actions that were prohibited by law at the time of their commission, and the main significant punishment - just repayment.

Founder of the Criminal Code was Adolf Leonard.

It consisted of three parts:

1-2 parts - general issues of criminal law:

- In principle the delineation of offenses, crimes, as well as the imposition of criminal penalties for them;

- encroachment on committing a crime, complicity.

Part of a special part:

- fixed specific punishments for a crime, misdemeanor, misdemeanor. The death penalty was abolished.

Attack on the imperial system is the most severe punishment.

Art. 80-81 - state treason qualified the murder of the emperor, forcible change of the state system.

In one public statement, the distribution of works - imprisonment for 10 years.

Art. 116 - severe punishment for gathering in public places and no distinction after a threefold warning.

In opposition - they were punished as rebels.

**Types of punishment:**

- fine;

- confiscation of property;

- restrictions on rights;

- death penalty;

- imprisonment.

Punishment for state betrayal and for deliberate murder.

The Criminal Code excluded corporal punishment. The appearance of 8 new projects that were not accepted.

The last section is an offence.

Listed actions that were forbidden to act subordinates. The one who violated the rights to travel abroad, the illegal manufacture of stamps was punished with a fine or imprisonment.

Art.10, 360 - an obligation to provide police assistance.

The pendent system (collection) is the basis of the German-civil code. Five volumes:

Volume 1 - general legal questions of law, definition, civil law institutions, initial provisions on persons, things, agreements, provision of rights;

Volume 2 - rules of law that regulate everything related to obligations (their occurrence, preparation, time, place);

Volume 3 - the rules governing everything that relates to property (real property);

Volume 4 - the rules governing marriage and family relations;

Volume 5 - the rules governing hereditary relations.

It consisted of 2885 articles.

The style of writing is inferior to the provisions.

The Code primarily regulates property-related relations. In the civilian clause it is clearly determined that the private property was in itself and how the owner could dispose of his thing.

The right applies not only to the land-use property, but also to the subsoil. Responsibility - from 21 years.

Regulation:

- Ownership;

- Inheritance;

- Property relations;

- Written agreement of inheritance (duties). The Debtor did not have the right to fulfill his obligation in parts. The owner has the right to use force to take away his thing at the time of unlawful assignment;

- Hired labor;

- At the discovery of the inheritance were allowed to find the most distant relatives;

- Freedom of will. Family and marital relations;

- Marriage: women - from 16 years, men - from 21 years old;

- Women were household. Power of husband over woman;

- Art.626 - if there is a valid reason, civil rights and obligations are established, changed and terminated;

- The treaties eliminated variegatedness and particularism.

**Theme 11.** **State and Law of the Russian Empire (the second half of the nineteenth and early twentieth centuries).**

Plan

1. Socio-economic and political background. Adoption of bourgeois reforms in Russia 60-70 of XIXth century.

2. Characteristics of reforms.

3. Counter-reform 1890-1900.

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**Content of the lecture**

The reason is the discrepancy between the productive forces of the old feudal economic formation and the productive relations of the capitalist formation. Economic background:

1. the transition from feudalism to capitalism;

2. transition from manufactory to factory;

3. implementation of the development of capitalism in agriculture:

1. intensive way of development;

2. reformist path of development.

The main way of farming saw the landlords in:

1. intensification of exploitation of serfs;

2. strengthening of public service, barricade;

3. reduction of land plots;

4. the transfer of peasants for a month.

The feudal-feudal system was an impediment to the development of the capitalist industry. Brainstorm bourgeois development.

Political prerequisites:

1. the crisis of autocracy;

2nd class struggle.

Second half of XIX century was made by peasant uprisings, revolts against landlords. The reason for the uprising:

1. beatings of peasants (cutting);

2. deterioration of the material situation;

3. defeat Russia in the Crimean War.

In 1859-1861 the revolutionary situation in Russia was created.

1. Objective conditions:

1. The lower classes live in the old way;

2. When the disadvantages and poverty of the oppressed classes achieve an extraordinary purpose;

3. Due to these circumstances, the activity of the masses has increased considerably.

2. Subjective conditions.

3. Ideological conditions:

The first class struggle found support in the revolutionary camp.

They tried:

1. to equip the peasantry with a program of political struggle;

2. To fulfill the demands of the peasants, to free them from the ransom and donate land free of charge;

3. to oppose the class of landowners and autocratic authorities.

Peasant reform in 1861

Preparation of the reform began secretly from the peasants in 1857.

To prepare for the reform, the Main Committee on Peasant Affairs, the Drafting Committee, the provincial committees was created.

Committees consisted of nobles. There was a struggle between the nobles, feudal and liberal nobles. February 19, 1901 - The king signed the Manifesto on the abolition of serfdom. Content:

1. general provisions on peasants who left the serfs;

2. four local regulations;

3. provisions on the release of yard people;

4. Provisions on the purchase of land;

5. provisions for local institutions.

In total, the king signed 17 normative legal documents relating to the peasant reform. The state of combat anxiety in the troops.

Contents of the peasant reform (situation):

1. the peasants were freed from serfdom;

2. the peasants were given land with voluntary agreement with the owner;

3. ownership of land remained for the landlord;

4. The peasants were given the land for permanent use until the full redemption. The market price of land was 544 million rubles, and the peasants paid with interest. For 40 years, the peasantry of Russia paid 2 billion rubles.

5. Peasants were freed from the personal dependence of the landlords.

For the landlords there was a money lien.

Baryshchina (working out) is reduced for men - 40 days a year, for women - 30 days a year.

So, the positive features:

- the peasants had a personal release;

- the peasants received property rights;

- the peasants acquired property rights, entered into treaties, entered into commitments, engaged in trade, were recorded in the shops.

Negative features:

In general, the peasants remained unequal population:

- the peasants were subjected to corporal punishment, natural charges;

- restriction of the rights of the peasants: preservation of the peasant community until 1910

The peasant community was responsible for every member of the community.

Zemsky reforms in 1864

- in the provinces and counties Zemstvo collections were created (the highest authority in the counties).

An executive body was formed - Zemsky authorities that were elective;

- The authorities and authorities consisted of a chairman and two substitutes who were elected for 3 years.

The head of the district administration was asserted by the governor, and the head of the provincial council - the Minister of Internal Affairs of Russia.

Volost and villages were rural municipalities and rural self-government, which consisted of village councils (government bodies) and executive bodies - rural elders and administrations.

Volunteer self-government consisted of parish collections. There was one deputy from 10 courtyards. The executive body is the provincial governor with parish administration.

City reform in 1870.

In cities, urban self-government was formed. Once every 34 years in cities, city electoral congregation was convened only for the election of the authority of the Municipal Council and its executive body of the city council. At the head of the Duma and the council was the mayor. The City Duma consisted of elected deputies (vowels).

Police reform in 1862.

- a city and county police that was united was established;

- there was a decimal system.

Subordination:

1. andmanagement (police district administration);

2. ancestor;

3. senior officers;

4. officers;

5. valley elders;

6. elected rural elders;

7. Hundreds;

The state was divided into two states (therefore there were 2 officers).

The area consisted of townspeople, district and overseas supervisors. Private bailiffs.

The district was headed by the Police Chief of Police. All the police in the province were subordinated to the governor. The entire police system was managed by the Police Department of the Ministry of Internal Affairs of Russia.

The county congress of parish judges (1861) is a purely constitution that solves peasant affairs.

The general courts consisted of two divisions (civil, criminal). At the head of the offices

there were heads. They consisted of two parts:

1. Crown Court;

2. with the participation of jurors (all classes).

District Court (headed by Chairman). First instance He considered criminal cases about restriction of freedom of the person.

The appellate court for the district courts was the court chamber (the second instance).

The Senate was the highest single cassation court for general and local courts. The Prosecutor's Office was formed to protect the law, the bar, the notary.

Restrictions on publicity in zemstvos when dealing with cases.

Zemsky bosses were elected governor, approved by the Minister of Internal Affairs. The government has reduced the number of voters in the City Duma by raising the property qualification.

Stolypin's agrarian reform.

November 9, 1906 - Decree of the Tsar “On supplementing certain regulations of the current legislation concerning peasant land tenure and land use.”

June 14, 1910 - the decree of the king became a law. It was carried out in three directions:

- destruction of the peasant community;

- sale to peasants in triads of landed estates;

- organization of resettlement of the peasants to Siberia;

The purpose of the reform: the creation of a village, in addition to the noble-kulaks (strongfarmers).

**Theme 12.** **Formation and development of the Soviet state and law.**

Plan

1. October military armed coup in St. Petersburg.

2. Features of the state-legal development of the Union in the 1930's.

3. The main provisions of the Constitution of the USSR in 1936

4. Legislative registration of the formation of the USSR. Constitution of 1924.

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**Content of the lecture**

The Constitution of 1918 consists on 6 sections:

Section 1 - Declaration of the Rights of the Working and Exploited People;

Section 2 - general provisions of the Constitution;

Section 3 - the construction of Soviet power;

Section 4 - active and passive electoral law;

Section 5 Budget Law;

Sections of the constitution are divided into 17 chapters, and chapters on articles (90 articles).

Civil law

Socialist property, which arose as a result of the Bolshevik coup, developed gradually.

The first decree, which initiated the liquidation of private property, was the “Decree on Land.”

Private ownership of land, forests, subsoil, water was abolished and they became a nationwide possession.

In the future, objects of socialist property were attributed to nationalized constructions, factories, mines, transport, banks, communication facilities, large agricultural enterprises, municipal utilities

Objects of a private agreement could not be objects on which imposed a state monopoly. An exchange for food was introduced to increase bread supplies, the procedure for the issue of exchange was established by the state. A new order of inheritance was established.

In April 14, 1918 by Central Executive Committee the inheritance of capitalist property by law and by will was abolished.

In 1929 there was the Vth Congress of the Union of Soviet Socialist Republics approved the preparation for a 5-year plan of the Union economy of the USSR and required the renovation of technical personnel. April 1927 - Shakhtin's case.

1930-1931 - numerous trials of saboteurs (bourgeois specialists).

The advent of the old skilled staff negatively affected the development of industry. June 1931 - An attempt was made to stop this offensive. Convicted equalization in salary, abolished some discriminatory measures against old skilled personnel.

July 1931 - the law on the size of social benefits.

September 1932 - entered labor books where the previous work was recorded, the system of registration was introduced.

November 1932 - severe penalties were imposed for absenteeism. Immediate release was imposed. The power of directors of enterprises is substantially increasing, the triangle is canceled (secretary of the party committee, chairman of the trade union committee, director).

1933 - The announcement of the first 5-year plan, which was completed ahead of schedule.

The market economy has moved to the administrative-command system.

Mass cleaning of old trade union personnel.

1933 the central bodies of trade unions of the All-Union Central Economic Union are merging with the structures of the People's Commissariat of Labor.

The result of the formation of the administrative-command control system - the merging of state and party apparatuses, the unification of the legal system.

February 1935 - Plenum of the Central Committee of the CPSU (b) initiated amendments to the Constitution (in electoral law, to the socio-economic basis).

The Constitutional Commission was composed of sub-commissions:

- financial

- economic;

- legal;

- on the electoral system;

- judicial bodies;

- central and local authorities;

- public education;

- labor;

- defense;

- foreign affairs;

- Editorial.

May 1936 - a draft of the new Constitution was prepared.

5.12.193b. - Congress of Soviets approved the Constitution. Structure: 13 chapters, 146 articles.

February 23, 1922 - representatives of all Soviet republics signed a protocol on the united diplomatic front of the Soviet republics.

The highest council of the national economy of the Russian Federation was the leader of the Russian Federation industry. There was a specialization of various industrial areas.

There was creative cooperation. In the Soviet republics there were real conditions for unification. In all republics there was a single economic basis. Relying on socialist property, on the laws of socialism, economic and cultural organization, educational activities, the republics carried out the education of workers.

The political foundations were the Soviets of Workers, Soldiers and Peasants' Deputies, which carried out the dictatorship of the proletariat. The only ideological basis was Marxism-Leninism.

The pivotal political condition for the unification of the republics was the dictatorship of the proletariat), the only communist party, the transition to socialist construction, the unified economic plan of the GOELRO.

Unified Movement:

1st stage - October 1917. - mid 1918 the establishment of the Union of the Russian working class with a multinational working-class peasantry;

Stage 2 - 1918 - 1920 - establishment of the military-political union of the Soviet republics;

Stage 3 - 1921 - 1922 - the Soviet republics formed a unified economic union and a diplomatic front;

Stage 4 - Autumn 1922 - January 1924 - the formation of the USSR.

Approved the Declaration and the Treaty on the Formation of the USSR. Adopted by the Congress, the Declaration proclaimed the formation of the USSR, characterized by the true conditions in which the process of formation was carried out, the basic principles of the unification of the Soviet republics were determined.

The treaty defined the system of supreme bodies of power and administration of the USSR, which defined the main features of the relationship between the body of the union and the republics, solved the issue of citizenship, the budget, and consolidated the right of the Union republics to leave the USSR (1922).

The formation of the USSR was completed by the adoption of the Constitution of 1924.

In 1923, the Central Executive Committee of the USSR approved the draft Constitution and introduced it into force. Ultimately, the Constitution of the USSR was approved at the 2nd All-Union Congress of Soviets on January 31, 1924

The Constitution consisted of 2 chapters:

1. Declaration

2. Treaty on the formation of the USSR.

The declaration solemnly proclaimed that the new allied state expresses the principles of free, voluntary and equal association in the Russian Federation. The Constitution consolidated the foundations of peaceful coexistence of states (brotherhood, cooperation).

The treaty on the formation of the USSR consisted of 11 chapters:

1. on the subject of jurisdiction of the Supreme bodies of the USSR;

2. on the sovereign rights of the Union republics;

3. about the Congress of Soviets of the USSR;

4. about the CEC of the USSR;

5. on the Presidium of the Central Executive Committee of the USSR;

6. on the Council of People's Commissars (RNA);

7. about the Armed Forces of the USSR;

8. on the People's Commissariats of the USSR;

9. on the united state political management;

10. about the Union republics;

11. About the coat of arms, flag, capital of the USSR.

**Theme 13.** **State-legal development of world countries in the twentieth century.**

Plan

1. State-legal development of the countries of the world between two world wars.

2. Constitutional development of the countries of the Greater Europe and Japan after the Second World War.

3. The November Revolution of 1918 in Germany.

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**Content of the lecture**

The revolutionary uprising of sailors. There were councils of workers, peasants and soldiers deputies. The monarchy in Germany was overthrown. The leadership - the Social Democratic Party led by Eberthol made the transition of the government of Ebert to the counterrevolution after the All-German Congress of Soviets (December 1918). The Congress was liquidated by the Council.

In December 1918 there was a formation of the Communist Party of Germany. The task - the creation of the Soviet-German republic, the establishment of the dictatorship of the proletariat. The program envisaged the elimination of Prussian militarism, the arming of the proletariat.

In January 1919 there was the use of artillery by the government to suppress the speech of the masses of Germany.

The massacre over the proletariat facilitated the bourgeoisie to convene the Constituent Assembly. In the 18th and 19th centuries. It was assumed that the laws were adopted by the Constituent Assembly.

January 1919, Weimar - the meeting of the Constituent Assembly, where the Basics of German Legislation were adopted.

**Weimar Constitution of 1919.**

Substantive provisions:

1. The transformation of Germany into a bourgeois parliamentary republic headed by the President;

2. The supreme legislative body - the Reichstag;

Art. 68 The Reichstag (lower house of parliament) was elected for 4 years by general, direct and secret ballot;

3. The Upper Chamber - the Reichsrat (imperial council) consisted of representatives of lands (15 republics and 3 free cities). Each of the lands had its own constitution in accordance with the Weimar Constitution, had its own legislative body (Landtag, Government);

4. According to the Weimar Constitution, the upper chamber did not have legislative initiative;

5. Executive power was given to the President, who was elected by universal suffrage. The authorities of the German President differed little from the monarchical authorities, in particular when the two chambers disagreed, the German President himself could decide the controversial issue;

6. The President of Germany was the commander-in-chief of the Armed Forces, appointing military and civilian posts, a government headed by a chancellor who formulated the guidelines for German politics;

7. Art.129 K. - it was stressed that officials are appointed by the President for life;

8. The Weimar Constitution proclaimed a number of rights, freedoms and responsibilities of the citizens of Germany, freedom of speech, press, and conscience;

9. The Weimar Constitution separated the school from the cervix, although religious studies remained in the schools;

10. At the enterprises, organizations, institutions, the Constitution allowed the formation of production councils, which solved issues of labor, wages, dismissal and recruitment;

11. The Constitution proclaimed private property, which was a social duty that was provided by the state.

The constitution was valid until 1933 (A. Hitler).

English electoral reform 1918, 1928 p., 1948

In 1918 in England, the parliament adopted a legal act "On People's Representation." The act declared universal suffrage for men - from 21 years, and women - from 30 years old and the qualification of the settlement - 6 months. Only women who had 5,000 pounds could be included in the voters' lists. Art. annual income from the household or who were married to men who had such a profit.

The act secured a double vote (second voice) for those who had higher education. This act introduced restrictions on citizens in voter lists.

The act envisaged the creation of everywhere equal electoral districts and the fact that elections throughout the country were held in one day.

New course of Roosevelt.

The new course is a collection of various measures, measures, amendments to the state regulation of the American economy. Consists of various kinds of general nature of events and emergency measures, from the laws passed by the congress, from the president's orders, from projects and various kinds of experiments.

Directions of the new course:

Financial system:

- a huge gold reserve was transferred to the state treasury:

- exchange of paper money for gold was forbidden;

- Citizens who had gold should have been taken to banks;

- the golden content of the dollar was cut by half.

1. Industry

Congress adopts the Law "On Restored Industry in the USA" 933

According to it, the State federal organization - the National Administration for the Improvement of Industry, the NRA - was created - the Brain Center of Roosevelt.

Objectives of the Law: to impose codes of fair competition.

At this time, the government prepared a typical model of codes.

The following codes were agreed upon in the codes:

- The proposed 35-year. work week;

- the minimum wage is 30-40 cents per hour;

- maximum limits of production;

- Distribution of markets for products;

- about the same duration of the working day;

- about the minimum wages of workers and employees;

- introduction of a ban on the use of child labor;

- guaranteeing workers independence of trade unions.

The economic crisis of 1929 was an impetus that prompted legislators to balance the balance between labor and capital.

Codes were prepared by entrepreneurs. These were voluntary agreements. When the codes were affixed by the President of the United States, these codes became law powers.

2. Agriculture

The Law "On the regulation of agriculture in the USA". Compensation was established for those farmers who agreed to reduce the area of ​​sowing, while the state promised to raise prices for agricultural products.

The liquidation of the already obtained harvest was encouraged, for which the farmers received the prize.

3. Work of the people

The unemployed found a place in public works financed by the state.

The codes restricted monopolistic associations.

People's Front of France (1933-37)

The cause of the creation: the immediate threat of the establishment of the fascist regime after the coming to power in Germany in January 1933, Adolf Hitler.

1934 - a military organization under the leadership of the battle crosses tried to disperse the parliament of France.

Purpose: to prevent the capture of power by fascists.

February 9, 1934 - The Communist Party raised the workers to an anti-fascist demonstration.

02.02.1934 - general political strike (4.5 mln.)

The Popular Front represented a block of Communists, Socialists, Radicals.

Locked up in parliamentary elections (1936), they gained an absolute majority of seats.

1938 - the block formed the government of the Popular Front, which carried out activities in the political and social spheres.

Political sphere:

- the dissolution of fascist military crosses;

- liquidation of military warehouses of the fascist organization;

- nationalization of their military units;

- a number of rights and freedoms of citizens, the right of women to work, the right of trade unions has expanded.

Social affairs:

- Legislative 40-year. work week;

- 7-15% higher salaries of workers;

- introduction of a 2-week paid leave of working people;

- legalization of collective agreements;

- improvement of the condition of farmers and artisans.

French Constitution of 1946

Approved by referendum in October 1946 Legislally consolidated the formation of 4 republics in France. The Constitution was opened by the Declaration of Human Rights and Citizens (1789), supplemented by new provisions that were not legally enshrined.

New provisions:

- the right of workers to strikes, organizations, trade unions;

- equal rights of women with men;

- prohibition of discrimination;

- the state had the right to form private monopolistic unions;

- the right to free education.

The constitution introduced a proportional representation in electoral law.

Bicameral Parliament was formed:

- lower chamber of the National Assembly;

- the upper chamber - the Council of the republics.

Parliament - National Assembly - the only legislative body of the state.

**Theme 14.** **Decay of colonial empires and emergence of independent states in Asia, Africa and Latin America.**

Plan

**1. Liquidation of colonialism, creation and development of independent states**

**2. Stages of decolonization**

**3. Features of the development of the East in the 40-90's.**

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**Content of the lecture**

**After the end of the Second World War, a new phase begins in the lives of the peoples of Asia and Africa. In countries that were still colonized, a powerful wave of the liberation movement arose.**

**The events of the Second World War contributed to the weakening of the political domination of European powers in their colonies. They could no longer seriously affect the situation there. Colonies also changed during the war years. Many of them strengthened the national economy, working for the military needs of the metropolis, strengthened the position of the national bourgeoisie, increased the number of the working class, new patriotic organizations arose. In a number of countries in Southeast Asia, national forces were created that fought against the Japanese invaders and gained experience in armed struggle. All this created the conditions for the collapse of colonialism. The decolonization was accelerated by the start of the two "superpowers" the USSR and the US, since each of them sought to strengthen its camp by attracting peoples of the periphery.**

**The process of decolonization is conventionally divided into three stages (three waves). The first stage lasted from 1945 until the mid 50s of the twentieth century. During this phase, liberated from the colonial dependence of the Asian country. The first declared the independence of the country in Southeast Asia and the Middle East.**

**Colonial policy of France was characterized by lack of flexibility. The French government sought to restore the pre-war order of things, without stopping at the same time before using force measures, an outright diktat. Such actions led to confrontation with their former colonies. As a result, France was drawn into colonial wars. Thus, in 1946-1954, she led a colonial war in Indochina. This war ended in the defeat of France.**

**The second stage of decolonization lasted from the mid-50's until the mid 60's of the twentieth century. In those years, the decolonization of North and Tropical Africa took place. From colonial dependence, 34 countries were freed. The collapse of the British, French and Belgian colonial empires ends. In 1960, during which 17 African states became independent, it became known as the "Year of Africa".**

**The third phase lasted from 1975 to 1990 and was characterized by the completion of the decolonization of South Africa. The main event of this stage was the collapse of the oldest Portuguese colonial empire. Its "survivability" was explained by the fact that Portugal, which did not have its own economic opportunities for the development of the natural resources of its colonies, allowed foreign capital there. As a result, the Portuguese colonial empire turned into a "collective colony" of the West. Western countries were interested in preserving the Portuguese colonial regime in Africa. But in 1974 in Portugal, a democratic revolution took place, which ended with the former authoritarian regime. The Portuguese colonial empire was overthrown, and new states appeared on the political map of the world (Angola, Mozambique, etc.). In 1990 independence was received by the last colony in Africa - Namibia. This event completes the global process of eliminating colonialism.**

**The main result of decolonization is the emergence of about 100 independent states on the former colonial periphery. New states have become an important factor in world politics. The peoples of the liberated countries have been given the opportunity to choose the ways of development, taking into account national traditions and cultural and civilizational peculiarities.**

**The young liberated countries faced serious challenges: strengthening their political independence, gaining economic independence, conducting social transformations and developing a culture. With regard to the ways, methods and timing of solving these problems in many developing countries, a sharp opposition between different political forces unfolded.**

Many liberated countries, in which bourgeois relations rooted deeply and firmly, followed the countries of the West and chose the path of capitalist development (India, Pakistan, South Korea, Nigeria, etc.). In these countries, they relied on the parallel existence of various forms of ownership, the development of market relations, political and ideological pluralism, and the strengthening of all-round ties with advanced capitalist countries. The peculiarity of the development of capitalism in Asia and especially Africa lies in the underdevelopment of the private sector, the weakness of large and medium capital. Therefore, the state often showed greater activity in the economy: it created key sectors and enterprises within the government sector, regulated and directed the development of the private sector in the right direction, fostered national entrepreneurship in its struggle against foreign capital, and others like that.

A number of countries in Asia and Africa chose a non-capitalist path of development (or "socialist orientation"). Typically, for these countries, the existence of a significant (sometimes dominant) state sector, centralized economic regulation, agrarian transformation, which resulted in a strong cooperative sector, the frankly authoritarian nature of political structures, a significant restriction of civil liberties, an orientation towards the Soviet Union and others socialist countries. The idea of ​​a non-capitalist path was particularly popular in the 60's and 70's. In the 80s, almost all the developing countries were in a deep economic and political crisis. As the rise of the crisis in the Soviet Union and after its collapse, many countries of "socialist orientation" (Angola, Mozambique, Somalia, Ethiopia, etc.) changed their course and embarked on a path of economic and political liberalization.

Difficulties in the economic development of young states

Most of the independent states are in a difficult position as a result of socio-economic and cultural backwardness. For the vast majority of African countries, for example, there is a tendency to decline in economic development in recent decades. The problem of backwardness of these countries is increasing due to the growth of their population. As production growth does not keep up with population growth, per capita income is falling. By the beginning of the 21st century, economic backwardness has become a major issue for African countries.

The economic situation in some Asian and African countries is aggravated by the aspirations of existing regimes for enrichment at the expense of their own peoples. In Africa, for example, the policy of "Africanization" of the authorities and the management of all the independent countries gives mixed results. On the one hand, it has obvious positive effects, as all the leading positions in politics and economics go to the hands of Africans. But on the other hand, this policy has opened the way for the rapid enrichment of dishonest people.

An important economic problem faced by many young states is the colonial period and the peculiar export specialization of these countries (cotton, citrus, coffee, etc.). Such a one-sided development narrowed their economic opportunities, made them directly dependent on the changing situation in world markets, from changes in world prices.

The most acute problem for most countries of Asia and Africa was and still remains a huge external debt.

In a number of regions of the East, rapid population growth ("demographic explosion") caused agrarian overpopulation. In some areas, this has led to a real disaster. An example is the zone of Africa north of the Sahara, where, since the 70s, there was a constant threat of hunger due to environmental imbalances (deforestation, plowing of all suitable land, depletion of sources of drinking water, etc.).

High rates of population growth, characteristic of most countries in Asia and Africa, make it difficult to overcome the problem of backwardness. Huge unemployment - a consequence of the rapid increase in the population - results in the preservation of low wages and slows down technical progress. The low level of the economy of many states has led to a sharp decline in state allocations for education, health care, vocational training. And this, in turn, preserved the existing problems for a long time.