

APPROVED BY

Rector of Educational Institution

«Belarus State Economic University»

 A.V. Egorov

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Registration № 6349-24/

**ACTUAL PROBLEMS OF REGULATION AND IMPLEMENTATION OF  
PUBLIC LAW RELATIONS**

The Curriculum of Educational Institution of Higher education  
in the academic discipline for the specialty  
7-06-0421-01 “Jurisprudence“

The curriculum is based on the educational standard of advanced higher education OSVO 7-06-0421-01-2023 «Jurisprudence» and the curriculum for speciality 7-06-0421-01 «Jurisprudence»

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**RECOMMENDED FOR APPROVAL:**

Civil Law Disciplines Department of the Educational Institution «Belarus State Economic University» (Protocol № 10 of "29" 05 2024)

Methodological Committee for the specialties «Jurisprudence» of the educational institution «Belarus State Economic University»  
(Protocol № 4 of "5" 12 2024)

Scientific and methodological Council of the Educational Institution «Belarus State Economic University» (Protocol № 2 of "18" 12 2024)

## EXPLANATORY NOTE

The discipline is aimed at the students' mastering of the necessary doctrinal and normative provisions in the field of regulation and implementation of public-law relations and the acquisition by students of the specialised knowledge necessary for lawyers in this field.

The academic discipline «Actual problems of regulation and implementation of public-law relations» is based on the science of the same name, which investigates the state-legal practice in this area and is based on the results of the study of constitutional law and constitutional law of foreign countries, as well as disciplines of the international legal cycle. The content of the curriculum of the academic discipline «Actual problems of regulation and implementation of public-law relations» equips the knowledge that provides effective law-making and law-implementing activities, serve to increase the level of efficiency of legal work.

The main attention in the study of this academic discipline is paid to the models of legal institutions, primarily national. At the same time, the curriculum reflects the comparative-legal aspect of studying actual problems of regulation and implementation of public-law relations.

**The purpose** of teaching the academic discipline is to obtain knowledge in the field of organisation of regulation and implementation of public-law relations, mastering by master students of the relevant legal categorical apparatus, widely used in modern law-making and law-enforcement and law-enforcement activity, creation of a solid knowledge base necessary for further effective use in professional activities related to law-making and law-enforcement and law-enforcement activity.

Achievement of the set goal presupposes the solution of the following **tasks**:

1) assimilation of knowledge about the actual problems of regulation and implementation of public-law relations, basic concepts, institutions of public law, through their evolution and modern dynamics;

2) to develop skills and skills of legal critical analysis of phenomena in the sphere of regulation and implementation of public-law relations and their qualified assessment.

3) systematise the main scientific approaches and models to legal phenomena and processes and identify their features, advantages and disadvantages;

4) identify deviations from the rules of regulation and implementation of public-law relations;

5) to form practical skills to apply the main techniques, methods, methods and rules of critical thinking in various types of legal activities;

6) to master the methods of scientific analysis of legal reality and the ability to find optimal solutions in specific legal situations;

7) to study fundamental concepts and categories of legal regulation and implementation of public relations.

As a result of studying the academic discipline «Actual problems of regulation and implementation of public-law relations» the following **universal competences** are formed

Provide communication, display leadership skills, be capable of team building and development of strategic goals and objectives;

Develop innovative sensitivity and the ability to innovate:

To be capable of forecasting the conditions of realisation of professional activity and solving professional tasks under conditions of uncertainty.

To characterise problematic issues of the theory and history of the state and law, to use the acquired knowledge for successful mastering of branch legal disciplines, to identify possible discrepancies in the correlation of constitutional principles and norms with the provisions of acts of branch legislation, to ensure the implementation of the principle of supremacy and direct action of the Constitution, to analyse and apply in practice the norms of administrative regulation of public-law relations.

As a result of studying the discipline «Actual problems of regulation and implementation of public-law relations», the master's student must:

**know:**

- fundamental concepts and categories of legal regulation and implementation of public relations;
- specifics and problems of modern constitutionalism;
- peculiarities and problems of constitutional identity;
- evolution, system and trends in the development of human rights, including so-called new human rights, in the context of their public law regulation;
- models of national mechanisms for the protection of human rights, their interrelationship with the international system of human rights protection;
- the main trends in the development of modern democracy, the problems of its globalisation and digitalisation processes;
- models, specific features and problems of modern parliamentarism;
- models, specifics and problems of the organisation and functioning of executive power;
- various models and problems of local self-government systems;
- specifics and problems of the organisation and functioning of judicial power;
- problems of organisation and functioning of constitutional control;

**to be able to:**

- analyse the problems of modern constitutionalism;
- comprehend the peculiarities and problems of constitutional identity;
- analyse and apply the norms of public branches of law;
- analyse the evolution, system and identify the main trends in the development of human rights, including the so-called new human rights;
- Identify national mechanisms for the protection of human rights and establish their interrelationship with the international system of human rights protection;
- identify trends in the development of modern democracy and the problems of its globalisation and digitalisation processes;
- identify the peculiarities and problems of modern parliamentarism;
- investigate the problems of organisation and functioning of executive power;
- analyse various types and problems of local self-government systems;
- investigate the problems of organisation and functioning of judicial power;

- analyse the problems of organisation and functioning of constitutional control.

- to operate freely with legal terminology used in the field under consideration;
- legally correctly qualify facts and circumstances in the field of legal regulation and implementation of public relations;

- use theoretical knowledge for reasoned solution of legal cases and tasks;

**get skills:**

- working with sources of international and national law;
- drafting normative legal acts in the field of legal regulation of public relations;

- terminology and basic concepts used in the field of legal regulation and implementation of public relations;

- methods of collection and processing of legal information in the field of legal regulation and implementation of public relations;

- critical legal thinking;

- ways and methods of searching for optimal solutions in specific legal situations.

As part of the educational process in this discipline, the student should acquire not only theoretical and practical knowledge, skills and abilities in the speciality, but also to develop their value–personal, spiritual potential, to form the qualities of a patriot and citizen, ready to actively participate in the economic, industrial, socio–cultural and public life of the country.

**Place of the educational discipline (module) in the system of training of specialists with higher education.** The academic discipline «Actual problems of regulation and implementation of public–law relations» belongs to the module "Person. Society. State" module.

The academic discipline «Actual problems of regulation and implementation of public–law relations» is integrative and interdisciplinary, closely related to such academic disciplines as «General Theory of Law», «Constitutional Law», «Constitutional Law of Foreign Countries», «Human Rights Law», in the process of studying which students acquire deeper, more specific knowledge on some topics. Some topics are supposed to be studied in depth within the framework of other academic disciplines. For example, the study of the categorical apparatus and classification of legal phenomena and their characteristics is provided for in the General Theory of Law course. In terms of the impact of digitalisation and informatisation on human rights and democracy, the academic discipline «Actual problems of regulation and implementation of public–law relations» correlates with many topics of the academic discipline «Human Rights Law». The issues of modelling the competence of State bodies fall within the scope of the "Constitutional law" and «Constitutional law of foreign countries» courses of study.

The study of the academic discipline «Actual problems of regulation and implementation of public–law relations» is an important part of the educational and upbringing process in the system of modern education, contributing to the development of independent legal thinking, broad outlook and professional erudition of future lawyers.

In teaching, it is recommended to use a variety of forms of classes, including interactive, with the use of equipment, as well as other methods of active learning. The necessary amount of time is allocated for independent training of students in order to provide them with the opportunity to individually master the study material on the basis of recommended sources.

**The scientific and legal basis** of the curriculum and the academic discipline «Actual problems of regulation and implementation of public-law relations» are the works of Belarusian, Russian and other foreign scientists, as well as the most important international and national legal norms.

**The methodological basis** of the discipline is historical, sociological, comparative-legal, formal-logical and other scientific methods used in jurisprudence.

Form of education: full-time.

In accordance with the curriculum of the university for the study of academic discipline is allocated:

The total number of study hours is 108:

– for the full-time form of general higher education 60 hours of classroom training are provided.

Distribution of classroom time by types of classes:

1 semester: lectures – 30 hours; seminars – 30 hours;

Independent work of the student – 48 hours.

The labour intensity of the discipline is 3 credit units.

Forms of interim certification – examination.

## **CONTENT OF EDUCATIONAL MATERIAL**

### **Topic № 1. Features and problems of modern constitutionalism and constitutional identity.**

Constitutionalism: concept, principle and the modern state. Constitutionalism: universality of standards and diversity of institutional embodiments in the modern world. Societal constitutionalism and state constitutionalism: concepts, doctrinal justification, main advantages and disadvantages, prospects of development in the modern world. Ideology of constitutionalism. Axeological and historical approaches. Historical approach to constitutionalism. Positivist approach to constitutionalism.

Problems of constitutionalisation of supranational legal orders and the main variants of its implementation. European constitutionalism: national and supranational dimensions. Global constitutionalism: utopia or real prospect? Peculiarities of constitutionalism of the Republic of Belarus.

The concept of constitutional identity, its correlation with the main concepts of identity in other sciences, as well as concepts of constitutional law. Constitutional identity as an element of legal and social identity. Problems of formation, change and research of constitutional identity. Problems of structuring and functioning of constitutional identity. Prospects for further analyses of the problems of constitutional identity.

### **Topic № 2. Features of the evolution, sources, system and trends of human rights development in the context of their public legal regulation.**

Modern concepts and theories of human rights: diversity of approaches and value universalism. The human rights approach and its realisation in public-law regulation. Problems of its realisation in the Republic of Belarus. The problem of modernising the concept of human rights. The theory of gender equality and its interrelation with human rights.

Problems of human rights classification, choice of criteria and doctrinal approaches. The main systems of new human rights, peculiarities of their conceptualisation. Problems of correlation of new human rights with the existing international and national systems of human rights protection and justification of their introduction. Problems of choosing optimal forms of legal regulation and prospects for the development of new human rights. Somatic, digital ecological and other new human rights. Problems of cognitive freedom and neural rights. Problems of classical generations of human rights and recognition of new generations of rights.

The main sources in the field of national systems of human rights protection, their peculiarities, problems of interpretation and change. The main universal and regional sources of international human rights law and their influence on the sources of national law. Specifics and types of soft law norms in international human rights law, types of their sources and prospects for their development. Problems of development of soft law norms of human rights in national legal systems.

The problem of the extraterritorial nature of human rights.

The concept of "humanitarian intervention" and "humanitarian intervention".  
Rights and freedoms subject to restriction and absolute human rights and freedoms.  
Problems of clarifying the limits of restriction of human rights.

**Topic № 3. Problems of functioning of national mechanisms for the protection of human rights, their relationship with the international system of human rights protection.**

The problem of distinguishing between the protection of human rights and the promotion of respect for human rights. Problems of interrelation of national and supranational levels in the mechanism of human rights protection. Peculiarities of the national mechanism of human rights protection. The problem of distinguishing the form and procedure of human rights protection at the state level.

Specialised national structures for the protection of human rights: diversity of types and problems of their formation and functioning. The problem of choosing the optimal model of national institutions for the protection of human rights. Ombudsman institution: diversity of models, their advantages and disadvantages. The issue of formation of the Ombudsman Institute in the Republic of Belarus.

Bodies of general competence in the field of ensuring and protecting human and civil rights and fundamental freedoms. Parliamentary protection of human rights: peculiarities and main models in modern legal systems. Main problems of parliamentary protection of human rights in the Republic of Belarus.

Judicial protection of human rights: diversity of models in different legal systems and families. The main differences and problems of judicial protection of human rights in the main legal systems and families. The problem of delimitation of jurisdiction of national courts and international criminal judicial institutions. Problems of judicial protection of human rights in the Republic of Belarus.

Administrative–legal protection of human rights: diversity of models in different legal systems and families, their advantages and disadvantages.

The main problems of administrative and legal protection of human rights in the Republic of Belarus.

Protection of human rights by non–governmental organisations: diversity of forms and types. The main problems of organisation and functioning of non–governmental human rights organisations at the national and international levels. Problems of differentiation of forms of international legal protection of individual rights and freedoms. Problems of functioning and development of the institute of international legal responsibility and the institute of individual criminal responsibility. Problems of the influence of international human rights standards. International criteria for assessing sustainable development in the field of human rights and the activities of national human rights institutions. Contemporary problems of the UN as a universal mechanism for the international protection of human rights. The system of UN bodies in the field of ensuring and protecting human rights and the main problems of their functioning. International regional mechanisms



for the protection of human rights: the specifics of their influence on national mechanisms for the protection of human rights.

**Topic № 4. Main trends in the development of modern direct and representative democracy, processes of its globalisation and digitalisation.**

Features of modern democratic doctrines and practices, problems of their correlation with classical ones. The correlation of freedom and security as the main problem of modern democracies. Modern models, types and forms of direct democracy. The main modern problems of direct and representative democracy. Modern types and forms of democracy. Problems of realisation of direct and representative democracy in the Republic of Belarus.

Problems of influence of globalisation in the context of state and law. Problems of influence of globalisation processes on the development of democratic regimes. Digital (electronic) democracy: main models, discussions. The main problems of digital democracy implementation, its advantages and disadvantages. The problem of digitalisation of public-law relations on the example of constitutional law. The problem of human rights protection in the conditions of digitalisation. Influence of modern technologies, including artificial intelligence technologies, on the evolution of democratic regimes. Opportunities, problems and prospects of democratisation of law-making and law-enforcement processes with the help of modern technologies.

Influence of the institution of the president on the evolution of democratic regimes. The main models of presidency, their advantages and disadvantages

**Topic № 5. Features and problems of modern parliamentarism.**

Features of modern democratic doctrines and practices, problems of their correlation with classical ones. The correlation between freedom and security as the main problem of modern democracies. Modern models, types and forms of direct democracy. The main modern problems of direct and representative democracy. Modern types and forms of democracy. Problems of realisation of direct and representative democracy in the Republic of Belarus.

Problems of influence of globalisation in the context of state and law. Problems of influence of globalisation processes on the development of democratic regimes. Digital (electronic) democracy: main models, discussions. The main problems of digital democracy implementation, its advantages and disadvantages. The problem of digitalisation of public-law relations on the example of constitutional law. The problem of human rights protection in the conditions of digitalisation. Influence of modern technologies, including artificial intelligence technologies, on the evolution of democratic regimes. Opportunities, problems and prospects of democratisation of law-making and law-enforcement processes with the help of modern technologies.

Influence of the institution of the president on the evolution of democratic regimes. The main models of presidency, their advantages and disadvantages.

## **Topic № 6. Specifics and problems of the organization and functioning of executive power in modern legal systems.**

Modern doctrines of parliamentarism and their main problems. Problems of development of modern parliamentarism. The "crisis of parliamentarism". Problems of modelling modern parliamentarism, classification of parliaments and selection of criteria for assessing their activities. Measures to improve modern parliamentarism.

Modern models of parliamentary organisation, their advantages and disadvantages. Problems of forming modern parliaments: diversity of electoral systems and their main drawbacks. Problems of choosing an optimal electoral system. The main problems of parliamentary elections in different legal systems. Classical and so-called new problems associated with globalisation, digitalisation, use of artificial intelligence, etc.

The main problems in choosing the optimal structure. Specifics of the composition of modern parliaments: country diversity and universal trends. Problems of recall of deputies, deprivation of their immunity in cases of criminal liability, etc.

Problems of functioning of modern parliaments, their bureaucratisation and inefficiency. Redundancy of legislative regulation and other problems related to the law-making activity of the parliament. Parliament's competence, problems of its interaction with other state bodies: the variety of modern models and their main problems.

Problems of Belarusian parliamentarism. Problems of structuring and implementation of the legislative process in the Republic of Belarus. Features of planning of legislative activity, manifestation of legislative initiative in the Republic of Belarus, preparation and discussion of the draft law, adoption of the law and its official publication.

## **Topic № 7. Diversity of types and problems of modern systems of local self-government.**

Modern doctrine of executive power, the question of determining the place of executive power in the modern system of separation of powers.

Modern systems of executive power: peculiarities of formation in different legal systems. Search for the optimal model of a unified system of executive power. Problems of modelling modern executive bodies, their classification. The problem of choosing the criteria for assessing the formation and functioning of the executive power system.

Specifics of the main models of presidential and governmental institutions and prospects for their development. Specifics of structuring of modern executive power bodies, the main problems in choosing their optimal structure. Specifics of the composition of modern executive power bodies: country diversity and universal trends.

Problems of organisation and functioning of modern bodies of executive power. Classical problems (their bureaucratisation and inefficiency, problems of their interaction with other state bodies, redundancy of legal regulation of executive

authorities, problems related to their law-making activity and competence). "New" problems associated with globalisation, digitalisation, use of the latest technologies, etc. in the formation of executive authorities. "Degradation" of executive power.

The problem of correlation between the concepts of "public administration bodies" and "executive authorities", "local executive authorities" and "local authorities". Problems and specifics of realisation of competences by the executive power bodies of the Republic of Belarus. Problems of improving the system of executive power bodies of the Republic of Belarus.

### **Topic № 8. Features and problems of the organization and functioning of modern judicial power in the main legal systems.**

Modern doctrine on the concept, nature and functions of judicial power.

Modern judicial power: peculiarities of formation in different legal systems. Problems of classification of judicial systems and the choice of criteria for assessing their performance. Specifics of the main models of judicial systems and prospects for their development.

Problems of formation of modern judicial systems: the variety of options and their main disadvantages. Problems of choosing the optimal system of judicial power formation. Problems of modelling modern judicial systems and formation of the judiciary in different legal systems and families.

Classical problems of judicial power (the problem of strengthening independence from other branches of power, the problem of increasing the role of the court as a guarantor of the observance of the rule of law in the state, the problem of people's participation in the exercise of judicial power, the problem of fair and effective functioning of modern judicial systems). Problems of co-operation between the courts and other state bodies: the variety of modern models and their main problems. "New" problems associated with globalisation, digitalisation, use of the latest technologies, etc. in the formation and functioning of the judicial system.

### **Topic № 9. The main problems of the organization and functioning of constitutional control in the main modern legal systems.**

Modern constitutional control: peculiarities of formation in different legal systems. Modern doctrines of constitutional control and their main problems. Problems of choosing the optimal system of constitutional control. Problems of modelling modern constitutional control, classification of its bodies and selection of criteria for assessing their activities. Specifics of the main models of constitutional control and prospects of their development.

Problems of formation of modern constitutional control bodies: diversity of models, their main advantages and disadvantages. Specifics of the composition of modern constitutional control bodies: country diversity and universal trends.

Classic problems of constitutional review bodies (demonstrativeness, "political correctness", politicisation, bureaucratisation and inefficiency). The competence of constitutional review bodies and the problems of their interaction with other state

bodies: the diversity of modern models and their main problems. "New" problems associated with globalisation, digitalisation, use of artificial intelligence, etc. in the implementation of constitutional control.

The role of constitutional control bodies in the protection of human rights. Improvement of the mechanism of human rights protection in the Constitutional Court of the Republic of Belarus.

Problems of formation, organisation and functioning of the Constitutional Court of the Republic of Belarus. Issues of improvement of constitutional control in the Republic of Belarus.

Number of the Theme	Title of the Theme	Number of classroom hours							Literature	Forms of knowledge control
		Lectures	Practical trainings	Seminars	Laboratory researches	Number of hours of supervised independent work				
						Lectures	Seminars	Practical trainings		
1	2	3	4	5	6	7	8	9	11	12
1 semester										
Topic 1.1	Features and problems of modern constitutionalism and constitutional identity.	2							[1–5], [6–28]	
	Features and problems of modern constitutionalism and constitutional identity.			2					[1–5], [6–28]	The presentations, discussion panel, tests
Topic 1.2	Features of the evolution, sources, system and trends of human rights development in	4							[1–5], [6–28]	





	Diversity of types and problems of modern systems of local self-government.			2					[1–5], [6–28]	The presentations, discussion panel, tests
Topic 1.8	Features and problems of the organization and functioning of modern judicial power in the main legal systems.	4							[1–5], [6–28]	
	Features and problems of the organization and functioning of modern judicial power in the main legal systems.			4					[1–5], [6–28]	
Topic 1.9	The main problems of the organization and functioning of constitutional control in the main modern legal systems.	4							[1–5], [6–28]	
	<b>In total 1 semester</b>	<b>30</b>		<b>30</b>						<b>Exam</b>
	<b>In total hours:</b>	<b>30</b>		<b>30</b>						



## INFORMATION AND METHODOLOGICAL PART

### Literature

#### Main literature:

1. Myasnikov, M. V. Theory and practice of local governance and self-government: state, problems and proposals : [monograph] / M. V. Myasnikov, A. A. Popkov ; National Academy of Sciences of Belarus, Department of Humanities and Arts. – Minsk : Belaruskaya nauvuka, 2020. – 154, [3] p.
2. Knyazev, S. N. Local management and self-government : a manual for students of the system of additional education of adults in the specialties "State Construction", "State and Local Management" / S. N. Knyazev, V. P. Klochkov ; Academy of Administration under the President of the Republic of Belarus. – Minsk : Academy of Management under the President of the Republic of Belarus, 2022. – 343 p.
3. Modern problems of the Belarusian legislation in the conditions of constitutional transformations : [monograph / A. V. Barkov et al.] ; edited by G. A. Vasilevich [and others]. – Minsk : Amalfeya, 2022. – 359 p.
4. Constitutional justice : textbook for students of institutions of higher education on speciality "Jurisprudence" / [G.A. Vasilevich et al] ; edited by G.A. Vasilevich. – Minsk : Vysheyshaya shkola, 2019. – 366, [1] p.
5. Tikhinya, V. G. Constitutional values of Belarus: state and prospects / V. G. Tikhinya. – Minsk : Law and Economics, 2019. – 210, [2] p.

#### Additional literature:

6. Avakyan, S. A. Reflections of a constitutionalist. Selected articles / S. A. Avakyan. – Moscow University Press, 2010. – 560 p.
7. Arutyunyan, A. A. Constitutionalism: problems of post-Soviet reality: a monograph / Arutyunyan A. A. – M.: Yur.Norma, SIC INFRA-M, 2019. – 160 c.: – ISBN 978-5-91768-330-0. – Text : electronic. – URL: <https://znanium.com/catalog/product/1021434> (date of reference: 13.06.2024). – Access mode: by subscription.
8. Baburin, S. N. Integration constitutionalism : a monograph / S. N. Baburin. – Moscow : Norma : INFRA-M, 2023. – 264 c. – ISBN 978-5-00156-092-0. – Text : electronic. – URL: <https://znanium.com/catalog/product/1895646> (date of reference: 13.06.2024). – Access mode: by subscription.
9. Bondar, N. S. Power and freedom on the scales of constitutional justice: the protection of human rights by the Constitutional Court of the Russian Federation / N. S. Bondar. – Moscow: Justitsinform, 2005. – 592 p.
10. Bondar, N. S. Local self-government and constitutional justice: constitutionalisation of municipal democracy in Russia / N. S. Bondar – M.: Norma, 2009. – 592 p.
11. Vitruk, N. V. Law, democracy and personality in the constitutional dimension (history, doctrine and practice). Selected works (1991–2012) / N. V. Vitruk. – Moscow : Norma : INFRA-M, 2020. – 688 c. – ISBN 978-5-91768-742-1. – Text :

electronic. – URL: <https://znanium.com/catalog/product/1091999> (date of access: 13.06.2024). – Access mode: by subscription.

12. Gender and law : textbook for students of institutions of higher education, studying on speciality 1–24 0102 "Jurisprudence" / I. N. Kandrichina [et al. ; ed. by T. V. Telyatitskaya]. – Minsk : Unipak, 2020. – 338 p.

13. Davydova, M. L. Theoretical and methodological problems of modern constitutionalism: autoref. diss. ... doctor of juridical sciences: 12.00.01 / M. L. Davydova; GOU VPO "Volgograd State University". – Volgograd, 2010. – 50 p.

14. Dynamics of law–establishment and enforcement in the sphere of public–law relations : collection of scientific articles. Vol. 2 / National Centre of Legislation and Legal Research of the Republic of Belarus ; [edited by O.I. Chupris (chief editor) and others]. – Minsk : data–processing centre of the Ministry of Finance, 2020. – 398, [1] p.

15. Ispolinov, A. S. Priority, direct action and direct effect of the norms of law of the Eurasian Economic Union / A. S. Ispolinov // Journal of International Law and International Relations. – 2017. – № 2. – P. 74–88.

16. Kartashkin, V. A. Human rights and principles of international law in the XXI century : a monograph / V. A. Kartashkin. – Moscow : Norma : Infra–M, 2023. – 148 p. – ISBN 978–5–91768–917–3. – Text : electronic. – URL: <https://znanium.com/catalog/product/1979150> (date of access: 13.06.2024). – Access

17. Kerimov, A. D. Democracy: the experience of critical analysis : a monograph / A. D. Kerimov. – Moscow : Norma : INFRA–M, 2023. – 184 p. – ISBN 978–5–00156–005–0. – Text : electronic. – URL: <https://znanium.com/catalog/product/1993585> (date of reference: 13.06.2024). – Mode of access: by subscription.

18. Constitutional bases for the development of the legal social state in the Republic of Belarus : a textbook for students of the second stage (Master's degree) of higher education institutions on specialties "Legal support of public authority", "Jurisprudence" / [G. A. Vasilevich et al.] ; edited by G. A. Vasilevich, P. G. Nikitenko. – Minsk : Vysheyschaya shkola, 2018. – 318, [1] p.

19. Medushevsky, A. N. Global constitutionalism : processes of integration and fragmentation in the creation of a new world order / A. N. Medushevsky. – Moscow : Direct–Media, 2023. – 691 c. – Access mode: by subscription. – URL: <https://biblioclub.ru/index.php?page=book&id=697369> (date of access: 13.06.2024). – Bibliography: pp. 624–652. – ISBN 978–5–4499–3358–4. – Text : electronic.

20. Interdisciplinary research in the field of human rights / T. P. Afonchenko [et al.]. – Minsk : Ecoperspectiva, 2019. – 220 p.

21. Miryasheva, E. V. Formation of constitutionalism in the states in the process of formation of the federal state in the USA (XVII – XIX cc.) [Electronic resource] : monograph / E. V. Miryasheva. – Moscow : Publishing and Trade Corporation "Dashkov and K°", 2012. – ISBN 978–5–394–01787–2. – Text : electronic. – URL: <https://znanium.com/catalog/product/450938> (date of access: 13.06.2024). – Mode of access: by subscription.

22. Mikhaleva, T. N. Obligations arising from WTO law in the context of regional integration: Eurasian Economic Union / T. N. Mikhaleva // Prospective

solutions to current problems of state building and international law: a collection of scientific articles / National Centre for Legislation and Legal Studies of the Republic of Belarus; ed. by E. V. Semashko. – Minsk: Four Quarters, 2017. – P. 263–273.

23. Mikhaleva, T. N. Legal regulation of regional economic integration: challenges and prospects: a monograph / T. N. Mikhaleva; National Centre for Legislation and Legal Studies of the Republic of Belarus. – Minsk: Institute of Radiology, 2019. – 194 p.

24. Law of the Eurasian Economic Union (EAEU Law) : textbook / Southern Federal University. – Rostov-on-Don ; Taganrog : Southern Federal University, 2019. – 223 p. – Mode of access: by subscription. – URL: <https://biblioclub.ru/index.php?page=book&id=577871> (date of access: 13.06.2024). – Bibliogr. in book – ISBN 978-5-9275-3231-5. – Text : electronic.

25. Smith, R. International defence of human rights: English translation / R. Smith. – Minsk : Unipak, 2013. – 424 p.

26. Sogrin, V. V. Democracy in the USA. From the colonial era to the XXI century / V. V. Sogrin. – Moscow: Vse Mir, 2011. – 368 p.: ISBN 978-5-7777-0173-2. – Text : electronic. – URL: <https://znanium.com/catalog/product/1012975> (date of reference: 13.06.2024). – Access mode: by subscription.

27. Strategies of judicial interpretation and principles of law: textbook / E. V. Timoshina, N. S. Vasilieva, A. A. Kraevsky, V. E. Kondurov, D. A. Soshnikova; ed. by E. V. Timoshina. – St. Petersburg. : Izd-vo St. Petersburg State University, 2022. – 362 p.

28. Umnova (Konyukhova), I. A. National justice and international justice: theory and practice of interaction in public-law relations (principles of statehood and human rights) : a monograph / I. A. Umnova (Konyukhova). – MOSCOW: RGUP, 2020. – 324 c. – ISBN 978-5-93916-817-5. – Text : electronic. – URL: <https://znanium.com/catalog/product/1194083> (date of reference: 13.06.2024). – Access mode: by subscription.

### List of the questions for the exam

1. Constitutionalism: concept, principle and modern state.
2. Ideology of constitutionalism. Axiological and historical approaches.
3. Historical approach to constitutionalism.
4. Positivist approach to constitutionalism.
5. Constitutional identity.
6. The problem of modernising the concept of human rights.
7. Diversity of approaches to understanding human rights and their value universalism.
8. Modern concepts of human rights and freedoms.
9. The problem of the extraterritorial nature of human rights. The concept of "humanitarian intervention" and "humanitarian intervention".
10. Problems of human rights classification, choice of criteria and doctrinal approaches.
11. The main systems of new human rights and their conceptualisation.
12. Problems of defining the limits of human rights restrictions.
13. The problem of distinguishing between the defence of human rights and the promotion of respect for human rights.
14. Problems of interrelation of national and supranational levels in the mechanism of human rights protection.
15. Problems of differentiating forms of international legal protection of individual rights and freedoms.
16. The problem of differentiating the forms and procedure of human rights protection at the state level.
17. The problem of delimitation of the jurisdiction of national courts and
18. The main problems of organisation and functioning of non-governmental human rights organisations at the national and international levels.
19. The problem of choosing the optimal model of national institutions for the protection of human rights.
20. The correlation between freedom and security as the main problem of modern
21. Features of modern democratic doctrines and practices, problems of their correlation with classical ones.
22. Modern forms of direct democracy.
23. The problem of digitalisation of public-law relations on the example of constitutional law.
24. Problems of human rights in the conditions of digitalisation.
25. Problems of globalisation in the context of the state and law.
26. Problems of the institute of the presidency.
27. Theories of modern parliamentarism.
28. Modern models of parliamentary organisation, their advantages and disadvantages.
29. Problems of development of modern parliamentarism.
30. Measures to improve modern parliamentarism.

31. Modern doctrine of executive power, the problem of determining the place of executive power in the modern system of separation of powers.
32. Modern systems of executive power: peculiarities of formation in different legal systems.
33. Search for the optimal model of the unified system of executive power
34. Criteria for assessing the effectiveness of the formation and functioning of the system of executive power.
35. Problems of organisation and functioning of modern executive authorities, their bureaucratisation and inefficiency.
36. "Degradation of the Executive Branch." Measures to improve the modern system of executive power.
37. Theories of local self-government.
38. Models of modern systems of local self-government and their features.
39. The problem of insufficient financial independence of local self-government.
40. The problem of low efficiency of local self-government.
41. The problem of corruption in local self-government.
42. The problem of insufficient civic activity in local self-government.
43. The problem of uneven development of local self-government in different regions.
44. Issues concerning the concept, essence and functions of judicial power.
45. Problems of modelling modern judicial systems and formation of the judicial corps.
46. The problem of strengthening the independence of the judiciary from other branches of power and increasing the role of the court as a guarantor of the rule of law in the state.
47. Problems of fairness and efficiency of the judicial process.
48. The problem of public participation in the exercise of judicial power.
49. Problems of law-making and interpretation of judicial power.
50. Issues of improvement of the modern system of judicial power.
51. Modern constitutional control: problems of formation and development of the main models in different legal systems.
52. Issues of improvement of constitutional control.
53. Issues of improvement of constitutional control in the Republic of Belarus.
54. Improvement of the mechanism of human rights protection in the Constitutional Court of the Republic of Belarus.

### **Organisation of students' independent work**

For obtaining competences in the academic discipline an important stage is the independent work of students.

48 hours are allocated for independent work of a full-time student.

The content of independent work of students includes all the topics of the academic discipline from the section 'Content of educational material'.

The following forms of independent work are used during the study of the academic discipline:

- initially detailed acquaintance with the curriculum of the academic discipline;
- familiarisation with the list of recommended literature on the academic discipline as a whole and its sections, its availability in the library and other available sources, study of the necessary literature on the topic, selection of additional literature;
- independent fulfilment of test tasks in the system of the educational platform Moodle;
- independent in-depth study of sections, topics, individual issues and concepts;
- preparation for practical, laboratory and seminar classes, including preparation of messages, thematic reports, information and demonstration materials, abstracts, presentations, essays, etc.;
- working with educational, reference, analytical and other literature and materials;
- preparation for interim certification.

### **Quality control of knowledge assimilation**

Diagnostics of the quality of knowledge assimilation is carried out within the framework of current control and interim certification.

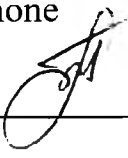
Current control activities are carried out during the semester and include the following forms of control:

- test tasks;
- abstracts;
- individual assignments;
- creative work;
- other forms.

### **Methodology of mark formation on the academic discipline**

In accordance with the Regulations on the rating system of assessment of knowledge, skills and abilities of BSEU students.

NEGOTIATION PROTOCOL FOR THE CURRICULUM  
FOR HIGHER EDUCATION ESTABLISHMENT  
IN THE ACADEMIC DISCIPLINE  
«ACTUAL PROBLEMS OF REGULATION AND IMPLEMENTATION OF  
PUBLIC LAW RELATIONS»

Academic discipline title, with which approval required	Name of the department	Offers on changes in the content of the curriculum in the educational discipline	Decision taken by the department that developed the curriculum (with the date and number of the protocol)
Constitutional Law of Foreign Countries	Department of the Theory and History of Law	none 	



ADDITIONS AND CHANGES TO THE CURRICULUM  
IN THE ACADEMIC DISCIPLINE «ACTUAL PROBLEMS OF REGULATION  
AND IMPLEMENTATION OF PUBLIC LAW RELATIONS»

Registration № \_\_\_\_\_ /

for the \_\_\_\_\_ / \_\_\_\_\_ academic year

№	Additions and changes	Basis

Curriculum revised and approved at the meeting of the Civil Law Disciplines  
Department (protocol No. \_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_)

Head of Department,  
Professor

T. S. Taranova

Approved  
Dean of the Faculty of Law,  
PhD in Law, associate Professor

A. N. Shklyarevsky